Committee Substitute for

House Bill 2586

BY DELEGATES WALTERS, FOLK, ANDERSON, HAMILTON, O'NEAL, E. EVANS AND PETHTEL

[Passed April 4, 2017; in effect ninety days from passage.]
Enr. CS for HB 2586

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 2586

BY DELEGATES WALTERS, FOLK, ANDERSON, HAMILTON,
O'NEAL, E. EVANS AND PETHTEL

[Passed April 4, 2017; in effect ninety days from passage.]
AN ACT to amend and reenact §5-10-27b of the Code of West Virginia, 1931, as amended; to amend and reenact §7-14D-9b of said code; to amend and reenact §8-22A-11 of said code; to amend and reenact §15-2-45 of said code; to amend and reenact §15-2A-6b of said code; to amend and reenact §16-5V-13 of said code; to amend and reenact §18-7A-28b of said code; to amend and reenact §18-7B-12a of said code; and to amend and reenact §51-9-12b of said code, all relating to required minimum distribution of retirement benefits of plans administered by the Consolidated Public Retirement Board; providing for treatment of benefits in the event of a member's death; and bringing code into conformity with federal law.

Be it enacted by the Legislature of West Virginia:

That §5-10-27b of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §7-14D-9b of said code be amended and reenacted; that §8-22A-11 of said code be amended and reenacted; that §15-2-45 of said code be amended and reenacted; that §15-2A-6b of said code be amended and reenacted; that §16-5V-13 of said code be amended and reenacted; that §18-7A-28b of said code be amended and reenacted; that §18-7B-12a of said code be amended and reenacted; and that §51-9-12b of said code be amended and reenacted, all to read as follows:

CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL; BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES, COMMISSIONS, OFFICES, PROGRAMS, ETC.

ARTICLE 10. WEST VIRGINIA PUBLIC EMPLOYEES RETIREMENT ACT.

§5-10-27b. Federal law minimum required distributions.

The requirements of this section apply to any distribution of a member's or beneficiary's interest and take precedence over any inconsistent provisions of this code. This provision applies to plan years beginning after December 31, 1986. Notwithstanding anything in this code to the
contrary, the payment of benefits under this article shall be determined and made in accordance with Section 401(a)(9) of the Internal Revenue Code and the federal regulations promulgated thereunder as applicable to governmental plans. Any term used in this article has the same meaning as when used in a comparable context in Section 401(a)(9) of the Internal Revenue Code and the federal regulations promulgated thereunder unless a different meaning is clearly required by the context or definition in this article. The following provisions apply to payments of benefits required under this article:

(a) The payment of benefits under the retirement system to any member shall be distributed to him or her not later than the required beginning date, or be distributed to him or her commencing not later than the required beginning date, in accordance with regulations prescribed under Section 401(a)(9) of the Internal Revenue Code, over the life of the member or over the lives of the member and his or her beneficiary or over a period not extending beyond the life expectancy of the member and his or her beneficiary: Provided, That the requirements of this section shall not be construed to grant a right to a form of benefit which is not otherwise available to a particular member under this retirement system. Benefit payments under this section shall not be delayed pending, or contingent upon, receipt of an application for retirement from the member.

(b) If a member dies after distribution to him or her has commenced pursuant to this section but before his or her entire interest in the retirement system has been distributed, then the remaining portion of that interest shall be distributed at least as rapidly as under the method of distribution being used at the date of his or her death.

(c) If a member dies before distribution to him or her has commenced, then his or her entire interest in the retirement system is to be distributed by December 31 of the calendar year containing the fifth anniversary of the member’s death, unless the provisions of subsection (d) of this section apply.
(d) If a member dies before distribution to him or her has commenced, and the member’s interest is eligible to be paid in the form of a survivor annuity to a designated beneficiary, distributions are to be made over the life of that beneficiary or over a period certain not greater than the life expectancy of that beneficiary, commencing on or before the following:

(1) December 31 of the calendar year immediately following the calendar year in which the member died; or

(2) If the member’s sole designated beneficiary is either the surviving spouse or a former spouse who, as an alternate payee under a Qualified Domestic Relations Order, is receiving one hundred percent of the survivor benefit, distributions are to commence on or before the later of:

(A) December 31 of the calendar year in which the member would have attained age seventy and one-half; or

(B) December 31 of the calendar year immediately following the calendar year in which the member died.

(e) If a member dies before distribution to him or her has commenced and the survivor annuity provisions of subsection (d) of this section are not applicable, any designated beneficiary who is eligible to receive a distribution pursuant to the provisions of subsection (c) of this section may elect to have life expectancy treatment apply to the distribution for purposes of determining whether any portion of the distribution is an eligible rollover distribution: Provided, That any such election shall not delay the required distribution of the deceased member’s entire interest in the retirement system beyond December 31 of the calendar year containing the fifth anniversary of the member’s death as required by subsection (c) of this section: Provided, however, That the election is timely made in a form acceptable to the board on or before the following:

(1) December 31 of the calendar year immediately following the calendar year in which the member died; or

(2) If the member’s sole designated beneficiary is either the surviving spouse or a former spouse who, as an alternate payee under a Qualified Domestic Relations Order, is receiving one
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hundred percent of the survivor benefit, election of life expectancy treatment must be made on or before the earlier of (A) or (B) below:

(A) The later of: (i) December 31 of the calendar year immediately following the calendar year in which the member died; or (ii) December 31 of the calendar year in which the member would have attained age seventy and one-half; or

(B) October 31 of the calendar year containing the fifth anniversary of the member’s death.

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 14D. DEPUTY SHERIFF RETIREMENT SYSTEM ACT.

§7-14D-9b. Federal law minimum required distributions.

The requirements of this section apply to any distribution of a member’s or beneficiary’s interest and take precedence over any inconsistent provisions of this plan. This section applies to plan years beginning after December 31, 1986. Notwithstanding anything in the plan to the contrary, the payment of benefits under this article shall be determined and made in accordance with Section 401(a)(9) of the Internal Revenue Code and the federal regulations promulgated thereunder as applicable to governmental plans. Any term used in this article has the same meaning as when used in a comparable context in Section 401(a)(9) of the Internal Revenue Code and the federal regulations promulgated thereunder unless a different meaning is clearly required by the context or definition in this article. The following provisions apply to payments of benefits required under this article:

(a) The payment of benefits under the plan to any member shall be distributed to him or her not later than the required beginning date, or be distributed to him or her commencing not later than the required beginning date, in accordance with regulations prescribed under Section 401(a)(9) of the Internal Revenue Code, over the life of the member or over the lives of the member and his or her beneficiary or over a period not extending beyond the life expectancy of the member and his or her beneficiary: Provided, That the requirements of this section shall not
be construed to grant a right to a form of benefit which is not otherwise available to a particular
member under this retirement system. Benefit payments under this section shall not be delayed
pending, or contingent upon, receipt of an application for retirement from the member.

(b) If a member dies after distribution to him or her has commenced pursuant to this
section but before his or her entire interest in the plan has been distributed, then the remaining
portion of that interest shall be distributed at least as rapidly as under the method of distribution
being used at the date of his or her death.

(c) If a member dies before distribution to him or her has commenced, then his or her
entire interest in the retirement system is to be distributed by December 31 of the calendar year
containing the fifth anniversary of the member’s death, unless the provisions of subsection (d) of
this section apply.

(d) If a member dies before distribution to him or her has commenced, and the member’s
interest is eligible to be paid in the form of a survivor annuity to a designated beneficiary,
distributions are to be made over the life of that beneficiary or over a period certain not greater
than the life expectancy of that beneficiary, commencing on or before the following:

(1) December 31 of the calendar year immediately following the calendar year in which
the member died; or

(2) If the member’s sole designated beneficiary is either the surviving spouse or a former
spouse who, as an alternate payee under a Qualified Domestic Relations Order, is receiving one
hundred percent of the survivor benefit, distributions are to commence on or before the later of:

(A) December 31 of the calendar year in which the member would have attained age
seventy and one-half; or

(B) December 31 of the calendar year immediately following the calendar year in which
the member died.

(e) If a member dies before distribution to him or her has commenced and the survivor
annuity provisions of subsection (d) of this section are not applicable, any designated beneficiary
who is eligible to receive a distribution pursuant to the provisions of subsection (c) of this section may elect to have life expectancy treatment apply to the distribution for purposes of determining whether any portion of the distribution is an eligible rollover distribution: Provided, That any such election shall not delay the required distribution of the deceased member's entire interest in the retirement system beyond December 31 of the calendar year containing the fifth anniversary of the member's death as required by subsection (c) of this section: Provided, however, That the election is timely made in a form acceptable to the board on or before the following:

(1) December 31 of the calendar year immediately following the calendar year in which the member died; or

(2) If the member's sole designated beneficiary is either the surviving spouse or a former spouse who, as an alternate payee under a Qualified Domestic Relations Order, is receiving one hundred percent of the survivor benefit, election of life expectancy treatment must be made on or before the earlier of (A) or (B) below:

(A) The later of: (i) December 31 of the calendar year immediately following the calendar year in which the member died; or (ii) December 31 of the calendar year in which the member would have attained age seventy and one-half; or

(B) October 31 of the calendar year containing the fifth anniversary of the member's death.

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 22A - WEST VIRGINIA MUNICIPAL POLICE OFFICERS AND FIREFIGHTERS RETIREMENT SYSTEM.


The requirements of this section apply to any distribution of a member's or beneficiary's interest and take precedence over any inconsistent provisions of this plan. This section applies to plan years beginning after December 31, 1986. Notwithstanding anything in the plan to the contrary, the payment of benefits under this article shall be determined and made in accordance
with Section 401(a)(9) of the Internal Revenue Code and the federal regulations promulgated thereunder as applicable to governmental plans. Any term used in this article has the same meaning as when used in a comparable context in Section 401(a)(9) of the Internal Revenue Code and the federal regulations promulgated thereunder unless a different meaning is clearly required by the context or definition in this article. The following provisions apply to payments of benefits required under this article:

(a) The payment of benefits under the plan to any member shall be distributed to him or her not later than the required beginning date, or be distributed to him or her commencing not later than the required beginning date, in accordance with regulations prescribed under Section 401(a)(9) of the Internal Revenue Code, over the life of the member or over the lives of the member and his or her beneficiary or over a period not extending beyond the life expectancy of the member and his or her beneficiary; Provided, That the requirements of this section shall not be construed to grant a right to a form of benefit which is not otherwise available to a particular member under this retirement system. Benefit payments under this section shall not be delayed pending, or contingent on, receipt of an application for retirement from the member.

(b) If a member dies after distribution to him or her has commenced pursuant to this section but before his or her entire interest in the plan has been distributed, then the remaining portion of that interest shall be distributed at least as rapidly as under the method of distribution being used at the date of his or her death.

(c) If a member dies before distribution to him or her has commenced, then his or her entire interest in the plan is to be distributed by December 31 of the calendar year containing the fifth anniversary of the member's death, unless the provisions of subsection (d) of this section apply.

(d) If a member dies before distribution to him or her has commenced, and the member's interest is eligible to be paid in the form of a survivor annuity to a designated beneficiary,
distributions are to be made over the life of that beneficiary or over a period certain not greater
than the life expectancy of that beneficiary, commencing on or before the following:

(1) December 31 of the calendar year immediately following the calendar year in which
the member died; or

(2) If the member’s sole designated beneficiary is either the surviving spouse or a former
spouse who, as an alternate payee under a Qualified Domestic Relations Order, is receiving one
hundred percent of the survivor benefit, distributions are to commence on or before the later of:

(A) December 31 of the calendar year in which the member would have attained age
seventy and one-half; or

(B) December 31 of the calendar year immediately following the calendar year in which
the member died.

(e) If a member dies before distribution to him or her has commenced and the survivor
annuity provisions of subsection (d) of this section are not applicable, any designated beneficiary
who is eligible to receive a distribution pursuant to the provisions of subsection (c) of this section
may elect to have life expectancy treatment apply to the distribution for purposes of determining
whether any portion of the distribution is an eligible rollover distribution: Provided, That any such
election shall not delay the required distribution of the deceased member’s entire interest in the
retirement system beyond December 31 of the calendar year containing the fifth anniversary of
the member’s death as required by subsection (c) of this section: Provided, however, That the
election is timely made in a form acceptable to the board on or before the following:

(1) December 31 of the calendar year immediately following the calendar year in which
the member died; or

(2) If the member’s sole designated beneficiary is either the surviving spouse or a former
spouse who, as an alternate payee under a Qualified Domestic Relations Order, is receiving one
hundred percent of the survivor benefit, election of life expectancy treatment must be made on or
before the earlier of (A) or (B) below:
(A) The later of: (i) December 31 of the calendar year immediately following the calendar
year in which the member died; or (ii) December 31 of the calendar year in which the member
would have attained age seventy and one-half; or

(B) October 31 of the calendar year containing the fifth anniversary of the member’s death.

CHAPTER 15. PUBLIC SAFETY.

ARTICLE 2. WEST VIRGINIA STATE POLICE.

§15-2-45. Federal law minimum required distributions.

The requirements of this section apply to any distribution of a member’s or beneficiary’s
interest and take precedence over any inconsistent provisions of this code. This section applies
to plan years beginning after December 31, 1986. Notwithstanding anything in the retirement
system to the contrary, the payment of benefits under this article shall be determined and made
in accordance with Section 401(a)(9) of the Internal Revenue Code and the federal regulations
promulgated thereunder as applicable to governmental plans. Any term used in this article has
the same meaning as when used in a comparable context in Section 401(a)(9) of the Internal
Revenue Code and the federal regulations promulgated thereunder unless a different meaning is
clearly required by the context or definition in this article. The following provisions apply to
payments of benefits required under this article:

(a) The payment of benefits under the fund to any member shall be distributed to him or
her not later than the required beginning date, or be distributed to him or her commencing not
later than the required beginning date, in accordance with regulations prescribed under Section
401(a)(9) of the Internal Revenue Code, over the life of the member or over the lives of the
member and his or her beneficiary, or over a period not extending beyond the life expectancy of
the member and his or her beneficiary: Provided, That the requirements of this section may not
be construed to grant a right to a form of benefit which is not otherwise available to a particular
member under this retirement system. For purposes of this section, the term “required beginning
date" means April 1 of the calendar year following the later of: (i) The calendar year in which the member attains age seventy and one-half; or (ii) the calendar year in which the member retires or otherwise ceases providing covered service under this fund. Benefit payments under this section shall not be delayed pending, or contingent upon, receipt of an application for retirement from the member.

(b) If a member dies after distribution to him or her has commenced pursuant to this section but before his or her entire interest in the retirement system has been distributed, then the remaining portion of that interest shall be distributed at least as rapidly as under the method of distribution being used at the date of his or her death.

(c) If a member dies before distribution to him or her has commenced, then his or her entire interest in the fund is to be distributed by December 31 of the calendar year containing the fifth anniversary of the member’s death, unless the provisions of subsection (d) of this section apply.

(d) If a member dies before distribution to him or her has commenced, and the member’s interest is eligible to be paid in the form of a survivor annuity to a designated beneficiary, distributions are to be made over the life of that beneficiary or over a period certain not greater than the life expectancy of that beneficiary, commencing on or before the following:

(1) December 31 of the calendar year immediately following the calendar year in which the member died; or

(2) If the member’s sole designated beneficiary is either the surviving spouse or a former spouse who, as an alternate payee under a Qualified Domestic Relations Order, is receiving one hundred percent of the survivor benefit, distributions are to commence on or before the later of:

(A) December 31 of the calendar year in which the member would have attained age seventy and one-half; or

(B) December 31 of the calendar year immediately following the calendar year in which the member died.
(e) If a member dies before distribution to him or her has commenced and the survivor annuity provisions of subsection (d) of this section are not applicable, any designated beneficiary who is eligible to receive a distribution pursuant to the provisions of subsection (c) of this section may elect to have life expectancy treatment apply to the distribution for purposes of determining whether any portion of the distribution is an eligible rollover distribution: Provided, That any such election shall not delay the required distribution of the deceased member’s entire interest in the retirement system beyond December 31 of the calendar year containing the fifth anniversary of the member’s death as required by subsection (c) of this section: Provided, however, That the election is timely made in a form acceptable to the board on or before the following:

1. December 31 of the calendar year immediately following the calendar year in which the member died; or

2. If the member’s sole designated beneficiary is either the surviving spouse or a former spouse who, as an alternate payee under a Qualified Domestic Relations Order, is receiving one hundred percent of the survivor benefit, election of life expectancy treatment must be made on or before the earlier of (A) or (B) below:

   A. The later of: (i) December 31 of the calendar year immediately following the calendar year in which the member died; or (ii) December 31 of the calendar year in which the member would have attained age seventy and one-half; or

   B. October 31 of the calendar year containing the fifth anniversary of the member’s death.

ARTICLE 2A. WEST VIRGINIA STATE POLICE RETIREMENT SYSTEM.

§15-2A-6b. Federal law minimum required distributions.

The requirements of this section apply to any distribution of a member’s interest and take precedence over any inconsistent provisions of this retirement system. This section applies to plan years beginning after December 31, 1986. Notwithstanding anything in the retirement system to the contrary, the payment of benefits under this article shall be determined and made in accordance with Section 401(a)(9) of the Internal Revenue Code and the federal regulations
promulgated thereunder as applicable to governmental plans. Any term used in this article has
the same meaning as when used in a comparable context in Section 401(a)(9) of the Internal
Revenue Code and the federal regulations promulgated thereunder unless a different meaning is
clearly required by the context or definition in this article. The following provisions apply to
payments of benefits required under this article:

(a) The payment of benefits under the retirement system to any member shall be
distributed to him or her not later than the required beginning date, or be distributed to him or her
commencing not later than the required beginning date, in accordance with regulations prescribed
under Section 401(a)(9) of the Internal Revenue Code, over the life of the member or over the
lives of the member and his or her beneficiary or over a period not extending beyond the life
expectancy of the member and his or her beneficiary: Provided, That the requirements of this
section may not be construed to grant a right to a form of benefit which is not otherwise available
to a particular member under this retirement system. Benefit payments under this section shall
not be delayed pending, or contingent upon, receipt of an application for retirement from the
member.

(b) If a member dies after distribution to him or her has commenced pursuant to this
section but before his or her entire interest in the retirement system has been distributed, then
the remaining portion of that interest shall be distributed at least as rapidly as under the method
of distribution being used at the date of his or her death.

(c) If a member dies before distribution to him or her has commenced, then his or her
entire interest in the retirement system is to be distributed by December 31 of the calendar year
containing the fifth anniversary of the member’s death, unless the provisions of subsection (d) of
this section apply.

(d) If a member dies before distribution to him or her has commenced, and the member’s
interest is eligible to be paid in the form of a survivor annuity to a designated beneficiary,
(e) If a member dies before distribution to him or her has commenced and the survivor annuity provisions of subsection (d) of this section are not applicable, any designated beneficiary who is eligible to receive a distribution pursuant to the provisions of subsection (c) of this section may elect to have life expectancy treatment apply to the distribution for purposes of determining whether any portion of the distribution is an eligible rollover distribution: Provided, That any such election shall not delay the required distribution of the deceased member’s entire interest in the retirement system beyond December 31 of the calendar year containing the fifth anniversary of the member’s death as required by subsection (c) of this section: Provided, however, That the election is timely made in a form acceptable to the board on or before the following:

1. December 31 of the calendar year immediately following the calendar year in which the member died; or

2. If the member’s sole designated beneficiary is either the surviving spouse or a former spouse who, as an alternate payee under a Qualified Domestic Relations Order, is receiving one hundred percent of the survivor benefit, election of life expectancy treatment must be made on or before the earlier of (A) or (B) below:
(A) The later of: (i) December 31 of the calendar year immediately following the calendar year in which the member died; or (ii) December 31 of the calendar year in which the member would have attained age seventy and one-half; or

(B) October 31 of the calendar year containing the fifth anniversary of the member’s death.

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 5V. EMERGENCY MEDICAL SERVICES RETIREMENT SYSTEM ACT.


The requirements of this section apply to any distribution of a member’s or beneficiary’s interest and take precedence over any inconsistent provisions of this plan. This section applies to plan years beginning after December 31, 1986. Notwithstanding anything in the plan to the contrary, the payment of benefits under this article shall be determined and made in accordance with Section 401(a)(9) of the Internal Revenue Code and federal regulations promulgated thereunder as applicable to governmental plans. Any term used in this article has the same meaning as when used in a comparable context in Section 401(a)(9) of the Internal Revenue Code and the federal regulations promulgated thereunder unless a different meaning is clearly required by the context or definition in this article. The following provisions apply to payments of benefits required under this article:

(a) The payment of benefits under the plan to any member shall be distributed to him or her not later than the required beginning date, or be distributed to him or her commencing not later than the required beginning date, in accordance with regulations prescribed under Section 401(a)(9) of the Internal Revenue Code, over the life of the member or over the lives of the member and his or her beneficiary or over a period not extending beyond the life expectancy of the member and his or her beneficiary: Provided, That the requirements of this section may not be construed to grant a right to a form of benefit which is not otherwise available to a particular
member under this retirement system. Benefit payments under this section shall not be delayed pending, or contingent upon, receipt of an application for retirement from the member.

(b) If a member dies after distribution to him or her has commenced pursuant to this section but before his or her entire interest in the plan has been distributed, then the remaining portion of that interest shall be distributed at least as rapidly as under the method of distribution being used at the date of his or her death.

(c) If a member dies before distribution to him or her has commenced, then his or her entire interest in the plan is to be distributed by December 31 of the calendar year containing the fifth anniversary of the member’s death, unless the provisions of subsection (d) of this section apply.

(d) If a member dies before distribution to him or her has commenced, and the member’s interest is eligible to be paid in the form of a survivor annuity to a designated beneficiary, distributions are to be made over the life of that beneficiary or over a period certain not greater than the life expectancy of that beneficiary, commencing on or before the following:

(1) December 31 of the calendar year immediately following the calendar year in which the member died; or

(2) If the member’s sole designated beneficiary is either the surviving spouse or a former spouse who, as an alternate payee under a Qualified Domestic Relations Order, is receiving one hundred percent of the survivor benefit, distributions are to commence on or before the later of:

(A) December 31 of the calendar year in which the member would have attained age seventy and one-half; or

(B) December 31 of the calendar year immediately following the calendar year in which the member died.

(e) If a member dies before distribution to him or her has commenced and the survivor annuity provisions of subsection (d) of this section are not applicable, any designated beneficiary who is eligible to receive a distribution pursuant to the provisions of subsection (c) of this section
may elect to have life expectancy treatment apply to the distribution for purposes of determining
whether any portion of the distribution is an eligible rollover distribution: Provided, That any such
election shall not delay the required distribution of the deceased member's entire interest in the
retirement system beyond December 31 of the calendar year containing the fifth anniversary of
the member's death as required by subsection (c) of this section: Provided, however, That the
election is timely made in a form acceptable to the board on or before the following:

(1) December 31 of the calendar year immediately following the calendar year in which
the member died; or

(2) If the member's sole designated beneficiary is either the surviving spouse or a former
spouse who, as an alternate payee under a Qualified Domestic Relations Order, is receiving one
hundred percent of the survivor benefit, election of life expectancy treatment must be made on or
before the earlier of (A) or (B) below:

(A) The later of: (i) December 31 of the calendar year immediately following the calendar
year in which the member died; or (ii) December 31 of the calendar year in which the member
would have attained age seventy and one-half; or

(B) October 31 of the calendar year containing the fifth anniversary of the member's death.

CHAPTER 18. EDUCATION.

ARTICLE 7A. STATE TEACHERS RETIREMENT SYSTEM.

§18-7A-28b. Federal law minimum required distributions.

The requirements of this section apply to any distribution of a member's or beneficiary's
interest and take precedence over any inconsistent provisions of this retirement system. This
section applies to plan years beginning after December 31, 1986. Notwithstanding anything in the
retirement system to the contrary, the payment of benefits under this article shall be determined
and made in accordance with Section 401(a)(9) of the Internal Revenue Code and the regulations
promulgated thereunder as applicable to governmental plans. Any term used in this article has
the same meaning as when used in a comparable context in Section 401(a)(9) of the Internal Revenue Code and the federal regulations promulgated thereunder unless a different meaning is clearly required by the context or definition in this article. The following provisions apply to payments of benefits required under this article:

(a) The payment of benefits under the retirement system to any member shall be distributed to him or her not later than the required beginning date, or be distributed to him or her commencing not later than the required beginning date, in accordance with regulations prescribed under Section 401(a)(9) of the Internal Revenue Code, over the life of the member or over the lives of the member and his or her beneficiary or over a period not extending beyond the life expectancy of the member and his or her beneficiary: Provided, That the requirements of this section may not be construed to grant a right to a form of benefit which is not otherwise available to a particular member under this retirement system. Benefit payments under this section shall not be delayed pending, or contingent upon, receipt of an application for retirement from the member.

(b) If a member dies after distribution to him or her has commenced pursuant to this section but before his or her entire interest in the retirement system has been distributed, then the remaining portion of that interest shall be distributed at least as rapidly as under the method of distribution being used at the date of his or her death.

(c) If a member dies before distribution to him or her has commenced, then his or her entire interest in the retirement system is to be distributed by December 31 of the calendar year containing the fifth anniversary of the member’s death, unless the provisions of subsection (d) of this section apply.

(d) If a member dies before distribution to him or her has commenced, and the member’s interest is eligible to be paid in the form of a survivor annuity to a designated beneficiary, distributions are to be made over the life of that beneficiary or over a period certain not greater than the life expectancy of that beneficiary, commencing on or before the following:
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(1) December 31 of the calendar year immediately following the calendar year in which
the member died; or

(2) If the member’s sole designated beneficiary is either the surviving spouse or a former
spouse who, as an alternate payee under a Qualified Domestic Relations Order, is receiving one
hundred percent of the survivor benefit, distributions are to commence on or before the later of:

(A) December 31 of the calendar year in which the member would have attained age
seventy and one-half; or

(B) December 31 of the calendar year immediately following the calendar year in which
the member died.

e) If a member dies before distribution to him or her has commenced and the survivor
annuity provisions of subsection (d) of this section are not applicable, any designated beneficiary
who is eligible to receive a distribution pursuant to the provisions of subsection (c) of this section
may elect to have life expectancy treatment apply to the distribution for purposes of determining
whether any portion of the distribution is an eligible rollover distribution: Provided, That any such
election shall not delay the required distribution of the deceased member’s entire interest in the
retirement system beyond December 31 of the calendar year containing the fifth anniversary of
the member’s death as required by subsection (c) of this section: Provided, however, That the
election is timely made in a form acceptable to the board on or before the following:

(1) December 31 of the calendar year immediately following the calendar year in which
the member died; or

(2) If the member’s sole designated beneficiary is either the surviving spouse or a former
spouse who, as an alternate payee under a Qualified Domestic Relations Order, is receiving one
hundred percent of the survivor benefit, election of life expectancy treatment must be made on or
before the earlier of (A) or (B) below:
(A) The later of: (i) December 31 of the calendar year immediately following the calendar year in which the member died; or (ii) December 31 of the calendar year in which the member would have attained age seventy and one-half; or

(B) October 31 of the calendar year containing the fifth anniversary of the member’s death.

ARTICLE 7B. TEACHERS' DEFINED CONTRIBUTION RETIREMENT SYSTEM.

§18-7B-12a. Federal minimum required distributions.

The requirements of this section apply to any distribution of a member’s or beneficiary’s interest and take precedence over any inconsistent provisions of this defined contribution system. This section applies to plan years beginning after December 31, 1986. Notwithstanding anything in this system to the contrary, the payment of benefits under this article shall be determined and made in accordance with Section 401(a)(9) of the Internal Revenue Code and the federal regulations promulgated thereunder as applicable to governmental plans, including without limitation the incidental death benefit provisions of Section 401(a)(9)(G) of the Internal Revenue Code and the regulations thereunder. Any term used in this article has the same meaning as when used in a comparable context in Section 401(a)(9) of the Internal Revenue Code and the federal regulations promulgated thereunder unless a different meaning is clearly required by the context or definition in this article. The following provisions apply to payments of benefits required under this article:

(a) The payment of benefits under the defined contribution system to any member shall be distributed to him or her not later than the required beginning date, or be distributed to him or her commencing not later than the required beginning date, in accordance with regulations prescribed under Section 401(a)(9) of the Internal Revenue Code, over the life of the member or over the lives of the member and his or her beneficiary or over a period not extending beyond the life expectancy of the member and his or her beneficiary: Provided, That the requirements of this section may not be construed to grant a right to a form of benefit which are not otherwise available to a particular member under this retirement system. Benefit payments under this section shall
not be delayed pending, or contingent upon, receipt of an application for retirement from the
to the member.

(b) If a member dies after distribution to him or her has commenced pursuant to this
section but before his or her entire interest in the system has been distributed, then the remaining
portion of that interest shall be distributed at least as rapidly as under the method of distribution
being used at the date of his or her death.

(c) If a member dies before distribution to him or her has commenced, then his or her
entire interest in the retirement system is to be distributed by December 31 of the calendar year
containing the fifth anniversary of the member’s death, unless the provisions of subsection (d) of
this section apply.

(d) If a member dies before distribution to him or her has commenced, and the member’s
interest is eligible to be paid in the form of a survivor annuity to a designated beneficiary,
distributions are to be made over the life of that beneficiary or over a period certain not greater
than the life expectancy of that beneficiary, commencing on or before the following:

(1) December 31 of the calendar year immediately following the calendar year in which
the member died; or

(2) If the member’s sole designated beneficiary is either the surviving spouse or a former
spouse who, as an alternate payee under a Qualified Domestic Relations Order, is receiving one
hundred percent of the survivor benefit, distributions are to commence on or before the later of:

(A) December 31 of the calendar year in which the member would have attained age
seventy and one-half; or

(B) December 31 of the calendar year immediately following the calendar year in which
the member died.

(e) If a member dies before distribution to him or her has commenced and the survivor
annuity provisions of subsection (d) of this section are not applicable, any designated beneficiary
who is eligible to receive a distribution pursuant to the provisions of subsection (c) of this section
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may elect to have life expectancy treatment apply to the distribution for purposes of determining
whether any portion of the distribution is an eligible rollover distribution: Provided, That any such
election shall not delay the required distribution of the deceased member’s entire interest in the
retirement system beyond December 31 of the calendar year containing the fifth anniversary of
the member’s death as required by subsection (c) of this section: Provided, however, That the
election is timely made in a form acceptable to the board on or before the following:

(1) December 31 of the calendar year immediately following the calendar year in which
the member died; or

(2) If the member’s sole designated beneficiary is either the surviving spouse or a former
spouse who, as an alternate payee under a Qualified Domestic Relations Order, is receiving one
hundred percent of the survivor benefit, election of life expectancy treatment must be made on or
before the earlier of (A) or (B) below:

(A) The later of: (i) December 31 of the calendar year immediately following the calendar
year in which the member died; or (ii) December 31 of the calendar year in which the member
would have attained age seventy and one-half; or

(B) October 31 of the calendar year containing the fifth anniversary of the member’s death.

(f) For purposes of this section, any amount paid to a child of a member will be treated as
if it had been paid to the surviving spouse of the member if the remaining amount becomes
payable to the surviving spouse when the child reaches the age of majority.

CHAPTER 51. COURTS AND THEIR OFFICERS.

ARTICLE 9. RETIREMENT SYSTEM FOR JUDGES OF COURTS OF RECORD.

§51-9-12b. Federal minimum required distributions.

The requirements of this section apply to any distribution of a member’s or beneficiaries’
interest and take precedence over any inconsistent provisions of this retirement system. This
section applies to plan years beginning after December 31, 1986. Notwithstanding anything in the
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retirement system to the contrary, the payment of benefits under this article shall be determined
and made in accordance with Section 401(a)(9) of the Internal Revenue Code and the federal
regulations promulgated thereunder as applicable to governmental plans. Any term used in this
article has the same meaning as when used in a comparable context in Section 401(a)(9) of the
Internal Revenue Code and the federal regulations promulgated thereunder unless a different
meaning is clearly required by the context or definition in this article. The following provisions
apply to payments of benefits required under this article:

(a) The payment of benefits under the retirement system to any member shall be
distributed to him or her not later than the required beginning date, or be distributed to him or her
commencing not later than the required beginning date, in accordance with regulations prescribed
under Section 401(a)(9) of the Internal Revenue Code, over the life of the member or over the
lives of the member and his or her beneficiary or over a period not extending beyond the life
expectancy of the member and his or her beneficiary: Provided, That the requirements of this
section may not be construed to grant a right to a form of benefit which is not otherwise available
to a particular member under this retirement system. Benefit payments under this section shall
not be delayed pending, or contingent upon, receipt of an application for retirement from the
member.

(b) If a member dies after distribution to him or her has commenced pursuant to this
section but before his or her entire interest in the retirement system has been distributed, then
the remaining portion of that interest shall be distributed at least as rapidly as under the method
of distribution being used at the date of his or her death.

(c) If a member dies before distribution to him or her has commenced, then his or her
entire interest in the retirement system is to be distributed by December 31 of the calendar year
containing the fifth anniversary of the member’s death, unless the provisions of subsection (d) of
this section apply.
(d) If a member dies before distribution to him or her has commenced, and the member’s interest is eligible to be paid in the form of a survivor annuity to a designated beneficiary, distributions are to be made over the life of that beneficiary or over a period certain not greater than the life expectancy of that beneficiary, commencing on or before the following:

(1) December 31 of the calendar year immediately following the calendar year in which the member died; or

(2) If the member’s sole designated beneficiary is either the surviving spouse or a former spouse who, as an alternate payee under a Qualified Domestic Relations Order, is receiving one hundred percent of the survivor benefit, distributions are to commence on or before the later of:

(A) December 31 of the calendar year in which the member would have attained age seventy and one-half; or

(B) December 31 of the calendar year immediately following the calendar year in which the member died.

(e) If a member dies before distribution to him or her has commenced and the survivor annuity provisions of subsection (d) of this section are not applicable, any designated beneficiary who is eligible to receive a distribution pursuant to the provisions of subsection (c) of this section may elect to have life expectancy treatment apply to the distribution for purposes of determining whether any portion of the distribution is an eligible rollover distribution: Provided, That any such election shall not delay the required distribution of the deceased member’s entire interest in the retirement system beyond December 31 of the calendar year containing the fifth anniversary of the member’s death as required by subsection (c) of this section: Provided, however, That the election is timely made in a form acceptable to the board on or before the following:

(1) December 31 of the calendar year immediately following the calendar year in which the member died; or

(2) If the member’s sole designated beneficiary is either the surviving spouse or a former spouse who, as an alternate payee under a Qualified Domestic Relations Order, is receiving one
hundred percent of the survivor benefit, election of life expectancy treatment must be made on or
before the earlier of (A) or (B) below:

(A) The later of: (i) December 31 of the calendar year immediately following the calendar
year in which the member died; or (ii) December 31 of the calendar year in which the member
would have attained age seventy and one-half; or

(B) October 31 of the calendar year containing the fifth anniversary of the member's death.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within is approved this the ___th day of April, 2017.

Governor
PRESENTED TO THE GOVERNOR

APR 06 2017

Time 9:18 am