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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2001

ENROLLED

House Bill No. 2775

(By Delegates Campbell, J. Smith, Keener,
Browning, Hubbard, Hall and Harrison)

Passed April 14, 2001

In Effect Ninety Days from Passage

FILED

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H. B. 2775

(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 nine-b, article fourteen-d, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section twenty-eight-b, article seven-a, chapter eighteen of said code; to amend and reenact section twelve-a, article seven-b of said chapter; and to amend and reenact section twelve-b, article nine, chapter fifty-one of said code; all relating to technical revisions to correct the effective dates specified in said provisions.

Be it enacted by the Legislature of West Virginia:

That section nine-b, article fourteen-d, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that section twenty-eight-b, article seven-a, chapter eighteen of said code be amended and reenacted; that section twelve-a, article seven-b of said chapter be amended and reenacted; and that section twelve-b, article nine, chapter fifty-one of said code be amended and reenacted, all to read as follows:

FILED

Enr. H. B. 2775]

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 14D. DEPUTY SHERIFF RETIREMENT SYSTEM ACT.

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

1 The requirements of this section apply to any distribution
2 of a member's or beneficiary's interest and take precedence
3 over any inconsistent provisions of this plan. This section
4 applies to plan years beginning after the thirty-first day of
5 December, one thousand nine hundred eighty-six. Notwith-
6 standing anything in the plan to the contrary, the payment of
7 benefits under this article shall be determined and made in
8 accordance with Section 401(a)(9) of the Internal Revenue
9 Code and the regulations thereunder. For this purpose, the
10 following provisions apply:

11 (a) The payment of benefits under the plan to any member
12 shall be distributed to him or her not later than the required
13 beginning date, or be distributed to him or her commencing not
14 later than the required beginning date, in accordance with
15 regulations prescribed under Section 401(a)(9) of the Internal
16 Revenue Code, over the life of the member or over the lives of
17 the member and his or her beneficiary or over a period not
18 extending beyond the life expectancy of the member and his or
19 her beneficiary.

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

26 (c) If a member dies before distribution to him or her has
27 commenced, then his or her entire interest in the plan shall be
28 distributed by the thirty-first day of December of the calendar

29 year containing the fifth anniversary of the member's death,
30 except as follows:

31 (1) If a member's interest is payable to a beneficiary,
32 distributions may be made over the life of that beneficiary or
33 over a period certain not greater than the life expectancy of the
34 beneficiary, commencing on or before the thirty-first of
35 December of the calendar year immediately following the
36 calendar year in which the member died; or

37 (2) If the member's beneficiary is the surviving spouse, the
38 date distributions are required to begin shall be no later than the
39 later of:

40 (A) The thirty-first day of December of the calendar year in
41 which the member would have attained age seventy and one-
42 half; or

43 (B) The earlier of: (i) The thirty-first day of December of
44 the calendar year following the calendar year in which the
45 member died; or (ii) the thirty-first day of December of the
46 calendar year following the calendar year in which the spouse
47 died.

CHAPTER 18. EDUCATION.

ARTICLE 7A. STATE TEACHERS RETIREMENT SYSTEM.

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

1 The requirements of this section apply to any distribution
2 of a member's or beneficiary's interest and take precedence
3 over any inconsistent provisions of this retirement system. This
4 section applies to plan years beginning after the thirty-first day
5 of December, one thousand nine hundred eighty-six. Notwith-
6 standing anything in the retirement system to the contrary, the
7 payment of benefits under this article shall be determined and

8 made in accordance with Section 401(a)(9) of the Internal
9 Revenue Code and the regulations thereunder. For this purpose,
10 the following provisions apply:

11 (a) The payment of benefits under the retirement system to
12 any member shall be distributed to him or her not later than the
13 required beginning date, or be distributed to him or her com-
14 mencing not later than the required beginning date, in accor-
15 dance with regulations prescribed under Section 401(a)(9) of
16 the Internal Revenue Code, over the life of the member or over
17 the lives of the member and his or her beneficiary or over a
18 period not extending beyond the life expectancy of the member
19 and his or her beneficiary.

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

26 (c) If a member dies before distribution to him or her has
27 commenced, then his or her entire interest in the retirement
28 system shall be distributed by the thirty-first day of December
29 of the calendar year containing the fifth anniversary of the
30 member's death, except as follows:

31 (1) If a member's interest is payable to a beneficiary,
32 distributions may be made over the life or over a period certain
33 not greater than the life expectancy of the beneficiary com-
34 mencing on or before the thirty-first of December of the
35 calendar year immediately following the calendar year in which
36 the member died; or

37 (2) If the member's beneficiary is the surviving spouse, the
38 date distributions are required to begin shall not be earlier than
39 the later of:

40 (A) The thirty-first day of December of the calendar year in
41 which the member would have attained age seventy and one-
42 half; or

43 (B) The earlier of: (i) The thirty-first day of December of
44 the calendar year following the calendar year in which the
45 member died; or (ii) the thirty-first day of December of the
46 calendar year following the calendar year in which the spouse
47 died.

**ARTICLE 7B. TEACHERS' DEFINED CONTRIBUTION RETIREMENT
SYSTEM.**

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

1 The requirements of this section apply to any distribution
2 of a member's or beneficiary's interest and take precedence
3 over any inconsistent provisions of this defined contribution
4 system. This section applies to plan years beginning after the
5 thirty-first day of December, one thousand nine hundred eighty-
6 six. Notwithstanding anything in this system to the contrary, the
7 payment of benefits under this article shall be determined and
8 made in accordance with Section 401(a)(9) of the Internal
9 Revenue Code and the regulations thereunder. For this purpose,
10 the following provisions apply:

11 (a) The payment of benefits under the defined contribution
12 system to any member shall be distributed to him or her not
13 later than the required beginning date, or be distributed to him
14 or her commencing not later than the required beginning date,
15 in accordance with regulations prescribed under Section
16 401(a)(9) of the Internal Revenue Code, over the life of the
17 member or over the lives of the member and his or her benefi-
18 ciary or over a period not extending beyond the life expectancy
19 of the member and his or her beneficiary.

20 (b) If a member dies after distribution to him or her has
21 commenced pursuant to this section but before his or her entire

22 interest in the system has been distributed, then the remaining
23 portion of that interest shall be distributed at least as rapidly as
24 under the method of distribution being used at the date of his or
25 her death.

26 (c) If a member dies before distribution to him or her has
27 commenced, then his or her entire interest in the system shall be
28 distributed by the thirty-first day of December of the calendar
29 year containing the fifth anniversary of the member's death,
30 except as follows:

31 (1) If a member's interest is payable to a beneficiary,
32 distributions may be made over the life of that beneficiary or
33 over a period certain not greater than the life expectancy of the
34 beneficiary commencing on or before the thirty-first day of
35 December of the calendar year immediately following the
36 calendar year in which the participant died; or

37 (2) If the member's beneficiary is the surviving spouse, the
38 date distributions are required to begin shall be no later than the
39 later of:

40 (A) The thirty-first day of December of the calendar year in
41 which the member would have attained age seventy and one-
42 half; or

43 (B) The earlier of (i) The thirty-first day of December of
44 the calendar year in which the member died; or (ii) the thirty-
45 first day of December of the calendar year following the
46 calendar year in which the spouse died.

47 (d) For purposes of this section, any amount paid to a child
48 of a member will be treated as if it had been paid to the surviv-
49 ing spouse of the member if such remaining amount becomes
50 payable to the surviving spouse when the child reaches the age
51 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.

1 The requirements of this section apply to any distribution
2 of a member's or beneficiaries interest and take precedence
3 over any inconsistent provisions of this retirement system. This
4 section applies to plan years beginning after the thirty-first day
5 of December, one thousand nine hundred eighty-six. Notwith-
6 standing anything in the retirement system to the contrary, the
7 payment of benefits under this article shall be determined and
8 made in accordance with Section 401(a)(9) of the Internal
9 Revenue Code and the regulations thereunder. For this purpose,
10 the following provisions apply:

11 (a) The payment of benefits under the retirement system to
12 any member shall be distributed to him or her not later than the
13 required beginning date, or be distributed to him or her com-
14 mencing not later than the required beginning date, in accor-
15 dance with treasury regulations prescribed under Section
16 401(a)(9) of the Internal Revenue Code, over the life of the
17 member or over the lives of the member and his or her benefi-
18 ciary or over a period not extending beyond the life expectancy
19 of the member and his or her beneficiary.

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

26 (c) If a member dies before distribution to him or her has
27 commenced, then his or her entire interest in the retirement

28 system shall be distributed by the thirty-first day of December
29 of the calendar year containing the fifth anniversary of the
30 member's death, except as follows:

31 (1) If a member's interest is payable to a beneficiary,
32 distributions may be made over the life of that beneficiary or
33 over a period certain not greater than the life expectancy of the
34 beneficiary commencing on or before the thirty-first of Decem-
35 ber of the calendar year immediately following the calendar
36 year in which the member died; or

37 (2) If the member's beneficiary is the surviving spouse, the
38 date distributions are required to begin shall be no later than the
39 later of:

40 (A) The thirty-first day of December of the calendar year in
41 which the member would have attained age seventy and one-
42 half; or

43 (B) The earlier of: (i) The thirty-first day of December of
44 the calendar year following the calendar year in which the
45 member died; or (ii) the thirty-first day of December of the
46 calendar year following the calendar year in which the spouse
47 died.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Cary A. Murray
Chairman Senate Committee

James J. Conaway
Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Russell G. Bell
Clerk of the Senate

Gregory D. Sny
Clerk of the House of Delegates

Earl Ray Tomblin
President of the Senate

Robert L. Williams
Speaker of the House of Delegates

The within *is approved* this the *30th*
day of *April*, 2001.

Robert L. Williams
Governor

PRESENTED TO THE

GOVERNOR

Date 4/26/01

Time 5:20 pm