

2003 DRAFTING REQUEST

Bill

Received: 04/14/2003

Received By: rchampag

Wanted: Soon

Identical to LRB:

For: Mary Hubler (608) 266-2519

By/Representing: Steve

This file may be shown to any legislator: NO

Drafter: rchampag

May Contact:

Addl. Drafters:

Subject: Employ Pub - employee benefits

Extra Copies:

Submit via email: YES

Requester's email: Rep.Hubler@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Qualified domestic relations orders under the Wisconsin Deferred Compensation program

Instructions:

See Attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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Vers.    Drafted    Reviewed    Typed    Proofed    Submitted    Jacketed    Required

FE Sent For:

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## **Champagne, Rick**

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**From:** Engelbert, Steve  
**Sent:** Thursday, April 10, 2003 9:28 AM  
**To:** Champagne, Rick  
**Subject:** LRB-0913/1

Rick:

Representative Hubler wants to sponsor the above bill, after a request from a constituent. I spoke to Pam Henning at DETF about it. Not sure how to proceed.

Steve Engelbert  
Office of Representative Mary Hubler  
6-2519

LRB-2524/1

RAC: jld/kjf/  
Kmg

DOA:.....Kranz - BB0231, Qualified domestic relations orders under the Wisconsin Deferred Compensation Program

FOR 2003-05 BUDGET -- NOT READY FOR INTRODUCTION

2003 Bill

Gen

qualified domestic relations orders or laws

1 AN ACT ...; relating to: the budget.

**Analysis by the Legislative Reference Bureau (board)**  
**RETIREMENT AND GROUP INSURANCE**

Currently, a participant's account assets in any deferred compensation plan administered by the Deferred Compensation Board may not be divided pursuant to court order. This bill authorizes the board to divide a participant's account assets pursuant to a domestic relations order issued by a court relating to any marriage that terminated after January 1, 2002.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

**The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:**

2 SECTION 1. 40.80 (2r) of the statutes is created to read:

3 40.80 (2r) (a) In this subsection, "domestic relations order" means a judgment,  
4 decree, or order issued by a court pursuant to a domestic relations law of any state  
5 or territory of the United States that does all of the following:

1 1. Relates to a marriage that terminated after January 1, 2002.✓

2 2. Assigns all or part of a participant's accumulated assets held in a deferred  
3 compensation plan under this subchapter to a spouse, former spouse, child, or other  
4 dependent to satisfy a family support or marital property obligation.

5 3. Names the deferred compensation plan established under this subchapter  
6 and is submitted to the deferred compensation plan provider selected under sub. (1).✓

7 4. Satisfies the requirements established by the deferred compensation board  
8 under par. (c).✓

9 (b) Notwithstanding s. 40.08 (1), a participant's accumulated assets held in an  
10 account in the deferred compensation plan established under this subchapter may  
11 be divided pursuant to a domestic relations order.

12 (c) The deferred compensation board shall prescribe the requirements for a  
13 domestic relations order and the administrative procedure for dividing an account  
14 in the deferred compensation plan established under this subchapter. The  
15 requirements shall be included in any deferred compensation plan and trust  
16 document approved by the deferred compensation board.

17 (d) The deferred compensation board and any member or agent thereof, the  
18 department and any employee or agent thereof, and the deferred compensation plan  
19 provider selected under sub. (1) are immune from civil liability for all of the following:

20 1. Any act or omission while performing official duties relating to implementing  
21 a domestic relations order under this subsection.✓

22 2. Any act or omission of a participant with respect to the participant's account  
23 under a deferred compensation plan, including specifically any deferral or  
24 investment election or distribution, during the period that begins on the day on



