

State of Wisconsin



2003 Assembly Bill 642

Date of enactment: **March 16, 2004**

Date of publication*: **March 30, 2004**

2003 WISCONSIN ACT 160

AN ACT *to create* 40.80 (2r) of the statutes; **relating to:** qualified domestic relations orders.

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

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

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

1. Relates to a marriage that terminated after December 1, 2001.
2. Assigns all or part of a participant's accumulated assets held in a deferred compensation plan under this subchapter to a spouse, former spouse, child, or other dependent to satisfy a family support or marital property obligation.
3. Names the deferred compensation plan established under this subchapter and is submitted to the deferred compensation plan provider selected under sub. (1).
4. Satisfies the requirements established by the deferred compensation board under par. (c).

(b) Notwithstanding s. 40.08 (1), a participant's accumulated assets held in an account in the deferred

compensation plan established under this subchapter may be divided pursuant to a domestic relations order.

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

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

1. Any act or omission while performing official duties relating to implementing a domestic relations order under this subsection.
2. Any act or omission of a participant with respect to the participant's account under a deferred compensation plan, including specifically any deferral or investment election or distribution, during the period that begins on the day on which the participant's marriage is terminated by a court and ends on the day on which his or her account is divided pursuant to a domestic relations order.

* Section 991.11, WISCONSIN STATUTES 2001-02 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].