

IN THE SENATE

SENATE BILL NO. 1312

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1  
2 RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION  
3 59-1306, IDAHO CODE, TO INCLUDE ADDITIONAL REFERENCES TO THE INTERNAL  
4 REVENUE CODE, TO REMOVE ARCHAIC REFERENCE TO AN EFFECTIVE DATE AND TO  
5 MAKE TECHNICAL CORRECTIONS; AND PROVIDING SEVERABILITY.

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 59-1306, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 59-1306. CONFORMITY WITH FEDERAL TAX CODE TO MAINTAIN QUALIFIED PLAN  
10 TAX STATUS. Chapter 13, title 59, and chapter 14, title 72, Idaho Code,  
11 shall be administered in a manner so as to comply with the requirements of 26  
12 U.S.C. section 401(a) (8), (9), (16), (25), ~~and (31), (36) and (37)~~ and with  
13 the vesting requirements described in 26 U.S.C. section 411(e) (2). The pub-  
14 lic employees retirement system board shall promulgate rules and amend or  
15 repeal conflicting rules in order to assure compliance with the requirements  
16 of ~~this~~ these sections. This chapter shall be in full force and effect ~~on and~~  
17 ~~after January 1, 1989, and thereafter~~ only so long as ~~conformity to section~~  
18 ~~401(a) of the internal revenue code, 26 U.S.C.,~~ compliance with paragraphs  
19 (8), (9), (16), (25), (31), (36) and (37) of subsection 401(a) and paragraph  
20 (2) of subsection 411(e) of the Internal Revenue Code is required for public  
21 retirement systems. If compliance with any such paragraph is, at any point  
22 ~~not longer~~ required, this provision or the applicable portion thereof, will  
23 cease to have any force or effect.

24 SECTION 2. SEVERABILITY. The provisions of this act are hereby declared  
25 to be severable and if any provision of this act or the application of such  
26 provision to any person or circumstance is declared invalid for any reason,  
27 such declaration shall not affect the validity of the remaining portions of  
28 this act.