

IN THE SENATE

SENATE BILL NO. 1202

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION  
2 59-1306, IDAHO CODE, TO INCLUDE ADDITIONAL REFERENCES TO THE INTER-  
3 NAL REVENUE CODE, TO REMOVE ARCHAIC REFERENCE TO AN EFFECTIVE DATE, TO  
4 MAKE TECHNICAL CORRECTIONS AND TO CLARIFY THAT A MARRIAGE MUST BE VALID  
5 OR MUST BE RECOGNIZED UNDER THE LAWS AND CONSTITUTION OF THE STATE OF  
6 IDAHO; AND PROVIDING SEVERABILITY.  
7

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

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

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

26 (2) For all purposes of the Idaho income tax act, a marriage must be one  
27 that is considered valid or recognized under section 28, article III, of the  
28 constitution of the state of Idaho and defined in section 32-201, Idaho Code,  
29 or as recognized under section 32-209, Idaho Code.

30 SECTION 2. SEVERABILITY. The provisions of this act are hereby declared  
31 to be severable and if any provision of this act or the application of such  
32 provision to any person or circumstance is declared invalid for any reason,  
33 such declaration shall not affect the validity of the remaining portions of  
34 this act.