

105TH CONGRESS
1ST SESSION

H. R. 1784

To amend the Internal Revenue Code of 1986 to modify the pension plan rules applicable to State judicial retirement plans.

IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 1997

Mr. HYDE introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to modify the pension plan rules applicable to State judicial retirement plans.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. MODIFICATIONS RELATING TO STATE JUDI-**
4 **CIAL RETIREMENT PLANS.**

5 (a) NONDISCRIMINATION REQUIREMENTS.—Para-
6 graph (5) of section 401(a) of the Internal Revenue Code
7 of 1986 (relating to qualified pension, profit-sharing, and
8 stock bonus plans) is amended by adding at the end the
9 following new subparagraph:

1 “(G) STATE JUDICIAL RETIREMENT
2 PLANS.—A State judicial retirement plan (as
3 defined in section 414(v)) shall not be consid-
4 ered discriminatory within the meaning of para-
5 graph (4).”

6 (b) ADDITIONAL PARTICIPATION REQUIREMENTS.—
7 Paragraph (26) of section 401(a) of such Code is amended
8 by redesignating subparagraphs (H) and (I) as subpara-
9 graphs (I) and (J), respectively, and by inserting after
10 subparagraph (G) the following new subparagraph:

11 “(H) This paragraph shall not apply to
12 any State judicial retirement plan (as defined in
13 section 414(v)).”

14 (c) APPLICATION OF MINIMUM PARTICIPATION
15 STANDARDS.—

16 (1) Subsection (c) of section 410 of such Code
17 (relating to minimum participation standards) is
18 amended by adding at the end the following new
19 paragraph:

20 “(3) A State judicial retirement plan (as de-
21 fined in section 414(v)) shall be treated as meeting
22 the requirements of this section for purposes of sec-
23 tion 401(a).”

24 (2) Paragraph (1) of section 410(c) of such
25 Code is amended by striking “paragraph (2)” in the

1 material preceding subparagraph (A) and inserting
2 “paragraphs (2) and (3)”.

3 (3) Paragraph (2) of section 410(c) of such
4 Code is amended by striking “A plan” and inserting
5 “Except as provided in paragraph (3), a plan”.

6 (d) STATE JUDICIAL RETIREMENT PLAN DE-
7 FINED.—Section 414 of such Code is amended by adding
8 at the end the following new subsection:

9 “(v) STATE JUDICIAL RETIREMENT PLAN.—For
10 purposes of sections 401 and 410, the term ‘State judicial
11 retirement plan’ means a plan (or any portion of a plan)
12 established and maintained for its employees by the gov-
13 ernment of any State or any political subdivision thereof,
14 or by any agency or instrumentality of the foregoing, and
15 which provides for participation, coverage, contributions,
16 or benefits which are primarily for, by, or on behalf of
17 judges or justices appointed or elected in accordance with
18 the constitution and laws of such State, political subdivi-
19 sion, or agency or instrumentality.”

20 (e) EFFECTIVE DATE.—

21 (1) IN GENERAL.—The amendments made by
22 this section shall apply to taxable years beginning on
23 or after the date of the enactment of this Act.

24 (2) TREATMENT FOR YEARS BEGINNING BE-
25 FORE DATE OF ENACTMENT.—In the case of a State

1 judicial retirement plan (as defined in section 414(v)
2 of the Internal Revenue Code of 1986), such plan
3 shall be treated as satisfying the requirements of
4 sections 401(a)(4), 401(a)(26), and 410 of such
5 Code for all taxable years beginning before the date
6 of the enactment of this Act.

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