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## SENATE BILL NO. 188

Offered January 8, 2014

Prefiled January 2, 2014

A *BILL to amend and reenact §§ 51.1-600 and 51.1-604 of the Code of Virginia, relating to authorizing the inclusion of a Roth contribution program in a deferred compensation retirement plan for state and local government employees.*

Patron—McDougle

Referred to Committee on Finance

**Be it enacted by the General Assembly of Virginia:****1. That §§ 51.1-600 and 51.1-604 of the Code of Virginia are amended and reenacted as follows:****§ 51.1-600. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Act" means the Government Employees Deferred Compensation Plan Act.

"Board" means the Board of Trustees of the Virginia Retirement System.

"Deferred compensation plan" means a plan by which an employee defers some portion of income until some stated time in the future; provides that the federal and state income tax on such income will be deferred until the actual receipt of such income; and is established pursuant to the provisions of § 457(b) of the Internal Revenue Code of 1986, as amended, that may provide for elective and non-elective deferrals of compensation by or on behalf of employees and may include a qualified Roth contribution program as described in § 402A of the Internal Revenue Code of 1986, as amended.

"Employee" means, in the case of the plan described in § 51.1-602, all persons employed by a participating employer, including appointed or elected officials. In the case of a plan adopted by a county, municipality, authority or other political subdivision pursuant to § 51.1-603, an employee shall be defined by such county, municipality, authority or other political subdivision.

"Participating employer" means the Commonwealth or any political subdivision that has elected pursuant to § 51.1-603.1 to participate in the deferred compensation plan established by the Board pursuant to this chapter.

**§ 51.1-604. Standards for deferred compensation plans.**

No deferred compensation plan shall become effective until the Board, county, municipality, authority or other political subdivision of the Commonwealth is satisfied, by opinion of its respective counsel, such federal agency or agencies as may be deemed necessary, or otherwise, that the ~~compensation~~ ~~deferred contributions~~ thereunder and/or the investment products purchased pursuant to the plan (i) will not be included in the employee's taxable income under federal or state law until it is actually received by the employee under the terms of the plan and (ii), *provided* that such ~~compensation contributions~~ will nonetheless be deemed compensation at the time of deferral for the purposes of social security coverage, for the purposes of the Virginia Retirement System, and for any other retirement, pension, or benefit program established by law, or (ii) are designated Roth contributions as defined in § 402A of the Internal Revenue Code of 1986, as amended.

**2. That the provisions of this act shall become effective on July 1, 2015.**

INTRODUCED

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