WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2007

ENROLLED

Senate Bill No. 180

(By Senators Foster, Unger, Kessler and Sypolt)

[Passed March 6, 2007; in effect ninety days from passage.]
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(BY SENATORS FOSTER, UNGER, KESSLER AND SYPOLT)

[Passed March 6, 2007; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10D-6a, relating to voluntary election by eligible public safety officers for distributions from retirement plans for payment of qualified health insurance premiums.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §5-10D-6a, to read as follows:

ARTICLE 10D. CONSOLIDATED PUBLIC RETIREMENT BOARD.
§5-10D-6a. Voluntary election by eligible retired public safety officers to have amounts from eligible retirement plan distributed to pay for qualified health insurance premiums.

(a) Effective on or after the first day of January, two thousand seven, any eligible retired public safety officer who is a participant or member under any eligible retirement plan administered by the board may voluntarily elect to have amounts from an eligible retirement plan distributed in order to pay for qualified health insurance premiums. Such election shall be made in writing, in a form and manner authorized by the board, and shall be consistent with the provisions of Section 402(l)(6) of the Internal Revenue Code as it may be amended from time to time.

(b) The definitions of the following terms contained in Section 402(l)(4) of the Internal Revenue Code, as it may be amended from time to time, shall apply for purposes of this section:

(1) "Eligible retirement plan";

(2) "Eligible retired public safety officer";

(3) "Public safety officer"; and

(4) "Qualified health insurance premiums".

(c) The amount which a participant or member may elect to have distributed pursuant to subsection (a) of this section shall not exceed three thousand dollars per taxable year of the participant or member (or such other limitation amount as is specified in Section 402(l)(2) of
the Internal Revenue Code, as it may be amended or as
the limitation may be adjusted from time to time) and
any amounts so elected to be distributed shall be paid
by the board directly to the provider in payment of the
qualified health insurance premiums. "Qualified health
insurance premiums" includes premiums for certain
accident or health insurance plans and certain long-
term care insurance contracts.

(d) For purposes of this section, all eligible retirement
plans administered by the board shall be treated as a
single plan.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this 25th Day of March, 2007.

Governor
PRESENTED TO THE GOVERNOR
MAR 20 2007
Time 3:50 pm