

(1) develop a program for the State or other employer of a member of the State retirement or pension systems for employees or teachers, the Judge's Contributory Plan, and the State Police Retirement System to pick up the retirement or pension contributions required to be made by the member so as to qualify the program for the tax treatment under § 414(h) of the Internal Revenue Code, as amended; and

(2) apply for a letter of determination or ruling from the Internal Revenue Service that the program qualifies for the tax treatment under § 414(h) of the Internal Revenue Code, as amended.

(B) In developing the program for employer pickup of employee contributions and for the purposes of the program, the Board of Trustees may define, by regulation:

(1) accumulated contributions;

(2) earnable compensation;

(3) regular contributions; and

(4) any other provision of law relating to State retirement and pension benefits that the Board of Trustees deems necessary to define for purposes of qualifying the employer pickup program for the tax treatment under § 414(h) of the Internal Revenue Code, as amended.

(C) After developing the employer pickup program under Item (A)(1), the Board of Trustees shall take the following appropriate action:

(1) If the Internal Revenue Service rejects the program for the tax treatment under § 414(h) of the Internal Revenue Code, as amended, prior to the beginning of the 1987 Session of the General Assembly, no further action of the Board of Trustees is required and an employer pickup program will not be pursued.

(2) If the Internal Revenue Service issues a favorable letter of determination or ruling on the program prior to the beginning of the 1987 Session of the General Assembly, the Board of Trustees shall submit to the General Assembly for consideration during the 1987 Session amendments to the law to implement the employer pickup program developed by the Board of Trustees and approved by the Internal Revenue Service.

(3) If no final response is received from the Internal Revenue Service prior to the beginning of the 1987 Session of the General Assembly, the Board of Trustees shall submit to the General Assembly for consideration during the 1987 Session amendments to the law to implement the employer pickup program developed by the Board of Trustees. The effective implementation of the program shall be contingent on a letter of