

  
Chairman Phil Mendelson

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Policemen and Firemen’s Retirement and Disability Act to clarify that provisions affected by marriage are also affected by domestic partnerships for those members covered under the Police Officers, Firefighters, and Teachers Retirement Benefit Replacement Plan Act of 1988, to clarify that 401(a) plan monies may be transferred by a member into the District of Columbia Police Officers and Fire Fighters’ Retirement Fund towards their purchase of prior service with the District of Columbia Fire and Emergency Medical Services Department, and to clarify that the Internal Revenue Code § 401(a)(17) compensation limit applies to members first covered under the Plan on or after October 1, 2002; and to amend an Act for the retirement of public school teachers in the District of Columbia to clarify that the Internal Revenue Code § 401(a)(17) compensation limit applies to members first covered under the Plan on or after October 1, 2002.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Teachers’, Police, and Firefighters Retirement Benefits Technical Amendment Act of 2017”.

Sec. 2. The Policemen and Firemen’s Retirement and Disability Act, approved September 1, 1916 (39 Stat. 718; D.C. Official Code § 5-701 *et seq.*), is amended as follows:

(a) Section 12(a) (D.C. Official Code § 5-701) is amended as follows:

(1) Paragraph (3) is amended to read as follows:

“(3) The term “widow” means:

40                   “(A) For a member or former member not covered under the Police  
41 Officers, Firefighters, and Teachers Retirement Benefit Replacement Plan Act of 1988, effective  
42 September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-901.01 et seq.) , the surviving  
43 wife of a member or former member if :

44                   “(i) She was married to such member or former member:

45                                 “(I) While he was a member; or

46                                 “(II) For at least 1 year immediately preceding his death; or

47                   “(ii) She is the mother of issue by such marriage.

48                   “(B) For a member or former member covered under the Police Officers,  
49 Firefighters, and Teachers Retirement Benefit Replacement Plan Act of 1988, effective  
50 September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-901.01 et seq.) , the surviving  
51 wife or domestic partner of a member or former member if :

52                   “(i) She was married to or the domestic partner of such member or  
53 former member:

54                                 “(I) While he was a member; or

55                                 “(II) For at least 1 year immediately preceding the his  
56 death; or

57                   “(ii) She is the mother of issue by such marriage or domestic  
58 partnership.”.

59                   (2) Paragraph (4) is amended to read as follows:

60                   “(4) The term “widower” means:

61                                 “(A) For a member or former member not covered under the Police

62 Officers, Firefighters, and Teachers Retirement Benefit Replacement Plan Act of 1988, effective

63 September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-901.01 et seq.), the surviving  
64 husband of a member or former member if:

65 “(i) He was married to such member or former member:

66 “(I) While she was a member; or

67 “(II) For at least 1 year immediately preceding her death; or

68 “(ii) He is the father of issue by such marriage.

69 “(B) For a member or former member covered under the Police Officers,

70 Firefighters, and Teachers Retirement Benefit Replacement Plan Act of 1988, effective

71 September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-901.01 et seq.), the surviving

72 husband of a member or former member if:

73 “(i) He was married to or the domestic partner of such member or

74 former member:

75 “(I) While she was a member; or

76 “(II) For at least 1 year immediately preceding her death; or

77 “(ii) He is the father of issue by such marriage or domestic

78 partnership.

79 (3) Paragraph (5) is amended to read as follows:

80 “(5) The term “child” means”

81 “(A) For a member or former member not covered under the Police

82 Officers, Firefighters, and Teachers Retirement Benefit Replacement Plan Act of 1988, effective

83 September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-901.01 et seq.) a child who is not

84 married, including:

85                                   “(i) An adopted child, stepchild, or recognized natural child who  
86 lives with the member in a regular parent-child relationship, under the age of 18 years; or

87                                   “(iii) An adopted child, stepchild, or recognized natural child who  
88 because of physical or mental disability incurred before the age of 18 is incapable of self-  
89 support, regardless of age.

90                                   “(B) For a member or former member covered under the Police Officers,  
91 Firefighters, and Teachers Retirement Benefit Replacement Plan Act of 1988, effective  
92 September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-901.01 et seq.) a child who is not  
93 married does not have a domestic partner, including:

94                                   “(i) An adopted child, stepchild, or recognized natural child who  
95 lives with the member in a regular parent-child relationship, under the age of 18 years; or

96                                   “(iii) An adopted child, stepchild, or recognized natural child who  
97 because of physical or mental disability incurred before the age of 18 is incapable of self-  
98 support, regardless of age.

99                                   “(4) A new paragraph (5A) is added to read as follows:

100                                   “(5A) The term “student child” means a child, as defined in paragraph (5), who is  
101 a student between the ages of 18 and 22 years, inclusive, and who is regularly pursuing a full-  
102 time course of study or training in residence in a high school, trade school, technical or  
103 vocational institute, junior college, college, university, or comparable recognized educational  
104 institution.

105                                   (4) A new paragraph (21) is added to read as follows:

106                   “(21) The term “domestic partner” shall have the same meaning as provided in  
107 section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C.  
108 Law 9-114; D.C. Official Code § 32-701(3)).

109                   (b) Section 12(c)(9) (D.C. Official Code § 5-704(i)) is amended as follows:

110                   (1) Paragraph (A) is redesignated as subparagraph (A)(I).

111                   (2) A new subparagraph (A)(II) is added to read as follows:

112                   “(II) If the member was a participant in the defined contribution  
113 plan under Section 2605(3) of the District of Columbia Government Comprehensive Merit  
114 Personnel Act of 1978, effective October 1, 1987 (D.C. Law 2-139; D.C. Official Code § 1-  
115 626.05(3)), the member may transfer all or a portion of his or her defined contribution plan  
116 account balance into the District of Columbia Police Officers and Fire Fighters’ Retirement Fund  
117 towards their purchase of prior service with the District of Columbia Fire and Emergency  
118 Medical Services Department.”

119                   (c) Section 12(k) (D.C. Official Code § 5-716) is amended as follows:

120                   (1) Paragraph (3) is amended as follows:

121                   (i) Subparagraph (A) is amended by striking the phrase “wife or husband”  
122 and inserting the phrase “wife or husband, or in the case of a member or former member covered  
123 under the Police Officers, Firefighters, and Teachers Retirement Benefit Replacement Plan Act  
124 of 1988, effective September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-901.01 et seq.)  
125 who is survived by a wife, husband, or domestic partner” in its place.

126                   (ii) Subparagraph (B) is amended by striking the phrase “wife or husband”  
127 and inserting the phrase “wife or husband, or in the case of a member or former member covered  
128 under the Police Officers, Firefighters, and Teachers Retirement Benefit Replacement Plan Act

129 of 1988, effective September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-901.01 et seq.)  
130 who is survived by a wife, husband, or domestic partner” in its place.

131 (2) Paragraph (5) is amended as follows:

132 (A) Subparagraph (A) is amended to read as follows:

133 “(A) The annuity of the widow or widower under this section shall begin  
134 on the day after the date on which the member or former member dies, and such annuity or any  
135 right thereto shall terminate:

136 “(I) Upon the survivor’s death or remarriage before age 55;  
137 provided that any annuity terminated by remarriage may be restored if such remarriage is later  
138 terminated by death, annulment, or divorce; or

139 “(II) In the case of a member or former member covered under the  
140 Police Officers, Firefighters, and Teachers Retirement Benefit Replacement Plan Act of 1988,  
141 effective September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-901.01 et seq.), upon  
142 the survivor’s death, remarriage, or entry into a domestic partnership before age 55; provided  
143 that any annuity or any right thereto shall terminate upon the survivor’s entry into a domestic  
144 partnership before age 55 and may be restored if such domestic partnership is later terminated by  
145 death or in accordance with (3)(d) of the Health Care Benefits Expansion Act of 1992, effective  
146 June 11, 1992 (D.C. law 9-114; D.C. Official Code § 32-702(d)).”

147 (B) Subparagraph (B)(ii) is amended striking the phrase “marries” and  
148 inserting the phrase “marries or enters into a domestic partnership” in its place.

149 (C) Subparagraph (C)(i)(I) is amended by striking the phrase “marries”  
150 and inserting the phrase “marries or enters into a domestic partnership” in its place.

151 (D) Subparagraph (D) is amended by striking the phrase “marriage and  
152 such marriage” and inserting the phrase “marriage or domestic partnership and such marriage or  
153 such domestic partnership” in its place.

154 (3) Paragraph (6) is amended to read as follows:

155 “(6)(A) Any member retiring under subsection (i), (j), or (l), may at the time of  
156 such retirement, and any member entitled to receive an annuity under subsection (q) may at the  
157 time such annuity commences, elect to receive a reduced annuity in lieu of full annuity, and  
158 designate in writing the person to receive an increased annuity after such member’s death;  
159 provided, that the person so designated meet the criteria set forth in subparagraph (B).

160 Whenever such an election is made, the annuity of the designee shall be increased by an amount  
161 equal to the amount by which the annuity of such member is reduced. The annuity payable to the  
162 member making such election shall be reduced by 10% of the annuity computed as provided in  
163 subsection (i), (j), or (l). Such increase in annuity payable to the designee shall be reduced by 5%  
164 for each full 5 years the designee is younger than the member, but such total reduction shall not  
165 exceed 40%. The increase in annuity payable to the designee pursuant to this subsection shall be  
166 paid in addition to the annuity provided for such designee pursuant to paragraph (2) or paragraph  
167 (3) of this subsection and shall be subject to the same limitations as to duration and other  
168 conditions as the annuity paid pursuant to paragraphs (2), (3), and (5) of this subsection. If, at  
169 any time after such former member’s election, the designee dies, and is survived by such former  
170 member, the annuity payable to such former member shall be increased to the amount computed  
171 as provided in subsection (i), (j), (l), or (q), as the case may be.

172 “(B) A person designated in paragraph (1) shall be:

173 “(i) The surviving spouse or child of the member; or

174 “(ii) In the case of a member covered under the Police Officers,  
175 Firefighters, and Teachers Retirement Benefit Replacement Plan Act of 1988, effective  
176 September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-901.01 et seq.), the surviving  
177 spouse, domestic partner, or child of the member.”.

178 (d) Section 12(n)(2) (D.C. Official Code § 5-723(d)(2)) is amended by striking the  
179 phrase “spouse” and inserting the phrase “spouse or domestic partner” in its place.

180 (e) Section 12(n-1)(a) (D.C. Official Code § 5-723.01) is amended by adding a new  
181 sentence at the end to read as follows: “This provision shall apply only with respect to an  
182 individual who first becomes covered by this subchapter after October 1, 2002.”.

183 Sec. 3. Section 26(a) of an Act for the retirement of public school teachers in the District  
184 of Columbia, approved August 7, 1946 (60 Stat. 875; D.C. Official Code § 38-2021.27(a)), is  
185 amended by adding at a new sentence at the end to read as follows:

186 “This provision shall apply only with respect to an individual who first becomes covered  
187 by this subchapter after October 1, 2002.”.

188 Sec. 4. Fiscal impact statement.

189 The Council adopts the fiscal impact statement in the committee report as the fiscal  
190 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
191 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

192 Sec. 5. Effective date.

193 This act shall take effect following approval by the Mayor (or in the event of veto by the  
194 mayor, action by the Council to override the veto), a 30-day period of Congressional review as  
195 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December



196 24, 1973, (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
197 Columbia Register.