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A BILL  
22-468

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA



To amend the Policemen and Firemen’s Retirement and Disability Act to clarify that provisions that apply to marriage also apply to domestic partnerships for those members covered under the Police Officers, Firefighters, and Teachers Retirement Benefit Replacement Plan Act of 1998, to clarify that 401(a) plan monies may be transferred into the District of Columbia Police Officers and Fire Fighters’ Retirement Fund towards the purchase of a member’s prior service with the District of Columbia Fire and Emergency Medical Services Department, and to clarify that the compensation limit set forth at Internal Revenue Code § 401(a)(17) 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 compensation limit set forth at Internal Revenue Code § 401(a)(17) 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 2018”.

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:

33                   “(A) The surviving wife of a member or former member not covered  
34 under the Police Officers, Firefighters, and Teachers Retirement Benefit Replacement Plan Act  
35 of 1998, effective September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-901.01 *et*  
36 *seq.*), if:

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

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

39                                 “(II) For at least one year immediately preceding his death;

40 or

41                                 “(ii) She is the mother of issue by such marriage; or

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

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

48                                 “(I) While he or she was a member; or

49                                 “(II) For at least one year immediately preceding his or her  
50 death; or

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

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

54 “(4) The term “widower” means:

55 “(A) The surviving husband of a member or former member not covered  
56 under the Police Officers, Firefighters, and Teachers Retirement Benefit Replacement Plan Act  
57 of 1998, effective September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-901.01 *et*  
58 *seq.*), if:

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

60 “(I) While she was a member; or

61 “(II) For at least one year immediately preceding her death;

62 or

63 “(ii) He is the father of issue by such marriage; or

64 “(B) The surviving husband of a member or former member covered  
65 under the Police Officers, Firefighters, and Teachers Retirement Benefit Replacement Plan Act  
66 of 1998, effective September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-901.01 *et*  
67 *seq.*), if:

68 “(i) He was married to or the domestic partner of such member or  
69 former member:

70 “(I) While he or she was a member; or

71 “(II) For at least one year immediately preceding his or her  
72 death; or

73                                   “(ii) He is the father of issue by such marriage or domestic  
74 partnership.

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

76                                   “(5) The term “child” means:

77                                   “(A) An adopted child, stepchild, or recognized natural child of a member  
78 or former member not covered under the Police Officers, Firefighters, and Teachers Retirement  
79 Benefit Replacement Plan Act of 1998, effective September 18, 1998 (D.C. Law 12-152; D.C.  
80 Official Code § 1-901.01 *et seq.*), who:

81                                   “(i) Is unmarried, lives with the member or former member in a  
82 regular parent-child relationship, and is under the age of 18 years; or

83                                   “(ii) Is unmarried and incapable of self-support, regardless of age,  
84 because of physical or mental disability incurred before the age of 18; or

85                                   “(B) An adopted child, stepchild, or recognized natural child of a member  
86 or former member covered under the Police Officers, Firefighters, and Teachers Retirement  
87 Benefit Replacement Plan Act of 1998, effective September 18, 1998 (D.C. Law 12-152; D.C.  
88 Official Code § 1-901.01 *et seq.*), who:

89                                   “(i) Is unmarried and does not have a domestic partner, lives with  
90 the member or former member in a regular parent-child relationship, and is under the age of 18  
91 years; or

92                   “(ii) Is unmarried and does not have a domestic partner and is  
93 incapable of self-support, regardless of age, because of physical or mental disability incurred  
94 before the age of 18.

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

96                   “(5A) The term “student child” means a child, as defined in paragraph (5), who is  
97 a student between the ages of 18 and 22 years, inclusive, and who is regularly pursuing a full-  
98 time course of study or training in residence in a high school, trade school, technical or  
99 vocational institute, junior college, college, university, or comparable recognized educational  
100 institution.”

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

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

105                   (b) Section 12(c)(9)(C) (D.C. Official Code § 5-704(i)(3)) is amended as follows:

106                   (1) The existing text is designated as sub-subparagraph (i).

107                   (2) A new sub-subparagraph (ii) is added to read as follows:

108                   “(ii) If a member was a participant in the defined contribution plan  
109 established pursuant to section 2605(3) of the District of Columbia Government Comprehensive  
110 Merit Personnel Act of 1978, effective October 1, 1987 (D.C. Law 2-139; D.C. Official Code §  
111 1-626.05(3)), the member may transfer all or a portion of his or her defined contribution plan

112 account balance into the District of Columbia Police Officers and Fire Fighters’ Retirement Fund  
113 toward his or her purchase of prior service with the District of Columbia Fire and Emergency  
114 Medical Services Department.”.

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

116 (1) Subsection (c) is amended as follows:

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

122 (B) Paragraph (2) is amended by striking the phrase “wife or husband” and  
123 inserting the phrase “wife or husband, or in the case of a member or former member covered  
124 under the Police Officers, Firefighters, and Teachers Retirement Benefit Replacement Plan Act  
125 of 1998, effective September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-901.01 *et*  
126 *seq.*), who is not survived by a wife, husband, or domestic partner” in its place.

127 (2) Subsection (e) is amended as follows:

128 (A) Paragraph (1) is amended to read as follows:

129 “(1) The annuity of the widow or widower under this section shall begin on the day after  
130 the date on which the member or former member dies, and such annuity or any right thereto shall  
131 terminate:

132                   “(A) Upon the survivor’s death or remarriage before age 55; provided, that  
133 any annuity terminated by remarriage may be restored if such remarriage is later terminated by  
134 death, annulment, or divorce; or

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

143                   (B) Paragraph (2)(B) is amended striking the phrase “marries” and  
144 inserting the phrase “marries or enters into a domestic partnership” in its place.

145                   (C) Paragraph (3)(A)(i) is amended by striking the phrase “marries” and  
146 inserting the phrase “marries or enters into a domestic partnership” in its place.

147                   (D) Paragraph (4) is amended by striking the phrase “marriage and such  
148 marriage” and inserting the phrase “marriage or domestic partnership and such marriage or  
149 domestic partnership” in its place.

150                   (3) Subsection (f) is amended as follows:

151                   (A) The existing text is designated as paragraph (1).

152 (B) Newly designated paragraph (1) is amended by striking the phrase  
153 “provided, that the person so designated be the surviving spouse or child of such member” and  
154 inserting the phrase “provided, that the person so designated meet the criteria set forth in  
155 paragraph (2) of this subsection” in its place.

156 (C) A new paragraph (2) is added to read as follows:

157 “(2) A person designated in paragraph (1) shall be:

158 “(A) The surviving spouse or child of the member; or

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

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

165 (e) Section 12(n-1)(a) (D.C. Official Code § 5-723.01(a)) is amended by striking the  
166 phrase “cost of living.” and inserting the phrase “cost of living. This provision shall apply only  
167 with respect to an individual who first receives benefits under the act after October 1, 2002.” in  
168 its place.

169 Sec. 3. Section 26(a) of an Act for the retirement of public school teachers in the District  
170 of Columbia, approved August 7, 1946 (60 Stat. 875; D.C. Official Code § 38-2021.27(a)), is  
171 amended by striking the phrase “cost of living.” and inserting the phrase “cost of living. This



**ENGROSSED ORIGINAL**

172 provision shall apply only with respect to an individual who first receives benefits under the act  
173 after October 1, 2002.” in its place.

174           Sec. 4. Fiscal impact statement.

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

178           Sec. 5. Effective date.

179           This act shall take effect following approval by the Mayor (or in the event of veto by the  
180 mayor, action by the Council to override the veto), a 30-day period of Congressional review as  
181 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
182 24, 1973, (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
183 Columbia Register.