

AN ACT

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 partnership for those members covered under the Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Plan Act of 1998, to clarify that Internal Revenue Code section 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 section 401(a)(17) applies only to an individual who first receives benefits under the Policemen and Firemen’s Retirement and Disability Act 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 only to an individual who first receives benefits under An Act For the retirement of public-school teachers in the District of Columbia 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 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:

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

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

“(I) While he was a member; or

ENROLLED ORIGINAL

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

“(ii) She is the mother of issue by such marriage; or
“(B) The surviving wife or domestic partner of a member or former member covered under the Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Plan Act of 1998, effective September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-901.01 *et seq.*), if:

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

“(I) While he or she was a member; or
“(II) For at least one year immediately preceding his or her death; or

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

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

“(4) The term “widower” means:

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

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

“(I) While she was a member; or

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

or

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

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

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

“(I) While he or she was a member; or

“(II) For at least one year immediately preceding his or her

death; or

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

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

“(5) The term “child” means:

“(A) An adopted child, stepchild, or recognized natural child of a member or former member not covered under the Police Officers, Fire Fighters, and Teachers Retirement

Benefit Replacement Plan Act of 1998, effective September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-901.01 *et seq.*), who:

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

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

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

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

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

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

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

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

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

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

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

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

“(ii) If a member was a participant in the defined contribution plan established pursuant to section 2605(3) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective October 1, 1987 (D.C. Law 7-27; D.C. Official Code § 1-626.05(3)), the member may transfer all or a portion of his or her defined contribution plan account balance into the District of Columbia Police Officers and Fire Fighters’ Retirement Fund toward his or her purchase of prior service with the District of Columbia Fire and Emergency Medical Services Department.”

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

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

(A) Subparagraph (A) is amended by striking the phrase “wife or husband” and inserting the phrase “wife or husband, or in the case of a member or former

member covered under the Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Plan Act of 1998, effective September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-901.01 *et seq.*), who is survived by a wife, husband, or domestic partner” in its place.

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

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

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

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

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

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

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

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

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

(3) Paragraph (6) is amended as follows:

(A) The existing text is designated as subparagraph (A).

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

(C) A new subparagraph (B) is added to read as follows:

“(B) A person designated in subparagraph (A) shall be:

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

ENROLLED ORIGINAL

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

(d) Section 12(p)(4)(B) (D.C. Official Code § 5-723(d)(2)) is amended by striking the word “spouse” and inserting the phrase “spouse or domestic partner” in its place.

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

Sec. 3. Section 26(a) of An Act For the retirement of public-school teachers in the District of Columbia, effective October 1, 2002 (D.C. Law 14-190; D.C. Official Code § 38-2021.27(a)), is amended by striking the phrase “cost-of-living.” and inserting the phrase “cost of living. This provision shall apply only with respect to an individual who first receives benefits under this act on or after October 1, 2002.” in its place.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia