

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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*Codification  
District of  
Columbia  
Official Code*

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To amend the District of Columbia Spouse Equity Act to give domestic partners equity in retirement benefits; to amend the Policemen and Firemen's Retirement and Disability Act to include domestic partners as survivors for purposes of police and fire retirements; and to amend section 21-586 of the District of Columbia Official Code to include domestic partners among the relatives financially responsible for hospitalization costs of a mentally ill relation .

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Domestic Partnership Police and Fire Amendment Act of 2008".

Sec. 2. The District of Columbia Spouse Equity Act of 1988, effective March 16, 1989 (D.C. Law 7-214; D.C. Official Code § 1-529.01 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 1-529.02) is amended as follows:

Amend  
§ 1-529.02

(1) Add a lead-in sentence after the section heading to read as follows:

"For the purposes of this act, the term:"

(2) New paragraphs (1A) and (1B) are added to read as follows:

"(1A) "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)).

"(1B) "Domestic partnership" shall have the same meaning as provided in section 2(4) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(4))."

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

(A) Strike the word "spouse" both times it appears and insert the phrase "spouse or domestic partner" in its place.

(B) Strike the word "spouse's" both times it appears and insert the phrase "spouse's or domestic partner's" in its place.

(b) Section 4 (D.C. Official Code § 1-529.03) is amended as follows:

(1) Subsection (a) is amended to read as follows:

Amend  
§ 1-529.03

“(a) For the purposes of this section, the term "former spouse or domestic partner" means a living person whose marriage to an employee or retiree has been subject to a divorce, annulment, or legal separation resulting in a court order, or a living person whose domestic partnership to an employee or retiree has been terminated 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)); provided, that with respect to an award of a survivor annuity, it additionally means a living person:

“(1) Who was married or in a domestic partnership for at least 9 months to an employee or retiree who performed at least 18 months creditable service in a position covered by one or more of the retirement systems in section 2; and

“(2) Whose marriage or domestic partnership to the employee or retiree was terminated prior to the death of the employee or retiree.”.

(2) Subsection (c) is amended by striking the word “spouse” and inserting the phrase “spouse or domestic partner” in its place.

(3) Subsection (e) is amended to read as follows:

“(e)(1) Any reduction in an employee's annuity, made pursuant to the relevant retirement system in order to provide for a survivor annuity awarded by court order, shall cease upon remarriage of the former spouse or entry into a domestic partnership by the former domestic partner if the remarriage or entry into a domestic partnership occurs before age 55.

“(2) Payment of a survivor annuity to a former spouse or domestic partner pursuant to a court order shall cease upon the remarriage of the former spouse or entry into a domestic partnership by the former domestic partner if the remarriage or entry into a domestic partnership occurs before age 55.”.

(c) Section 6 (D.C. Official Code § 1-529.04) is amended as follows:

Amend  
§ 1-529.04

(1) Subsection (a) is amended as follows:

(A) The lead-in language is amended by striking the phrase “former spouse” and inserting the phrase “former spouse or domestic partner” in its place.

(B) Paragraphs (1) is amended by striking the word “married” and inserting the phrase “married or in a domestic partnership” in its place.

(C) Paragraph 2 is amended by striking the word “marriage” and inserting the phrase “marriage or domestic partnership” in its place.

(2) Subsection (b) is amended by striking the phrase “former spouse” and inserting the phrase “former spouse or domestic partner” in its place.

(3) Subsection (c) is amended by striking the phrase “former spouse” both times it appears and inserting the phrase “former spouse or domestic partner” in its place.

(4) Subsection (d) is amended to read as follows:

“(d) Only former spouses whose marriages were dissolved after March 16, 1989, through divorce, annulment, or legal separation, and domestic partners whose partnerships were

terminated after December 21, 2001, 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)), or regulations promulgated to implement that section, shall be eligible to enroll in the health benefits plans.”.

Sec. 3. Section 12 of 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) Subsection (a) (D.C. Official Code § 5-701) is amended as follows:

Amend  
§ 5-701

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

“(3) The term “surviving spouse or domestic partner” means the following:

“(A) The surviving wife of a member or former member if:

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

“(I) While he was a member; or

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

death; or

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

“(B) The surviving husband of a member or former member if, in the case of a member who was an officer or member of the United States Park Police force, the United States Secret Service Uniformed Division, or the United States Secret Service Division, or the surviving husband of a member or former member who was a member or officer of the Metropolitan Police force or the Fire Department of the District of Columbia 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

“(C) The surviving domestic partner of a member or former member who was a member or officer of the Metropolitan Police force or the Fire Department of the District of Columbia if the surviving domestic partner was in a domestic partnership with such a member or former member:

“(i) While he or she was a member; or

“(ii) For at least one year immediately preceding the member’s

death.”.

(2) Paragraph (4) is repealed.

(3) New paragraphs (20) and (21) are added to read as follows:

“(20) 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)).

“(21) The term “domestic partnership” shall have the same meaning as provided in section 2(4) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(4)).”

(b) Subsection (k) (D.C. Official Code § 5-716) is amended as follows:

Amend  
§ 5-716

(1) Strike the phrase “widow or widower” wherever it appears and insert the phrase “surviving spouse or domestic partner” in its place.

(2) Strike the phrase “wife or husband” wherever it appears and insert the phrase “spouse or domestic partner” in its place.

(3) Subsection (e)(1) is amended as follows:

(A) Strike the phrase “death or remarriage” and insert the phrase “death, remarriage, or entry into a domestic partnership,” in its place.

(B) Strike the word “divorce” and insert the phrase “divorce, and that any annuity terminated by entry into a domestic partnership may be restored if such domestic partnership is later terminated in accordance with (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)).”

(4) Subsection (f) is amended by striking the phrase “surviving spouse” and inserting the phrase “surviving spouse or domestic partner” in its place.

(c) Subsection (n)(3) (D.C. Official Code § 5-723(d)(1)) is amended by striking the phrase “widow or widower” and inserting the phrase “surviving spouse or domestic partner” in its place.

Amend  
§ 5-723

Sec. 4. Section 21-586(a) of the District of Columbia Official Code is amended by striking the phrase “husband, wife” both times it appears and inserting the phrase “spouse, domestic partner” in its place.

Amend  
§ 21-586

Sec. 5. Applicability.

(a) Sections 2, 3, and 4 shall apply upon their enactment by Congress.

(b) This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 6. Fiscal impact statement.

The Council adopts the December 2, 2008 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 7. 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

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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.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia