

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 7-214

"D.C. Spouse Equity Act of 1988".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 7-389 on first and second readings November 29, 1988, and December 13, 1988, respectively. Following the signature of the Mayor on January 6, 1989, this legislation was assigned Act No. 7-289 published in the January 20, 1989, edition of the D.C. Register, (Vol. 36 page 513) and transmitted to Congress on January 23, 1989 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 7-214, effective March 16, 1989.

DAVID A. CLARKE  
Chairman to the Council

Dates Counted During the 30-day Congressional Review Period:

January 24,25,26,27,30,31  
February 1,2,3,6,7,8,9,21,22,23,24,27,28  
March 1,2,3,6,7,8,9,10,13,14,15

EFFECTIVE DATE MAR 16 1988

Codification,  
New Chapter 30 of title 1,  
District of Columbia Code  
(1989 Supp.)

AN ACT

D.C. ACT 7 - 289

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JAN 06 1989

To provide that the Mayor shall honor qualifying court orders regarding retirement benefits under certain District retirement systems, and to allow former spouses of District government employees to enroll in certain health benefit plans.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Spouse Equity Act of 1988".

Sec. 2. Application.

This act shall apply to any District employee or District retiree who is covered by the retirement program defined under section 102(7)(A) or section 102(7)(C) of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; D.C. Code, sec. 1-702(7)(A) and (C)), or the retirement program established by sections 2603 through 2612 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective October 1, 1987 (D.C. Law 7-27; D.C. Code, secs. 1-627.3 to 1-627.12).

New,  
Section  
1-3001

Sec. 3. Definitions.

(1) "Court order" means any judgment, decree, or property settlement issued by or approved by any court of any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, or the Virgin Islands, and any Native American court in connection with, or incident to, the divorce, annulment of marriage, or legal separation of a District employee or retiree.

(2) "Employee" means an individual who performs a function of the District government and who receives compensation for the performance of the services, as provided in section 301(7) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978,

New,  
Section  
1-3002

effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-603.1(7)).

(3) "Qualifying court order" means one that by its terms awards to a former spouse all or a portion of an employee's or retiree's retirement benefits, a payment from an employee's or retiree's retirement benefits, or a survivor annuity. The court order must state the former spouse's share as a fixed amount, or a percentage or a fraction of the annuity, and shall indicate whether the former spouse should receive the amount awarded directly from the District. For purposes of awarding a survivor annuity, the court order must also either state the former spouse's entitlement to a survivor annuity or direct the employee or retiree to provide a survivor annuity.

Sec. 4. Compliance with court orders.

(a) For purposes of this section, "former spouse" 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, except that with respect to an award of a survivor annuity, it additionally means a living person:

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

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

(b) The Mayor shall comply with any qualifying court order that is issued prior to the employee's retirement. Any qualifying court order that awards the entire amount the retirement system is responsible for with respect to that employee bars recovery by any other person.

(c) The Mayor shall comply with any qualifying court order that is issued after the employee's retirement only to the extent it is consistent with any election previously executed at the time of retirement by the employee regarding that former spouse. Any qualifying court order that awards the entire amount the retirement system is responsible for with respect to that employee bars recovery by any other person.

(d) The Mayor is not obligated to comply with qualifying court orders issued prior to the effective date of this act.

(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 if the remarriage occurs before age 55.

New,  
Section  
1-3003

(2) Payment of a survivor annuity to a former spouse pursuant to a court order shall cease upon the remarriage of the former spouse if the remarriage occurs before age 55.

Sec. 5. Conforming amendment.

Section 17 of An Act for the retirement of public-school teachers in the District of Columbia, approved August 7, 1946 (60 Stat. 882; D.C. Code, sec. 31-1238), is amended by striking the word "None" and inserting the phrase "Except as provided in the District of Columbia Spouse Equity Act of 1988, none" in its place.

Section  
31-1238

Sec. 6. Enrollment in Health Benefits Plan.

(a) For purposes of this section, "former spouse" means a living person:

New,  
Section  
1-3004

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

(2) Whose marriage to the employee or retiree was terminated prior to the death of the employee or retiree;

(3) Who was enrolled as a family member in a health benefits plan approved under the Federal Health Benefits Program or in a plan approved under sections 2105 through 2113 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective October 1, 1987 (D.C. Law 7-27; D.C. Code, secs. 1-622.5 through 1-622.13) at any time during the 18-month period before the dissolution of the marriage by divorce, annulment, or legal separation; and

(4) Who is receiving any portion of an annuity or survivor's annuity or is entitled to receive an annuity or survivor's annuity pursuant to an election by the employee at the time of retirement, a qualifying court order, or the provisions of the retirement system.

(b) Any former spouse of an employee or of a retiree may enroll in a health benefits plan approved under the Federal Employee Health Benefits Program or in a plan approved under sections 2105 through 2113 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective October 1, 1987 (D.C. Law 7-27; D.C. Code, secs. 1-622.5 through 1-622.13).

(c) Any former spouse who enrolls in a health benefits plan pursuant to subsection (b) of this section may elect to enroll either as an individual or for self and family, subject to an agreement by the former spouse to pay the full subscription charge of the enrollment, including any amount set aside for the administration of the health benefits plan and any necessary reserves as determined by the Mayor.

(d) Only former spouses whose marriages were dissolved after the effective date of this act through divorce, annulment, or legal separation shall be eligible to enroll in the health benefit plans.

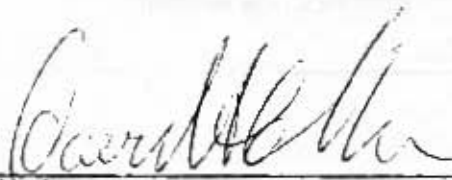
Sec. 7. Rules.

The Mayor shall, pursuant to title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et-seq.) ("APA"), issue proposed rules to implement the provisions of this act. The proposed rules shall be submitted to the Council of the District of Columbia ("Council") for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved. Nothing in this section shall affect any requirements imposed upon the Mayor by title 1 of the APA.

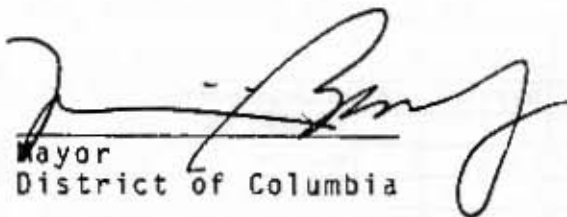
New,  
Section  
1-3006

Sec. 8. Effective Date.

This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED: January 6, 1989



**COUNCIL OF THE DISTRICT OF COLUMBIA**  
Council Period Seven

**RECORD OF OFFICIAL COUNCIL VOTE**

DOCKET NO: B7-389

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 11-29-88

VOICE VOTE: Approved

Recorded vote on request

Absent: Rolark

ROLL CALL VOTE: — RESULT \_\_\_\_\_

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					NATHANSON					THOMAS SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

CERTIFICATION RECORD

*Roseanne Guter*  
Secretary to the Council

12-20-88  
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 12-13-88

VOICE VOTE: Approved

Recorded vote on request

Absent: Wilson and Smith

ROLL CALL VOTE: — RESULT \_\_\_\_\_

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					NATHANSON					THOMAS, SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

CERTIFICATION RECORD

*Roseanne Guter*  
Secretary to the Council

12-20-88  
Date

Item on Consent Calendar

ACTION & DATE: \_\_\_\_\_

VOICE VOTE: \_\_\_\_\_

Recorded vote on request

Absent: \_\_\_\_\_

ROLL CALL VOTE: — RESULT \_\_\_\_\_

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					NATHANSON					THOMAS, SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

CERTIFICATION RECORD

\_\_\_\_\_  
Secretary to the Council

\_\_\_\_\_  
Date