

COUNCIL OF THE DISTRICT OF COLUMBIA

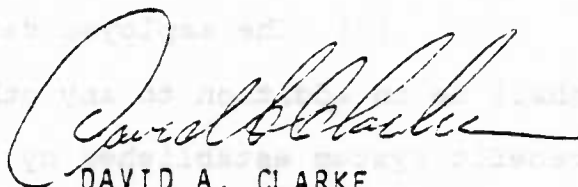
NOTICE

D.C. LAW 5-118

"Deferred Compensation Act of 1984".

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. 5-177 on first and second readings, June 26, 1984 and July 10, 1984, respectively. Following the signature of the Mayor on July 13, 1984, this legislation was assigned Act No. 5-170, published in the August 10, 1984 edition of the D.C. Register, (Vol. 31 page 4034) and transmitted to Congress July 19, 1984 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 5-118, effective September 26, 1984.



DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

July 23,24,25,26,27,30,31

August 1,2,3,6,7,8,9,10

September 5,6,7,10,11,12,13,14,17,18,19,20,21,24,25

D.C. LAW 5 - 1 1 8

AN ACT

EFFECTIVE DATE SEP 26 1984

D.C. ACT 5 - 1 7 0

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUL 1 3 1984

Codificatio
New Chapter
36 of title

To amend the District of Columbia Income and Franchise Tax Act of 1947, the District of Columbia Depository Act of 1977, and the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to make provision for a District of Columbia Employee Deferred Compensation Program, and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Deferred Compensation Act of 1984".

Sec. 2. Employee Deferred Compensation Program.

(a)(1) There shall be established an Employee Deferred Compensation Program which meets the requirements of this section and section 457 of the Internal Revenue Code of 1954, approved August 6, 1954 (68A Stat. 3; 26 U.S.C. 1 et seq.) and the regulations and interpretations thereunder.

New,
D.C. Code,
sec. 47-360
Note,
D.C. Code,
secs. 47-
1803.2, 1-6
1-606.1, 1-
618.1
(1985 supp.

(2) The employee deferred compensation program shall be in addition to any other retirement, pension, or benefit system established by law, and no deferral of income under the employee deferred compensation program shall effect a reduction of the amount of any other retirement, pension or other benefit provided by law. Any amount deferred under the employee deferred compensation program shall be included in the employee's compensation for purposes of computing contributions to existing life

insurance, retirement systems, F.I.C.A. or any other system keyed to the employee's scheduled rate of pay, but shall not be included for the purposes of computing federal or District income tax withholdings on behalf of any such employee.

(3) Any amount of compensation deferred under the employee deferred compensation program and any income attributable to the amount so deferred, shall be includible in the employee's District gross income pursuant to the District of Columbia Income and Franchise Tax Act of 1947, approved July 16, 1947 (61 Stat. 331; D.C. Code, sec. 47-1801.1 et seq.) only for the taxable years in which such compensation or other income is paid or otherwise made available to the employee or other beneficiary, and shall be subject to District income tax withholding for such year pursuant to the District of Columbia Income and Franchise Tax Act of 1947, approved July 16, 1947 (61 Stat. 331; D.C. Code, sec. 47-1801.1 et seq.).

(b) Members of boards and commissions whose pay is set under section 1108 of the District of Columbia Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-612.8) shall not be eligible to participate in the employee deferred compensation program.

(c) The Mayor may enter into an agreement with any personnel authority or independent agency for the purpose of extending to the employees of such personnel authority or independent agency eligibility to participate in the employee deferred compensation program.

(d) The provisions of this section are not subject to review by the Office of Employee Appeals under Title VI of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-606.1 et seq.), nor are they subject to the provisions of Title XVII of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-618.1 et seq.), concerning collective bargaining.

Sec. 3. Regulations.

The Mayor shall promulgate regulations which enable employees to participate in a voluntary tax-sheltered income deferral program which meets the requirements of section 457 of the Internal Revenue Code of 1954, approved August 6, 1954 (68A Stat. 3; 26 U.S.C. 1 et seq.), and the regulations and interpretations thereunder. The regulations shall include, but not be limited to:

(1) provision for the receipt of the compensation deferred and for the use of such funds in accordance with any investment election permitted employees participating in the employee deferred compensation program;

(2) provision for a contract agreement between the Mayor and any employee who desires to defer compensation under the employee deferred compensation program; and

(3) provision for and limitations on the types of instruments, securities, accounts or other items in which compensation deferred under the employee deferred

New,
D.C. Code,
47-3602
(1985 supp

compensation program may be invested.

Sec. 4. Contracts.

(a) The Mayor may select one or more contractors to provide such services as may be part of the employee deferred compensation program.

New,
D.C. Code,
47-3603
(1985 supp.)

(b) The cost of any contract for provision of such services as may part of the employee deferred compensation program shall be financed solely from employee contributions to the employee deferred compensation program or from a fund or funds established to administer the employee deferred compensation program.

Sec. 5. Reports.

The Mayor shall, before February 2 each year, submit to the Council an annual report which details the activities, and operation of the employee deferred compensation program for the preceding fiscal year.

New,
D.C. Code,
sec. 47-3604
(1985 supp.)

Sec. 6. Conforming Amendments.

(a) Title XI of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-612.1 et seq.), is amended by adding the following new section at the end thereof to read as follows:

New,
D.C. Code,
1-612.17
(1985 supp.)

"Sec. 1118. Employee Deferred Compensation Program.

"There is established an employee deferred compensation program as provided in the Deferred Compensation Act of 1984."

(b) Section 2(u) of the District of Columbia Depository Act of 1977, effective October 26, 1977 (D.C. Law

D.C. Code,
sec. 47-24
(1985 supp.)

2-32; D.C. Code, sec. 47-341(21)) is amended by striking the "." and inserting the following phrase to read as follows in lieu thereof: "and: PROVIDED, FURTHER, That the term 'public funds' does not include any funds authorized to be established pursuant to section 2 of the Deferred Compensation Act of 1984."

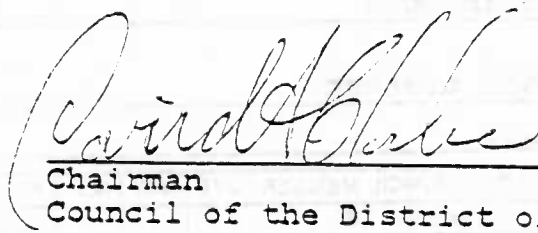
(c) Section 2 of Title III of the District of Columbia Income and Franchise Tax Act of 1947, effective June 11, 1982 (D.C. Law 4-118; D.C. Code, sec. 47-1803.2(a)(2)) is amended by adding at the end thereof a new subsection to read as follows:

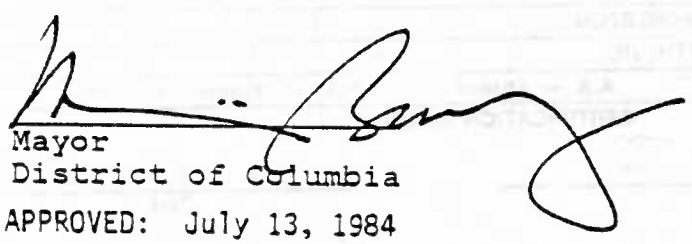
D.C. Code,
sec. 47-18
(1985 supp

"(k) The amount of any compensation deferred under the employee deferred compensation program pursuant to section 2 of the Deferred Compensation Act of 1984: PROVIDED, That the amount of any such compensation or any income attributable to the amount of compensation so deferred shall be includible in gross income for the taxable years in which such compensation or other income is paid or otherwise made available to the employee or other beneficiary."

Sec. 7. 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, Enrolled Original
sec. 1-233(c)(1)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED: July 13, 1984



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Five — Second Session

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B 5-177

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 6-26-84

VOICE VOTE: Unanimous

Recorded vote on request

Absent: all present

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					MOORE, JR.					SPAULDING				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

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

CERTIFICATION RECORD

[Signature]
Secretary to the Council

6-26-84
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading 7-10-84

VOICE VOTE: Unanimous

Recorded vote on request

Absent: all present

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					MOORE, JR.					SPAULDING				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

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

CERTIFICATION RECORD

[Signature]
Secretary to the Council

7-10-84
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					MOORE, JR.					SPAULDING				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

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

CERTIFICATION RECORD

Secretary to the Council