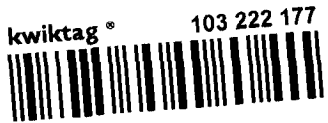


ENROLLMENT(S)

(5)



COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 10-65

"Omnibus Spending Reduction Act of 1993".

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. 10-323 on first and second readings, July 21, 1993, and September 21, 1993, respectively. Following the signature of the Mayor on October 6, 1993, this legislation was assigned Act No. 10-120, published in the October 22, 1993, edition of the D.C. Register, (Vol. 40 page 7351) and transmitted to Congress on October 8, 1993 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 10-65, effective November 25, 1993.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

October 12,13,14,15,18,19,20,21,22,25,26,27,28,29

November 1,2,3,4,5,8,9,10,15,16,17,18,19,22,23,24

AN ACT

Codification

District of Columbia Code

D.C. ACT 10-120

(1994 Supplement)

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCT. 6, 1993

To amend An Act To enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes to compensate private physicians providing health care to AFDC on a fee-for-service basis; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to provide that overtime for District government employees shall be determined in accordance with the Fair Labor Standards Act; to amend the D.C. General Hospital Commission Act to transfer, for a period of 5 years, all duties, powers and functions of the D.C. General Hospital Commission to the Executive Director under the direct supervision and control of the Mayor and to require the development of a plan to restore financial solvency at the Hospital; to amend title 18 of the District of Columbia Municipal Regulations to increase the fee for reciprocity stickers for motor vehicles from \$30 to \$125; to amend the District of Columbia Public Works Act of 1954 to allow the Mayor to appoint a receiver to collect rents or payments for use and occupancy from tenants of master-metered apartment buildings where a delinquent water and sewer account exists; and to designate the building and all property in Square 255, located at 1350 Pennsylvania Avenue, N.W., popularly referred to as the District Building, under the exclusive authority of the Council of the District of Columbia to determine the use, management, maintenance, operation, repair, renovation, security, lease, sale, or other disposition of the building and property.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Omnibus Spending Reduction Act of 1993".

TITLE I - HUMAN SERVICES ASSISTANCE AMENDMENTS

Sec. 101. Section 1(d)(2)(A)(ii) of An Act To enable the District of Columbia to receive Federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other

Section
1-359

purposes, approved December 27, 1967 (81 Stat. 744; D.C. Code § 1-359(d)(2)(A)(ii)), is amended to read as follows:

"(ii) A primary care provider, who shall be reimbursed on a fee-for-service basis."

TITLE II - PUBLIC EMPLOYEE OVERTIME

Sec. 201. Section 1103 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-612.3), is amended by adding a new subsection (e) to read as follows:

Section
1-612.3

"(e) Notwithstanding any other provision of District law or regulation, effective on the first day of the first pay period beginning one month after the effective date of this title, entitlement to and computation of overtime for all employees of the District government, except those covered by a collective bargaining agreement providing otherwise, shall be determined in accordance with, and shall not exceed, the overtime provisions of section 7 of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 207. No person shall be entitled to overtime under this section unless that person is either entitled to overtime under the Fair Labor Standards Act or is entitled to overtime under the personnel rules of the District of Columbia as they existed at the time of enactment of this section."

Sec. 202. Section 201 shall not apply until legislation is approved by Congress authorizing this provision to take effect notwithstanding section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 790; D.C. Code § 1-242(3)).

Note, Section
1-612.3

TITLE III - D.C. GENERAL HOSPITAL BUDGET ACCOUNTABILITY

Sec. 301. The D.C. General Hospital Commission Act, effective May 13, 1977 (D.C. Law 1-134; D.C. Code § 32-201 *et seq.*), is amended as follows:

(a) A new section 201a is added to read as follows:

"Sec. 201a. (a) Beginning October 1, 1993, and ending October 1, 1998, all the duties, powers and functions of the D.C. General Hospital Commission shall be transferred to the Executive Director who shall exercise these duties and powers under the direct supervision and control of the Mayor. The Commission shall advise the Executive Director as to hospital policy, health service planning, fund raising, and the scope of services to be offered by the Hospital.

New, Section
32-211.1

"(b) Beginning October 1, 1993, and ending October 1, 1998, a vacancy in the Office of Executive Director shall be filled by appointment by the Mayor and confirmation by the Council pursuant to section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Code § 1-633.7).

"(c)(1) The Mayor, with the Executive Director and representatives of the Hospital collective bargaining units, shall develop a 3-year plan

to restore financial solvency at the Hospital through structural reforms, including revisions in scope of services, staffing levels, strict control over expenditures for nonpersonal services and improved billing and collection of revenue. The plan shall provide for the orderly elimination, by October 1, 1998, of the deficit accumulated as of September 30, 1993. The Mayor shall submit the plan to the Council no later than February 1, 1994, and shall include the dissenting views of any planning participant.

"(2) The plan and any modifications of the plan shall be submitted to the 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 plan or modifications by resolution within the 45-day review period, the proposed plan or modifications shall be deemed approved.

"(3) Except for those changes to implement the 3-year plan developed in accordance with this subsection, the Mayor shall submit all proposed major changes in the manner the Hospital provides services or the type of services provided, and major staffing changes, to the Council for review and approval by resolution pursuant to paragraph (2) of this subsection."

(b) Section 210(14) (D.C. Code § 32-220(14)), is repealed.

Section
32-220
Section
32-232

(c) Section 302 (D.C. Code § 32-232) is amended to read as follows:

"The Executive Director shall appoint a Medical Director of the Hospital who shall serve at the pleasure of the Executive Director. The Medical Director shall report directly to the Executive Director and shall be responsible for the coordination of ambulatory services, in-patient services, medical audit, medical research, medical education, and other medical professional services of the Hospital."

(d) Section 402(b) (D.C. Code § 32-242(b)) is amended to read as follows:

Section
32-242

"Except as otherwise provided in this act, all monies of the Hospital, from whatever source derived, shall be for the sole use of the D.C. General Hospital Fund and shall be deposited as soon as practicable in that Fund. All deposits of such monies shall be secured in a manner consistent with deposits made by the government of the District of Columbia, regarding deposit of revenue. Until October 1, 1998, the monies of the Fund shall be paid out in checks signed by the D.C. Treasurer. Beginning October 1, 1998, the Fund shall be managed by the Commission in accordance with the procedures applicable to District funds under the District of Columbia Depository Act, effective October 26, 1977 (D.C. Law 2-32; D.C. Code § 47-341), and monies of the Fund shall be paid out in checks signed by the Executive Director or other responsible officer designated by the Executive Director."

TITLE IV - TRAFFIC REGULATIONS AMENDMENT

Sec. 401. Section 411.7(d) of title 18 of the District of Columbia Municipal Regulations is amended by striking the phrase "thirty dollars (\$30)" and inserting the phrase "one-hundred and twenty-five dollars (\$125)" in its place.

DCMR

TITLE V - COLLECTING WATER AND SEWER BILLS

Sec. 501. The District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; D.C. Code § 43-1524 *et seq.*), is amended as follows:

(a) Section 103(c) (D.C. Code § 43-1528(c)), is repealed.

Section
43-1528

(b) Section 210(c) (D.C. Code § 43-1610(c)), is repealed.

Section
43-1610

(c) Section 1804 (D.C. Code § 43-1654), is amended as follows:

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

Section
43-1654

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

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

"(2)(A) If the delinquent account referred to in subsection (a)(1) of this section is an account for a master-meter apartment building, the Mayor may issue an order for the owner, agent, lessor, or manager, herein referred to as "the owner", to show cause why a receiver should not be appointed. The order may be issued by the Mayor upon a finding that:

"(i) The delinquency has remained outstanding for at least 120 days;

"(ii) The delinquency has not been timely contested pursuant to section 1805 and the rules issued by the Mayor; and

"(iii) Termination of water and sewer services would create a health and safety hazard for tenants of the master-metered apartment building.

"(B) The order to show cause, together with a copy of the findings, shall be served upon the owner at the owner's last known address and shall be posted in a conspicuous place upon the master-metered apartment building in question.

"(C) A hearing on the order to show cause shall be held no later than 72 hours after the issuance of the order or the first business day thereafter. Upon a prima facie showing by affidavit, testimony, or otherwise, that delinquent water and sewer service bills on the master-metered apartment building remain unpaid, the Mayor shall immediately appoint a receiver to collect rents or payments for use and occupancy from the tenants thereof in order to pay current water and sewer service charges and to reduce the arrearage pursuant to subparagraph F of this paragraph. Prior to the hearing on the order to show cause, the owner may submit an answer to the order raising any grounds or defenses that the owner may have: Except, that any set-offs, counterclaims, or third-party claims shall not be grounds for the Mayor not to appoint a receiver.

"(D) The receiver appointed by the Mayor shall have the authority to take any action it deems necessary to collect all rents or payments for use and occupancy from the tenants of the master-metered apartment building in lieu of the owner, except that the receiver shall not have authority to terminate water and sewer services. The receiver may require the owner of the master-metered apartment building to provide the names, apartment numbers, monthly rental payment amounts, and leases of the tenants of the master-metered apartment building.

"(E) If the owner fails to comply with any request of the receiver necessary to accomplish its duties under the appointment, or the owner collects or attempts to collect any rents or payments for use and occupancy from the tenants of a building subject to an order appointing

a receiver, the receiver is authorized to petition the Superior Court of the District of Columbia for an order granting injunctive relief. The petition shall be served upon the owner in the manner set forth in subsection (a)(2)(B) of this section. A hearing on the petition shall be held no later than 72 hours after the petition was filed or the first court day thereafter. Any owner who fails to comply with any resulting order shall be found, after due notice and hearing, to be in contempt of court.

"(F) The receiver shall pay the Department the current charges for water and sewer services provided on or after the date of the receiver's appointment. The receiver may pay the Department a reasonable amount, not to exceed 10% of the total rent payments received, to be applied against the delinquent charges. The owner shall be liable for the reasonable fees and costs determined by the Mayor to be due the receiver. The fees and costs may be recovered from the rents or payments due for use and occupancy under the control of the receiver: Provided, however, that no fees or costs shall be recovered until after payment of current water bills to a master-metered apartment building has been made. Any monies remaining after all payments, fees and costs shall be turned over to the owner. Upon order of the Mayor, the receiver shall become trustee of any escrow accounts or other funds established by the tenants or otherwise into which rents or payments for use and occupancy have been made by the receiver at such times as the Mayor determines to be just, reasonable and necessary."

(2) Subsection (b) is amended by striking the phrase "by the Court".

New Chapter 7,
Title 9

TITLE VI - DISTRICT BUILDING DESIGNATION

Sec. 601. (a) Notwithstanding the provisions of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Code § 9-401 *et seq.*), or any other law, the building and all property located in Square 255, located at 1350 Pennsylvania Avenue, N.W., popularly referred to as the District Building ("Property"), is hereby designated under the exclusive authority of the Council to determine the use, management, maintenance, operation, repair, renovation, security, lease, sale, or other disposition of the Property.

New, Section
9-701;
Note,
Section 9
9-401

(b)(1) The Secretary of the Council shall be responsible for the use, management, maintenance, operation, repair, renovation, security, lease, sale, or other disposition of the Property, in accordance with rules of the Council.

(2) The Secretary of the Council is authorized to:

(A) Enter into intra-District transfer and other agreements with agencies of the District government to provide goods or services for the use, management, maintenance, operation, repair, renovation, security, lease, sale, or other disposition of the Property;

(B) Enter into contracts or other agreements with private entities to provide goods or services for the use, management, maintenance, operation, repair, renovation, security, lease, sale, or other disposition of the Property; and

(C) Enter into lease or other agreements, with or without monetary consideration, with entities of the District government and with private entities for the use of space within the Property.

(3) In the execution of paragraph (2)(A) of this subsection, preference should be given to those entities occupying space within the Property on the effective date of this act, those entities whose location within the Property would result in a cost savings to the District government, and those entities providing goods or services that are beneficial to the local community.

(4) Any rent, fee, or proceeds derived from any lease or other use agreement entered into pursuant to this section shall be paid to the Treasury of the District of Columbia, and accounted for in the General Fund as a separate revenue source allocable to provide authority for the Council to expend funds for the management of these leases or other use agreements, and for the use, management, maintenance, operation, repair, renovation, security, lease, sale, or other disposition of the Property.

(5) The Secretary of the Council shall be the exclusive authority for the issuance of permits for official parking spaces on the following streets adjacent to or near the Property:

(A) The south side of Pennsylvania Avenue, N.W., between 12th and 13th Streets, N.W.;

(B) The north and south sides of Pennsylvania Avenue, N.W., between 13th and 14th Streets, N.W.;

(C) The south side of Pennsylvania Avenue, N.W., between 14th and 15th Streets, N.W.;

(D) Both sides of D Street, N.W., between 13-1/2 and 14th Streets, N.W.;

(E) Both sides of 13-1/2 Street, N.W., between Pennsylvania Avenue, N.W., and D Street, N.W.; and

(F) The east side of 14th Street, N.W., between D Street, N.W., and Pennsylvania Avenue, N.W.

(c) The Council may accept and use private gifts or donations for the purpose of providing goods or services for the use, management, maintenance, operation, repair, renovation, security, lease, sale, or other disposition of the Property as determined by the Secretary of the Council.

(d)(1) In accordance with section 404(b) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 787; D.C. Code § 1-227(b)), the functions of the Department of Administrative Services, the Department of Public Works, and any other agency, that are related to the use, management, maintenance, operation, repair, renovation, security, lease, sale, or other disposition of the Property, and any position, property, record, contract, unexpended balance of appropriations, allocation, or other operating or capital funds, that are related to, available for, or to be made available for the use, management, maintenance, repair, renovation, security, lease, sale, or other disposition of the Property, are transferred to the Council.

(2) In the execution of paragraph (1) of this subsection, the Department of Administrative Services, the Department of Public Works, and any other agency shall enter into intra-District transfer or other agreements, as determined by the Secretary of the Council.

(3) Notwithstanding the provisions of paragraphs (1) and (2) of this subsection, the Department of Administrative Services, the Department of Public Works, or any other agency of the District government which, prior to the effective date of this act, has directly or indirectly provided maintenance, security, or other goods or services to the Property shall continue to provide these goods and services, at an adequate level as determined by the Secretary of the Council, until intra-District transfer or other agreements pertaining to these goods and services are entered into between the agency and the Secretary of the Council.

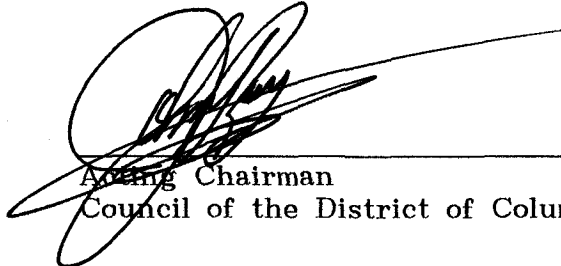
Sec. 602. Section 306 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code § 1-1183.6), is amended by designating the existing section as subsection (a) and adding a new subsection (b) to read as follows:

Section
1-1183.6

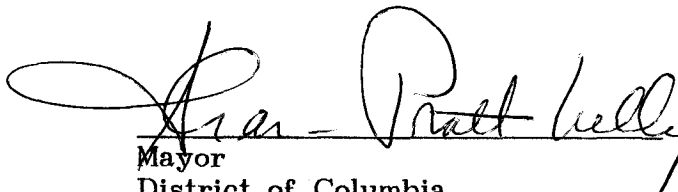
"(b) Nothing in this section shall be construed to limit the purchase authority of the Council of the District of Columbia."

TITLE VII - EFFECTIVE DATE

Sec. 701. Except as provided in section 202, 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 § 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.



Aring Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: October 6, 1993



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD TEN

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 10-323

[X] Item on Consent Calendar

[X] ACTION & DATE: Adopted First Reading, 7-21-93

[X] VOICE VOTE: Approved

Recorded vote on request

Absent: all present

[] ROLL CALL VOTE: - RESULT (/ /)

Table with 14 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. for members RAY, BARRY, BRAZIL, CHAVOUS, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, SMITH, JR., THOMAS, SR.

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

CERTIFICATION RECORD

Signature of Secretary to the Council

Secretary to the Council

September 23, 1993 Date

[] Item on Consent Calendar

[X] ACTION & DATE: Adopted Final Reading, 9-21-93

[X] VOICE VOTE: Approved

Recorded vote on request

Absent: Barry and Evans

[] ROLL CALL VOTE: - RESULT (/ /)

Table with 14 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. for members RAY, BARRY, BRAZIL, CHAVOUS, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, SMITH, JR., THOMAS, SR.

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

CERTIFICATION RECORD

Signature of Secretary to the Council

Secretary to the Council

September 23, 1993 Date

[] Item on Consent Calendar

[] ACTION & DATE:

[] VOICE VOTE:

Recorded vote on request

Absent:

[] ROLL CALL VOTE: - RESULT (/ /)

Table with 14 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. for members RAY, BARRY, BRAZIL, CHAVOUS, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, SMITH, JR., THOMAS, SR.

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

CERTIFICATION RECORD

Secretary to the Council

Date