

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FISCAL YEAR 2003 BUDGET SUPPORT ACT OF 2002

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To amend Title 47 of the District of Columbia Official Code to add an exception to the current reprogramming policy, to exclude performance-based budgeting reprogramming request from the current thresholds established in Title 47, to provide that the Office of the Chief Financial Officer shall submit to Council for approval any performance-based budgeting reprogramming request between programs which move funds in excess of \$840,000; to amend Title 47 of the District of Columbia Official Code to amend the definition of the term “performance-based budget,” to require the Mayor of the District of Columbia to submit to the District of Columbia Council performance-based budgets in Fiscal Year 2003 for the Department of Transportation and the Office of the Chief Financial Officer, and in Fiscal Year 2004 for the Office of Corporation Counsel and the Department of Corrections, to remove the requirement of the Mayor of the District of Columbia to submit to the District of Columbia Council performance-based budgets in Fiscal Year 2003 for the Department of Health, and the District of Columbia Public Schools, to require the Mayor, beginning in Fiscal Year 2003 and subsequent Fiscal Years to identify by Order by July 10th no less than 12 District of Columbia agencies to submit a performance-based budget for the following Fiscal Year until all District of Columbia agencies submit performance-based budgets, to remove the requirement that the Mayor, beginning with the District of Columbia’s Fiscal Year 2004 budget and financial plan to submit to the Council a performance-based budget for all District of Columbia agencies; to amend the Construction Codes Approval and Amendment Act of 1986 to place authority for fire protection systems in the Department of Consumer and Regulatory Affairs and to provide for adoption of the International Building Code; to reorganize the Department of Consumer and Regulatory Affairs by transferring responsibility for the administration of Chapter 3 of Title 16 of the District of Columbia Municipal Regulations with respect to the licensing and regulation of motor vehicle sales finance companies and to amend Chapter 3 of Title 16 of the District of Columbia Municipal Regulations to require sales finance companies engaging in dealer activities to acquire a dealer license; to amend the Long-Term Care Insurance Conformity Amendment Act of 2002 to make technical amendments that reflect changes adopted by the National Association of Insurance Commissioners to comply with federal mandates; to amend the Life Insurance Act of 1934, the Fire and Casualty Act of 1940, and the Health Maintenance Organization Act of 1996 to permit insurers and health maintenance organizations that hold a certificate of authority to do business in a foreign or alien jurisdiction certified by the Commissioner of the Department of Insurance and Securities Regulation to attest that it meets all requirements of the insurance and health maintenance laws and regulations of the District

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of Columbia and it qualifies to transact business in the District of Columbia for which it seeks a certificate of authority; to amend the Tobacco Settlement Trust Fund Establishment Act of 1999 to reallocate 100% of debt service savings during Fiscal Year 2003 and Fiscal Year 2004 to specific agencies, to require a savings plan certified by the Chief Financial Officer before such funds become available for expenditure, and to require progress reports; to amend Title 47 of the District of Columbia Official Code to extend the certifications by the Chief Financial Officer for purposes of income tax rate deductions; to amend Title 47 of the District of Columbia Official Code to revise the income tax rates for individuals, corporations, and unincorporated businesses to provide a tax credit to owner-occupants of residential real property to limit the amount of the real property tax to 125% of the real property tax for the prior tax year, to de-couple sections 47-1803 and 47-1811 from the depreciation provisions added to the Internal Revenue Code of 1986 by the Job Creation and Worker Assistance Act of 2002, and to clarify the taxation of valet parking services; to amend the District of Columbia Uniform Conservation Easement Act of 1986 to clarify that deductions previously allowed for the contribution of qualified conservation easements under the Internal Revenue Code are allowable as deductions under D.C. Official Code § 47-1803.03(a); to amend the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000 to facilitate the *Home Again* initiative to acquire and dispose of vacant and abandoned properties; to amend the Housing Production Trust Fund Act of 1988 to provide \$11.5 million in funding for the Housing Production Trust Fund in fiscal year 2003, to provide, contingent on certain conditions, for contributions of up to 15% from the real property transfer tax and the deed recordation tax, to be made to the Housing Production Trust Fund; to amend the Housing Act of 2002 to provide an exception to the effective date for sections 47-857.03 and 47-857.05; to amend Title 47 of the D.C. Official Code to allow expenditures from the industrial revenue bond special account for economic development projects outside the Office of the Deputy Mayor for Planning and Economic Development; to require that a separate chief financial officer be appointed to the Department of Housing and Community Development; to establish a Housing and Community Development Reform Commission; to change the name of the City Wide Call Center to the Customer Service Operations Unit, and to transfer funding and positions from the Citywide Call Center, the Mayor's Correspondence Unit and the Quality Assurance "Tester" program within the Executive Office of the Mayor to the Customer Service Operations Unit in the Office of the City Administrator; to amend the Victims of Violent Crime Compensation Act of 1996 to establish a Crime Victims Assistance Fund; to amend the Service Improvement and Fiscal Year 2000 Budget Support Act of 1999 to provide for funding for the Children and Youth Investment Fund; to establish the Office of Medicaid Public Provider Operations Reform to redesign the District of Columbia's Medicaid infrastructure and to improve the management of its Medicaid programs; to establish the Medicaid and Special Education Reform Fund to ensure that resources are available for Medicaid and Special Education costs; to amend Title 18 of the District of Columbia Municipal Regulations to increase various parking fees; to amend Title 25 of the District of Columbia Official Code to add

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cooperative agreement as a defined term which is synonymous with voluntary agreement, to clarify that limited liability companies may continue to hold all issued licenses, to extend the time period for temporary licenses, to permit collection of the 2-year fee for the manager's license at the time of application, to prohibit manufacturers and wholesalers from holding an on-premises retailer's license, Class B, for grocery store operations, to clarify the statutory intent regarding the appropriateness standard, to clarify the appropriate period to be considered for renovations for an on-premises retailer's license, Class B, for grocery store operations, and to modify the thresholds for moratorium requests; to approve the FY 2002 Comprehensive Financial Management Policy; to amend the District of Columbia Public Assistance Act of 1982 to establish the Interim Disability Assistance Fund and to require that reimbursement of disability benefits paid a recipient while the recipient's SSI application is pending be deposited into the fund; to establish universal lead screening requirements for children under the age of 6 years and requirements for recording and reporting the results of the screenings in an effort to reduce the incidence of childhood lead poisoning; to require the Department of Employment Services to undertake a comprehensive review of its administrative infrastructure and report its findings to the Council; to amend the District of Columbia Public Postsecondary Education Reorganization Act to establish the Office of Vocational Education and Skills Training at the University of the District of Columbia and an Advisory Board on Vocational Education and Skills Training which shall be responsible for the oversight and coordination of all government-sponsored vocational education, adult apprenticeship, and workforce skills training performed by UDC and DCPS; to amend the District of Columbia Unemployment Compensation Act to establish an alternative base period to determine eligibility for unemployment benefits; to amend the District of Columbia Unemployment Compensation Act to authorize the use of surplus interest surcharge funds for the modernization of the administration of the unemployment compensation program; to require the Office of Property Management to provide certain additional space for the Office of Zoning at One Judiciary Square, and to increase the statutory cap on stipends provided to members of the Zoning Commission and the Board of Zoning Adjustment; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to require the Mayor to conduct a study and prepare a report to the Council on compensation and stipend levels of the District's boards and commissions; to amend the District of Columbia Taxicab Commission Establishment Act of 1985 to establish the Taxicab Driver Security Revolving Fund as a nonlapsing revolving fund with a balance of not less than \$500,000, to provide 1-year interest free loans of up to \$500 to taxicab drivers licensed in the District of Columbia to assist a taxicab drivers with the purchase of any one of the security devices approved by the Taxicab Commission for taxicabs, to require an annual audit of the fund, to establish application and eligibility criteria, and to authorize payments to vendors for installation of security devices, and to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to

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authorize payments from the Taxicab Drivers Security Fund to public and industry members for their attendance at meetings; to require that the Chief of Police issue regulations governing the Metropolitan Police Department's use of video surveillance cameras and technology in the operation of its Joint Operations Command Center/Synchronized Operations Command Center, and that the proposed regulations be submitted to the Council for approval; to amend the Regulation Enacting the Police Manual for the District of Columbia to provide that Metropolitan Police Department members do not have to carry their badges, identification cards, and service pistols while off-duty when they are in their residences or at such other times as the Chief of Police may designate by general order; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to require the Director of Personnel to conduct classification and compensation studies of the sworn and civilian pay classes of the Fire and Emergency Medical Services Department and the Metropolitan Police Department; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to require that the performance contracts for agency heads be available to the public; to amend section 16-916.02 of the District of Columbia Official Code to restructure the Child Support Guideline Commission and to require that it convene by December 31, 2002 and issue recommendations on the child support guidelines by December 31, 2003; to prohibit the Department of Corrections from using any facility on the D.C. General Hospital Campus, other than the District of Columbia Jail or the Correctional Treatment Facility, as a detention facility; to mandate that the number of sentenced persons housed at the District of Columbia Jail by the Department of Corrections shall not exceed 2,050 at any time; to require the Chief Financial Officer to analyze health care costs at the Department of Corrections and develop a plan to create a Public Safety Overtime Bank that would fund and oversee overtime expenditures by the Metropolitan Police Department, Fire and Emergency Medical Services Department, and the Department of Corrections; to establish criteria for spending Pay-as-You-Go funding; to amend the Uniform Per Student Funding Formula for Public School and Public Charter Schools Act of 1998 to add the definition "Special Education School," to amend the foundation level or cost of providing public education services, to amend weightings applied to counts of students enrolled at certain grade levels, to amend weightings applied supplemental to foundation level funding on the basis of the count of special education, LEP/NEP, summer school, and residential school students; to amend the Uniform Student Funding Formula for Public Charter Schools Act of 1998 to modify the formula to calculate the facility allowance for public charter schools; to require public schools to allow certain existing public charter schools to utilize space in public schools currently and projected to be underutilized because of decreased or stagnant student enrollment; to require the Superintendent of District of Columbia Public Schools to submit to the Chief Financial Officer a multiyear financial plan on the cost of services for Special Education programs for fiscal years 2003 through 2006; to extend TANF and other funds to public charter schools to fund their after school programs; to require the Mayor to submit a plan on the use of Klinge Road, N.W., and to amend the District of Columbia Procurement Practices Act of 1985 to exclude any federal aid-highway contract relating to Klinge Road, N.W., from the Council streamlined review process; to amend the Fiscal Year 2002 Budget Support Act of 2001 to change the date by which the Mayor is required to submit a plan to the Council for the use of funds in the Highway Trust Fund and Local Roads Construction and Maintenance Fund; to amend the Teachers' Retirement Plan to adopt the mandatory dollar and compensation limit increases and optional portability provisions under the Economic Growth and Tax Relief

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Reconciliation Act of 2001 to permit the defined benefit plans to accept transfers and contributions rolled over to purchase creditable service under the plans, and to provide departing members with the right to transfer their retirement accounts to any participating qualified plan; to amend the Police and Firefighters Retirement Disability Act to permit the adoption of the portability provisions under the Economic Growth and Tax Relief Reconciliation Act of 2001; to amend the District of Columbia Retirement Reform Act, to require that the enrolled actuary contemporaneously provide a financial impact study on both employee groups covered by the Policemen and Firemen’s Retirement and Disability Act; to amend the Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Plan Act of 1998 to require that the enrolled actuary contemporaneously provide a financial impact study on both employee groups covered by the Police and Fireman Retirement and Disability Act; to amend the Retirement Reform Act and the Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Plan Act of 1998 to require that actuarial studies be performed contemporaneously on covered employee groups in the Metropolitan Police Department or Fire and Emergency Medical Services Department, whenever a change in benefit legislation is proposed impacting only one of the covered groups; to require agencies being represented by the Office of Labor Relations and Collective Bargaining in third-party cases, grievances, and dispute resolution to pay the cost of that representation established through an intradistrict agreement, and to require that the Mayor, beginning with the Fiscal Year 2004 proposed budget, provide in the budget funding for the Office of Labor Relations and Collective Bargaining represented by a separate line or responsibility center and include in the budget request submitted to the Council historical spending information for the office; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to clarify the mutual duty to bargain in good faith, to affirm an employee's right to choose whether to engage in union activities, to allow parties to labor negotiations to engage in appropriate economic analysis, to revise procedures for determination of automatic impasse in labor negotiations, and to allow compensation negotiations to begin at appropriate times consistent with the District of Columbia government budget cycle; to amend the District of Columbia Public Works Act of 1954 to provide that the separate sanitary sewer charge for the discharge of groundwater shall be limited to unimproved real property; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to provide the Office of Personnel with the authority to grant discretionary waivers of the domicile requirements for Excepted and Executive Service Personnel in the Office of the Inspector General; to limit the 2004 budget to maximum of 4% increase over 2003 budget approved by the Council

BE IT ENACTED BY THE COUNCIL FOR THE DISTRICT OF COLUMBIA, That this act may be cited as the “Fiscal Year 2003 Budget Support Act of 2002”.

TITLE I. REPROGRAMMING POLICY AMENDMENT

Sec. 101. Short title.

This title may be cited as the “Reprogramming Policy Act of 2002”.

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Sec. 102. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-361 is amended by adding new paragraphs (8A) and (8B) to read as follows:

“(8A) “Performance-based budgeting” shall have the same meaning as the term is defined in § 47-308.01(a).

“(8B) “Program” means the highest level, for budgeting and expenditure control, within an agency that the District of Columbia government uses for a specific purpose for appropriated budget authority, which may consist of multiple activities that combined, assist the program in achieving the stated purpose and goals .”.

(b) Section 47-363 is amended by adding a new subsection (i) to read as follows:

“(i)(1) Notwithstanding any other provision in this section, a reprogramming request made as part of performance-based budgeting shall be approved by the Mayor and Council pursuant to § 47-363.01 and this subsection.

“(2) A reprogramming for performance-based budgeting shall be made at the program level; provided, that the Office of the Chief Financial Officer shall submit to the Council for approval any performance-based budgeting reprogramming request that moves funds between programs in excess of \$840,000 in any fiscal year.”.

Sec. 103. Fiscal impact statement.

This legislation does not affect the District of Columbia’s budget or financial plan and, therefore, has no fiscal impact.

TITLE II. PERFORMANCE-BASED BUDGET SUBMISSIONS AND FINANCIAL ACCOUNTABILITY

Sec. 201. Short title.

This title may be cited as the “Performance and Financial Accountability Act of 2002”.

Sec. 202. Section 47-308.01 of the District of Columbia Official Code is amended to read as follows:

“(a) For purposes of this section, the term, ‘performance-based budget’ means a budget presentation consisting of:

“(1) The program name;

“(2) Estimated total program, activity and service costs, as well as full-time equivalents for the prior fiscal year, current fiscal year, and next fiscal year;

“(3) Agency strategic result goals;

“(4) Program overview describing the activities provided;

“(5) Estimated program costs;

“(6) Program performance measures; and

“(7) Program benchmarks providing comparisons with other jurisdictions.

“(b) Beginning with the District of Columbia’s Fiscal Year 2003 budget and financial plan, at a minimum, the Mayor shall submit to the Council a performance-based budget for the Metropolitan Police Department, the Department of Transportation, the Department of Human Services, the Fire and Emergency Medical Services Department, the Department of Motor Vehicles, the Office of the Chief Financial Officer, and the Department of Public Works.

“(c) Beginning in Fiscal Year 2003 and continuing in subsequent fiscal years until all agencies funded by the General Fund within the District of Columbia’s budget and financial plan are submitting performance-based budgets, the Mayor shall identify by executive order, no later than July 10th, at least 12 agencies to submit a performance-based budget in accordance with the following fiscal year. **For the Fiscal Year 2004 budget and financial plan, the Mayor shall submit to the Council a performance-based budget for the**

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Department of Corrections and the Office of Corporation Counsel.

“(d) The Office of Budget and Planning shall review all agency program expenditures, including program definitions, estimated program costs, program performance measures, and agency benchmarks, which expenditures shall be included in the District of Columbia’s budget and financial plan. No agency budget shall be forwarded to the Mayor for approval without the prior Office of Budget and Planning determination that it is a performance-based budget.”.

Sec. 203. Fiscal impact statement.

This legislation does not affect the District of Columbia’s budget or financial plan and, therefore, has no fiscal impact.

TITLE III. CONSTRUCTION CODES AMENDMENT

Sec. 301. Short title.

This title may be cited as the “Construction Codes Amendment Act of 2002”.

Sec. 302. The Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1401 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 6-1401) is amended by adding new paragraphs (3A) and (10A) to read as follows:

“(3A) “Building Code Official” means the Director of the Department of Consumer and Regulatory Affairs.

“(10A) “Fire protection systems” means devices, equipment, and systems utilized to detect a fire, activate an alarm, suppress or control a fire, or any combination thereof.”.

(b) Section 6a (D.C. Official Code § 6-1405.01) is amended by adding new subsections (c) and (d) to read as follows:

“(c) The Building Code Official shall have authority over the approval, installation, design, modification, maintenance, testing, and inspection of all new and existing fire protection systems.

“(d) For purposes of this section, the term “Director” means the Director of the Department of Consumer and Regulatory Affairs.”.

(c) Section 10 (D.C. Official Code § 6-1409) is amended as follows:

(1) The existing text is designated as subsection (a).

(2) A new subsection (b) is added to read as follows:

“(b) Within 180 days after the adoption of the International Building Code, published by the International Building Code Council, Inc. (“IBC”), and any subsequent amendments thereto, the Mayor shall propose an amendment to the Construction Code in accordance with subsection (a) of this section to adopt the IBC.”.

Sec. 303. The District of Columbia Construction Code Supplement of 1999 (12 DCMR), adopted pursuant to the Construction Codes Approval Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1401 *et seq.*), is amended as follows:

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(a) Subsection 104.2 (12A DCMR §104.2) is amended to read as follows:

“104.2 Code Official for the Fire Prevention Code: The Fire Chief shall be the code official for the enforcement of the Fire Prevention Code, except that the Director of the Department of Consumer and Regulatory Affairs shall be the code official for the enforcement of all Fire Prevention Code provisions pertaining to the approval, installation, design, modification, maintenance, testing, and inspection of all new and existing fire protection systems.”.

(b) Subsection 202.0 (12A DCMR § 202.0) is amended as follows:

(1) The definition of “Fire Official” is deleted.

(2) The definition of “Code Official” is amended to read as follows:

“Code Official: The Director of the Department of Consumer and Regulatory Affairs, or duly authorized representative, except that the code official for enforcement of the Fire Prevention Code shall be the Fire Chief for provisions other than those pertaining to the approval, installation, design, modification, maintenance, testing, and inspection of all new and existing fire protection systems.”.

(3) The definition of “Department” is amended to read as follows:

“Department: The Department of Consumer and Regulatory Affairs, except that references to the term “Department” in the Fire Prevention Code provisions other than those pertaining to the approval, installation, design, modification, maintenance, testing, and inspection of all new and existing fire protection systems shall mean the Fire and Emergency Medical Services Department.”.

(4) The definition of “Fire Chief” is amended to read as follows:

“Fire Chief: The Chief of the Fire and Emergency Medical Services Department.”.

(c) Subsection F-105.1 (12D DCMR § F-105.1) is amended to read as follows:

“F-105.1 Code Official: The Fire Chief of the Fire and Emergency Medical Service Department shall be the code official for the enforcement of this code, except that the Director of the Department of Consumer and Regulatory Affairs shall be the code official for the enforcement of all provisions pertaining to the approval, installation, design, modification, maintenance, testing, and inspection of all new and existing fire protection systems.”.

(d) Subsection F-105.2 (12D DCMR § F-105.2) is amended to read as follows:

“F-105.2 Appointment: The Fire Chief of the Fire and Emergency Medical Service Department shall be the code official for the enforcement of this code, except as provided in Subsection F-105.1. References to the term “Department” within this code shall mean the Fire and Emergency Medical Services Department, except that references to the term “Department” in all provisions pertaining to the approval, installation, design, modification, maintenance, testing, and inspection of all new and existing fire protection systems shall mean the Department of Consumer and Regulatory Affairs.”.

(e) A new subsection F-105.2.1 is added to read as follows:

“F-105.2.1 Delegation of Authority: The code official may delegate his or her duties and powers under this code, but he or she shall remain responsible for the proper performance of those

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duties and powers.”.

(f) Subsection F-113.1.1 (12D DCMR § F-113.1.1) is amended to read as follows:

“F-113.1.1 Action on Appeal: Within three (3) working days of receipt of the appeals form, the reviewing official shall affirm, modify, or reverse the previous action of decision. If the reviewing official affirms or modifies the previous action or decision, the claimant may request a review of the matter by the code official. The code official will act on the request within an additional three (3) working days. The decision of the code official shall be the final decision of the Department. If the code official does not act within the three (3) working day period, or denies the appeal, the claimant may appeal the matter directly to the Board of Appeals and Review.”.

(g) Subsection F-502.1(12D DCMR § F-502.1) is amended by adding two new definitions to read as follows:

“**Building Code Official:** The Director of the Department of Consumer and Regulatory Affairs.”

“**Code Official:** The Director of the Department of Consumer and Regulatory Affairs.”.

Sec. 304. Fiscal impact statement.

This amendment will have no adverse fiscal impact upon the District of Columbia.

TITLE IV. MOTOR VEHICLE SALES FINANCE COMPANY REORGANIZATION AND AMENDMENT

Sec. 401. Short title.

This title may be cited as the “Motor Vehicle Sales Finance Company Reorganization and Amendment Act of 2002”.

Sec. 402. (a) All positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available to the Department of Consumer and Regulatory Affairs for the operation and implementation of Chapter 3 of Title 16 of the District of Columbia Municipal Regulations (16 DCMR § 300 *et seq.*), with respect to the licensing and regulation of motor vehicle sales finance companies, are hereby transferred to the Department of Banking and Financial Institutions, established by section 103 of the 21st Century Financial Modernization Act of 2000, effective June 9, 2001 (D.C. Law 13-308; D.C. Official Code § 26-551.03).

(b) All of the functions assigned and authority delegated to the Department of Consumer and Regulatory Affairs concerning Chapter 3 of Title 16 of the District of Columbia Municipal Regulations (16 DCMR § 300 *et seq.*), with respect to the licensing and regulation of motor vehicle sales finance companies, are hereby transferred to the Department of Banking and Financial Institutions, established by section 103 of the 21st Century Financial Modernization Act of 2000, effective June 9, 2001 (D.C. Law 13-308; D.C. Official Code § 26-551.03).

Sec. 403. Subsection 301.4(c) of Title 16 of the District of Columbia Municipal Regulations (16 DCMR § 301.4(c)), is amended to read as follows:

“(c) Any licensed sale finance company which engages in any activity of a dealer shall be deemed to be a dealer and shall be subject to all of the provisions of this chapter relating to dealers.”.

Sec. 404. Fiscal impact statement.

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This title has no material impact on the cost of services provided by the District of Columbia and has no effect on General Fund revenue. There are modest costs for the physical transfer of records and personnel, but they will be absorbed in the FY 2003 budget.

TITLE V. LONG -TERM CARE INSURANCE CONFORMITY AMENDMENT

Sec. 501. Short title.

This title may be cited as the "Long-Term Insurance Conformity Amendment Act of 2002".

Sec. 502. The Long-Term Care Insurance Amendment Act of 2000, effective May 23, 2000 (D.C. Law 13-121; D.C. Official Code § 31-3601 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 31-3601), is amended as follows:

(1) Paragraph (5)(A) is amended by striking the phrase "loss of functional capacity" and inserting the phrase "loss of functional capacity as well as qualified long-term care insurance contracts" in its place.

(2) A new paragraph (8) is added to read as follows:

"(8)(A) "Qualified long-term care insurance contract" means an individual or group insurance contract that meets the requirements of section 7702B(b) of the Internal Revenue Code of 1986, approved August 21, 1996 (110 Stat. 259; 26 U.S.C. § 7702B(b)), and the following:

"(i) The only insurance protection provided under the contract is coverage of qualified long-term care services; provided, that a contract shall not fail to satisfy the requirements of this sub-subparagraph by reason of payments being made on a per diem or other periodic basis without regard to the expenses incurred during the period to which the payments relate;

"(ii) The contract does not pay or reimburse expenses incurred for services or items to the extent that the expenses incurred for services or items are reimbursable under Title XVIII of the Social Security Act, approved July 30, 1965 (79 Stat. 291; 42 U.S.C. § 1395 *et seq.*), or would be so reimbursable but for the application of a deductible or coinsurance amount; provided, that the requirements of this sub-subparagraph shall not apply to expenses that are reimbursable under Title XVIII of the Social Security Act, approved July 30, 1965 (79 Stat. 291; 42 U.S.C. § 1395 *et seq.*), only as a secondary payor; provided further, that a contract shall not fail to satisfy the requirements of this sub-subparagraph by reason of payments being made on a per diem or other periodic basis without regard to expenses incurred during the period to which the payments relate;

"(iii) The contract is guaranteed renewable, within the meaning of section 7702B(b)(1)(C) of the Internal Revenue Code of 1986, approved August 21, 1996 (110 Stat. 259; 26 U.S.C. § 7702B(b)(1)(C));

"(iv) The contract does not provide for a cash surrender value or other money that can be paid, assigned, pledged as collateral for a loan, or borrowed except as provided by sub-subparagraph (v) of this subparagraph;

"(v) All refunds of premiums, and all policyholder dividends or similar amounts, under the contract are to be applied as a reduction in future premiums or to increase future benefits; provided, that a refund in the event of death of the insured or a complete surrender or cancellation of the contract cannot exceed the aggregate premiums paid under the contract; and

"(vi) The contract meets the consumer protection provisions set forth in section 7702B(g) of the Internal Revenue Code of 1986, approved August 21, 1996 (110 Stat. 259; 26 U.S.C. § 7702B(g))."

"(B) "Qualified long-term care insurance contract" also means the portion of a life insurance contract that provides long-term care insurance coverage by rider or as part of the contract and that satisfies requirements of section 7702B(b) and (e) of the Internal Revenue Code of 1986, approved August 21, 1996 (110 Stat. 259; 26 U.S.C. § 7702B(c) and (e))."

(b) Section 7 (D.C. Official Code § 31-3606) is amended as follows:

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(1) Subsection (b)(7) is amended by striking the phrase “long-term insurance contract” both times it appears and inserting the phrase “qualified long-term care insurance contract” in their places.

(2) A new subsection (f) is added to read as follows:

“(f) If an application for a long-term care insurance contract or certificate is approved, the issuer shall deliver the contract or certificate of insurance to the applicant no later than 30 days after the date of approval.”

(c) A new section 10a is added to read as follows:

“Sec. 10a. Denial of claims.

“If a claim under a long-term care insurance contract is denied, the issuer shall, within 60 days of the date of a written request by the policyholder or certificate holder, or a representative thereof:

“(1) Provide a written explanation of the reasons for the denial; and

“(2) Make available all information directly related to the denial.”

Sec. 503. Fiscal impact statement.

This title has no fiscal impact.

TITLE VI. INSURER AND HEALTH MAINTENANCE ORGANIZATION SELF-CERTIFICATION AMENDMENT

Sec. 601. Short title.

This title may be cited as the “Insurer and Health Maintenance Organization Self-Certification Amendment Act of 2002”.

Sec. 602. The Life Insurance Act of 1934, approved June 19, 1934 (48 Stat. 1129; D.C. Official Code § 31-4201*et seq.*), is amended as follows:

(a) Section 5 of Chapter II (D.C. Official Code § 31-4304) is amended to read as follows:

“(a) The Commissioner shall issue a certificate of authority to a company when it shall have complied with the requirements of the laws of the District so as to be entitled to do business therein. The Commissioner may, however, satisfy himself by such investigation as he may consider proper or necessary that the company is duly qualified under the laws of the District to transact business therein, and may refuse to issue or renew a certificate to a company if the issuance or renewal of the certificate would adversely affect the public interest. In each case, the certificate shall be issued under the seal of the Commissioner, authorizing and empowering the company to transact the kind of business specified in the certificate, and the certificate shall expire on the 30th day of April next succeeding the date of its issuance.

“(b)(1) A company may, at its own option and expense, submit a statement from an independent organization acceptable to the Commissioner, attesting that it meets all the requirements of the laws and regulations of the District and is qualified to transact the business for which it seeks a certificate of authority. The statement shall be signed, under oath, by an officer or principal of the independent organization and shall be considered prima facie evidence by the Commissioner that the company is entitled to do business in the District, subject to an investigation and review and the Commissioner's authority to revoke or suspend a certificate of authority as provided in this act.

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"(2) A company may, at its option, submit a certified copy of its current certificate of authority to do business from the jurisdiction where it is organized ("home jurisdiction") and where it conducts its largest volume of business ("largest volume jurisdiction"), if different than its home jurisdiction, together with a statement by a corporate officer that it meets all the requirements of the laws and regulations of the District and is qualified to transact the business for which it seeks a certificate of authority; provided, that the company's home jurisdiction and largest volume jurisdiction have been determined by the Commissioner to have legal and regulatory requirements that meet or exceed those applicable to insurance companies under District law. The statement of the corporate officer shall be signed, under oath, and shall, together with certified copies of the company's certificates of authority, be considered prima facie evidence by the Commissioner that the company is entitled to do business in the District. Nothing in the preceding sentence shall limit the Commissioner's authority to subject the applicant to investigation and review or to suspend a certificate of authority as provided in this act. As a condition of obtaining a certificate of authority to do business in the District, the Commissioner may also require a company submitting a certificate of authority from an alien jurisdiction to submit a power of attorney and undertaking, in a form acceptable to the Commissioner, that provide that the company will not set up a defense to any claim, action, or proceeding brought against it arising from an insurance contract entered into in the District, refuse to obey any lawful order of the Commissioner, or pay any fine or penalty imposed upon it by the Commissioner or any court of competent jurisdiction, on the ground that it is not subject to the laws of the United States of America or the District. The Commissioner shall publish annually in the District of Columbia Register a list of foreign and alien jurisdictions that have been determined by the Commissioner as having legal and regulatory requirements that meet or exceed those applicable to insurance companies under District law. The Commissioner may at any time add or remove jurisdictions from the list and the additions and deletions shall be effective immediately until the next annual publication date.

"(c) No company shall transact any business of insurance in or from the District until it shall have received a certificate of authority as authorized by this section, and no company shall transact any business of insurance not specified in such certificate of authority."

(b) Section 6(a) of Chapter II (D.C. Official Code § 31-4305(a)) is amended as follows:

- (1) Paragraph (11) is amended by striking the word "or".
- (2) Paragraph (12) is amended by striking the period and inserting the phrase "or;" in its place.
- (3) A new paragraph (13) is added to read as follows:

"(13) Has filed, caused to be filed, or failed to prevent the filing of a statement on its behalf from a corporate officer attesting to its qualifications to transact business in the District for which it sought and received a certificate of authority if it knew, or should have known, that the statement was based on false, misleading, or incomplete information."

Sec. 603. The Fire and Casualty Act of 1940, approved October 9, 1940 (54 Stat. 1063; D.C. Official Code § 31-2501.0*let seq.*), is amended as follows:

(a) Section 2 of Chapter II (D.C. Official Code § 31-2502.02) is amended to read as follows:

"(a) The Commissioner shall issue a certificate of authority to a company when it shall have complied with the requirements of the laws of the District so as to be entitled to do business therein. The Commissioner may, however, satisfy himself by such investigation as he may consider proper or necessary that the company is duly qualified under the laws of the District to transact business therein, and may refuse to issue or renew the certificate to a company if the issuance or renewal of the certificate would adversely affect the public interest. In each case, the certificate shall be issued under the seal of the Commissioner authorizing and empowering the company to transact the kind of business specified in the certificate, and the certificate shall expire on the 30th day of April next succeeding the date of its issuance.

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"(b)(1) A company may, at its own option and expense, submit a statement from an independent organization acceptable to the Commissioner, attesting that it meets all the requirements of the laws and regulations of the District and is qualified to transact the business for which it seeks a certificate of authority. The statement shall be signed, under oath, by an officer or principal of the independent organization and shall be considered prima facie evidence by the Commissioner that the company is entitled to do business in the District, subject to an investigation and review and the Commissioner's authority to revoke or suspend a certificate of authority as provided in this act.

"(2) A company may, at its option, submit a certified copy of its current certificate of authority to do business from the jurisdiction where it is organized ("home jurisdiction") and from the jurisdiction where it conducts its largest volume of business, if different than its home jurisdiction, ("largest volume jurisdiction") together with a statement by a corporate officer that it meets all the requirements of the laws and regulations of the District and is qualified to transact the business for which it seeks a certificate of authority; provided, that the company's home jurisdiction and largest volume jurisdiction have been determined by the Commissioner to have legal and regulatory requirements that meet or exceed those applicable to insurance companies under District law. The statement of the corporate officer shall be signed, under oath, and shall, together with certified copies of the company's certificates of authority, be considered prima facie evidence by the Commissioner that the company is entitled to do business in the District. Nothing in the preceding sentence shall limit the Commissioner's authority to subject the applicant to investigation and review or to suspend a certificate of authority as provided in this act. As a condition of obtaining a certificate of authority to do business in the District, the Commissioner may also require a company submitting a certificate of authority from an alien jurisdiction to submit a power of attorney and undertaking, in a form acceptable to the Commissioner, that provide that the company will not set up a defense to any claim, action, or proceeding brought against it arising from an insurance contract entered into in the District, refuse to obey any lawful order of the Commissioner, or pay any fine or penalty imposed upon it by the Commissioner or any court of competent jurisdiction, on the ground that it is not subject to the laws of the United States of America or the District. The Commissioner shall publish annually in the District of Columbia Register a list of foreign and alien jurisdictions that have been determined by the Commissioner as having legal and regulatory requirements that meet or exceed those applicable to insurance companies under District law. The Commissioner may at any time add or remove jurisdictions from the list and the additions and deletions shall be effective immediately until the next annual publication date.

"(c) No company shall transact any business in or from the District until it shall have received a certificate of authority as authorized by this section, and no company shall transact any business not specified in the certificate of authority. No domestic mutual company shall transact any business in the District until it has bona fide applications for insurance covering not less than 200 separate risks in not less than 20 policies to be issued to not less than 20 members, and has received the cash premium therefor, and has a surplus of not less than the amount provided under sections 12 and 13."

(b) Section 3(a) of Chapter II (D.C. Official Code § 31-2502.03(a)) is amended as follows:

- (1) Paragraph (11) is amended by striking the word "or".
- (2) Paragraph (12) is amended by striking the period and inserting the phrase "or;" in its place.
- (3) A new paragraph (13) is added to read as follows:

"(13) Has filed, caused to be filed, or failed to prevent the filing of a statement on its behalf from a corporate officer attesting to its qualifications to transact business in the District for which it sought and received a certificate of authority if it knew, or should have known, that the statement was based on false, misleading, or incomplete information."

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Sec. 604. The Health Maintenance Organization Act of 1996, effective April 9, 1997 (D.C. Law 11-235; D.C. Official Code § 31-3401 *et seq.*), is amended as follows:

(a) Section 4 (D.C. Official Code § 31-3403) is amended by adding a new subsection (g) to read as follows:

“(g) A health maintenance organization may, at its option, submit a certified copy of its current certificate of authority to do business from the jurisdiction where it is organized (“home jurisdiction”) and from the jurisdiction where it conducts its largest volume of business (“largest volume jurisdiction”), if different than its home jurisdiction, together with a statement by a corporate officer that it meets all the requirements of the laws and regulations of the District and is qualified to transact the business for which it seeks a certificate of authority; provided, that the health maintenance organization’s home jurisdiction and largest volume jurisdiction have been determined by the Commissioner to have legal and regulatory requirements that meet or exceed those applicable to insurance companies under District law. The statement of the corporate officer shall be signed, under oath, and shall, together with certified copies of the health maintenance organization’s certificates of authority, be considered prima facie evidence by the Commissioner that the health maintenance organization is entitled to do business in the District. Nothing in the preceding sentence shall limit the Commissioner’s authority to subject the applicant to investigation and review or to suspend a certificate of authority as provided in this act. As a condition of obtaining a certificate of authority to do business in the District of Columbia, the Commissioner may also require a health maintenance organization submitting a certificate of authority from an alien jurisdiction to submit a power of attorney and undertaking, in a form acceptable to the Commissioner, that provide that the health maintenance organization will not set up a defense to any claim, action, or proceeding brought against it arising from an insurance contract entered into in the District of Columbia, nor refuse to obey any lawful order of the Commissioner, or pay any fine or penalty imposed upon it by the Commissioner or any court of competent jurisdiction, on the ground that it is not subject to the laws of the United States of America or the District of Columbia. The Commissioner shall publish annually in the District of Columbia Register a list of foreign and alien jurisdictions that have been determined by the Commissioner as having legal and regulatory requirements that meet or exceed those applicable to insurance companies under District law. The Commissioner may at any time add or remove jurisdictions from the list and the additions and deletions shall be effective immediately until the next annual publication date.”

(b) Section 20(a) (D.C. Official Code § 31-3419(a)) is amended by adding a new paragraph (12) to read as follows:

“(12) The health maintenance organization has filed, caused to be filed, or failed to prevent the filing of a statement on its behalf by a corporate officer attesting to its qualifications to transact business in the District for which it sought and received a certificate of authority if it knew, or should have known, that the statement was based on false, misleading, or incomplete information.”

Sec. 605. Fiscal impact statement.

This title has no material impact on the cost of services provided by the District of Columbia and has no effect on General Fund revenue. Funds are sufficient in the FY 2003 through FY 2006 budget and financial plan because no additional staff or resources will be required to implement the provisions of the proposed legislation.

TITLE VII. TOBACCO SETTLEMENT SAVINGS FUND AMENDMENT

Sec. 701. Short title.

This title may be cited as the “Tobacco Settlement Savings Fund Amendment Act of 2002”.

Sec. 702. Section 2302(b) of the Tobacco Settlement Trust Fund Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D.C. Official Code §7-1811.03(b)), is amended as follows:

(1) Paragraph (3) is amended by striking the phrase “; and” and inserting a semicolon in its place.

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(2) Paragraph (4) is amended by striking the phrase "subsection ." and inserting the phrase "subsection; and" in its place.

(3) New paragraphs (5) and (6) are added to read as follows:

"(5)(A) Beginning October 1, 2002 through September 30, 2004, 100% of the residual shall be spent for purposes specified in local law and 100% of the annual savings from debt defeasance or prepayment shall be allocated to the Department of Human Services, the Child and Family Services Agency, and the District of Columbia Public Schools, for spending pressures generated by the Medicaid and Special Education programs providing the following:

"(i) No such funds shall be made available for expenditure to the Department of Human Services or the Child and Family Services Agency unless by no later than December 31, 2002, the Director of the Office of Medicaid Public Provider Operations Reform submits to the Mayor a savings plan certified by the Chief Financial Officer. The plan shall commence no later than October 1, 2003, and generate savings comparable to the funds allocated to the Medicaid program from the annual savings in Fiscal Year 2003.

"(ii) No such funds shall be made available for expenditure to the District of Columbia Public Schools unless, by no later than December 31, 2002, the District of Columbia Public Schools submits to the Special Education Task Force a savings plan certified by the Chief Financial Officer. The Special Education Task Force shall include the Mayor, the Chair of the Committee on Education, Libraries and Recreation for the Council of the District of Columbia, the Chair of the Committee on Finance and Revenue for the Council of the District of Columbia, the Chief Financial Officer, the President of the District of Columbia Board of Education, the Superintendent of the District of Columbia Public Schools, the State Education Officer of the District of Columbia, the Deputy Mayor for Children, Youth, Families and Elders, the Chief Financial Officer for the District of Columbia Public Schools, and others to be determined by Mayor's Order. Members of the Council's Committee on Education, Libraries, and Recreation shall serve ex officio (non-voting) on the Special Education Task Force. The plan shall commence no later than October 1, 2003, and generate savings comparable to the funds allocated to special education programs from the annual savings in Fiscal Year 2003.

"(B) Beginning 3 months following the commencement of the plan or no later than January 2, 2004, the Mayor and the Special Education Task Force shall provide the Council with quarterly reports on the progress made by the Department of Human Services, the Child and Family Services Agency, and the District of Columbia Public Schools, in reducing costs associated with the Medicaid and special education programs.

"(6) Beginning October 1, 2002, \$16,627,000 of programming funds shall be reinvested by the Board."

Sec. 703. Fiscal impact statement.

There is no fiscal impact associated with this title.

TITLE VIII. TAX POLICY AMENDMENTS

SUBTITLE A. TAX RATE REVISION.

Sec. 801. Short title.

This subtitle may be cited as the "Tax Rate Revision Act of 2002".

Sec. 802. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-387.01 is amended by striking the phrase "for fiscal years 1999, 2000, 2001, and 2002".

(b) Section 47-1806.03(a) of the District of Columbia Official Code is amended as follows:

(1) Paragraph (4)(B) is repealed.

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

"(5)(A) In the case of a taxable year beginning after December 31, 2003, there

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is imposed on the taxable income of every resident a tax determined in accordance with the following table:

<i>If the taxable income is:</i>	<i>The tax is:</i>
Not over \$10,000.....	5.0% of the taxable income.
Over \$10,000 but not over \$30,000.....	\$500, plus 7.5% of the excess over \$10,000.
Over \$30,000.....	\$2,000, plus 9.0% of the excess over \$30,000.

"(B) Subparagraph (A) of this paragraph shall not apply if:

"(i) The certification by the Chief Financial Officer required by § 47-387.01 demonstrates that the accumulated general fund balance for the immediately preceding fiscal year is less than 5% of the general fund operating budget for the current fiscal year, the nominal GDP growth is less than or equal to 3.5%, or the real GDP growth is less than or equal to 1.7%; or

"(ii) The Mayor demonstrates, and the Chief Financial Officer certifies, that a proposed budget will not be balanced as required by § 1-206.03(c) if the scheduled tax rate decrease under subparagraph (A) of this paragraph takes effect."

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

"(6)(A) In the case of a taxable year beginning after December 31, 2004, there is imposed on the taxable income of every resident a tax determined in accordance with the following table:

<i>If the taxable income is:</i>	<i>The tax is:</i>
Not over \$10,000.....	4.5% of the taxable income.
Over \$10,000 but not over \$40,000.....	\$450, plus 7% of the excess over \$10,000.
Over \$40,000.....	\$2,550, plus 8.7% of the excess over \$40,000.

"(B) Subparagraph (A) of this paragraph shall not apply if:

"(i) The certification by the Chief Financial Officer required by § 47-387.01 demonstrates that the accumulated general fund balance for the immediately preceding fiscal year is less than 5% of the general fund operating budget for the current fiscal year, the nominal GDP growth is less than or equal to 3.5%, or the real GDP growth is less than or equal to 1.7%; or

"(ii) The Mayor demonstrates, and the Chief Financial Officer certifies, that a proposed budget will not be balanced as required by § 1-206.03(c) if the scheduled tax rate decrease under subparagraph (A) of this paragraph takes effect.

"(C) If the rate reduction scheduled for the previous year was not implemented, the rate imposed by this paragraph shall be the last unimplemented percentage decrease scheduled for a previous year, instead of that prescribed by this paragraph."

(4) Paragraph (7) is amended to read as follows:

"(7)(A) In the case of a taxable year beginning after December 31, 2005, there

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is imposed on the taxable income of every resident a tax determined in accordance with the following table:

<i>If the taxable income is:</i>	<i>The tax is:</i>
Not over \$10,000.....	4% of the taxable income.
Over \$10,000 but not over \$40,000.....	\$400, plus 6% of the excess over \$10,000.
Over \$40,000.....	\$2,200, plus 8.5% of the excess over \$40,000.

"(B) Subparagraph (A) of this paragraph shall not apply if:

"(i) The certification by the Chief Financial Officer required by § 47-387.01 demonstrates that the accumulated general fund balance for the immediately preceding fiscal year is less than 5% of the general fund operating budget for the current fiscal year, the nominal GDP growth is less than or equal to 3.5%, or the real GDP growth is less than or equal to 1.7%; or

"(ii) The Mayor demonstrates, and the Chief Financial Officer certifies, that a proposed budget will not be balanced as required by § 1-206.03(c) if the scheduled tax rate decrease under subparagraph (A) of this paragraph takes effect.

"(C) If the rate reduction scheduled for the previous year was not implemented, the rate imposed by this paragraph shall be the last unimplemented percentage decrease scheduled for a previous year, instead of that prescribed by this paragraph."

(c) Section 47-1807.02(a) is amended to read as follows:

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

"(3) For the taxable years beginning after December 31, 2002, a tax at the rate of 9.0% upon the taxable income of every corporation, whether domestic or foreign."

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

"(4)(A) For the taxable years beginning after December 31, 2003, a tax at the rate of 8.5% upon the taxable income of every corporation, whether domestic or foreign.

"(B) Subparagraph (A) of this paragraph shall not apply if:

"(i) The certification by the Chief Financial Officer required by § 47-387.01 demonstrates that the accumulated general fund balance for the immediately preceding fiscal year is less than 5% of the general fund operating budget for the current fiscal year, the nominal GDP growth is less than or equal to 3.5%, or the real GDP growth is less than or equal to 1.7%; or

"(ii) The Mayor demonstrates, and the Chief Financial Officer certifies, that a proposed budget will not be balanced as required by § 1-206.03(c) if the scheduled tax rate decrease under subparagraph (A) of this paragraph takes effect."

(d) Section 47-1808.03(a) is amended to read as follows:

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

"(3) For the taxable years beginning after December 31, 2002, a tax at the rate of 9.0% upon the taxable income of every unincorporated businesses, whether domestic or foreign."

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

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"(4)(A) For the taxable years beginning after December 31, 2003, a tax at the rate of 8.5% upon the taxable income of every unincorporated business, whether domestic or foreign.

"(B) Subparagraph (A) of this paragraph shall not apply if:

"(i) The certification by the Chief Financial Officer required by § 47-387.01 demonstrates that the accumulated general fund balance for the immediately preceding fiscal year is less than 5% of the general fund operating budget for the current fiscal year, the nominal GDP growth is less than or equal to 3.5%, or the real GDP growth is less than or equal to 1.7%; or

"(ii) The Mayor demonstrates, and the Chief Financial Officer certifies, that a proposed budget will not be balanced as required by § 1-206.03(c) if the scheduled tax rate decrease under subparagraph (A) of this paragraph takes effect."

Sec. 803. Fiscal impact statement.

The fiscal impact of these provisions are already included in the Mayor's FY 2003 budget and financial plan as submitted to the Council.

SUBTITLE B. OWNER-OCCUPANT RESIDENTIAL TAX CREDIT

Sec. 821. Short title.

This subtitle may be cited as the "Owner-Occupant Residential Tax Credit of 2002".

Sec. 822. Section 47-864 of the District of Columbia Code is amended to read as follows:

"§ 47-864. Owner-occupant residential tax credit.

"(a)(1) For real property tax year 2002, real property receiving the homestead deduction under § 47-850, and valued under § 47-820(b-2), shall receive an owner-occupant residential tax credit. This paragraph shall apply as of October 1, 2001.

"(2) For real property tax year 2003, and subsequent years, real property receiving the homestead deduction under § 47-850 or § 47-850.01, and valued under § 47-820(b-2), shall receive an owner-occupant residential tax credit.

"(b) The credit shall be calculated as follows:

"(1) Subtract the amount of the homestead deduction from the prior tax year's taxable assessment;

"(2) Multiply that amount by 125%;

"(3) Subtract the amount of the homestead deduction from the current tax year's taxable assessment;

"(4) Subtract the amount computed under paragraph (2) of this subsection from the amount in paragraph (3) of this subsection; and

"(5) If the difference is a positive number, multiply the difference by the applicable property tax rate for the current year.

"(c) The credit shall not apply if:

"(1) During the prior tax year:

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- "(A) The real property was transferred for consideration to a new owner;
 - "(B) The value of the real property was increased due to a change in the zoning classification of the real property initiated or requested by the homeowner or anyone having an interest in the real property; or
 - "(C) The assessment of the real property was clearly erroneous due to an error in calculation or measurement of improvements on the real property; or
- "(2) During the prior calendar year, the real property was assessed under § 47-829.".

Sec. 823. Fiscal impact statement.

The total fiscal impact of this subtitle is \$16.9 million in FY 2003, \$20.2 million in FY 2004, \$4.4 million in FY 2005, and \$3.8 million in FY 2006, of which \$15.5 million in FY 2003, \$18.5 million in FY 2004, \$4.0 million in FY 2005, and \$3.5 million in FY 2006 has already been included in the FY 2003 proposed budget and financial plan. The additional fiscal impact of this act as recommended by the Committee is \$1.4 million in FY 2003, \$1.7 million in FY 2004, \$400,000 in FY 2005, and \$300,000 in FY 2006.

SUBTITLE C. BONUS DEPRECIATION DE-COUPLING FROM THE INTERNAL REVENUE CODE

Sec. 831. Short title.

This subtitle may be cited as the "Bonus Depreciation De-Coupling from the Internal Revenue Code Act of 2002".

Sec. 832. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-1803.03 is amended as follows:

(1) Subsection (a)(7) is amended by adding a new second sentence to read as follows: "No deduction shall be allowed for the amount of any special depreciation allowance for property acquired after September 10, 2001 and before September 11, 2004 and subject to special rules pursuant to section 168(k) of the Internal Revenue Code of 1986.".

(2) Subsection (b) is amended as follows:

(A) Strike the phrase "deductions allowed under this section shall be the same" and insert the phrase "deductions allowed under this section shall be the same (and to the same extent)" in its place.

(B) Paragraph (5) is amended by striking the period at the end and inserting the phrase "; and" in its place.

(C) A new paragraph (6) is added to read as follows:

"(6) No deduction shall be allowed for the amount of any special depreciation allowance for property acquired after September 10, 2001 and before September 11, 2004 and subject to special rules pursuant to section 168(k) of the Internal Revenue Code of 1986.".

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(b) Section 47-1811.04 is amended by striking the phrase "1986." and inserting the phrase "1986; provided, that no adjustment shall be made for the amount of the special depreciation allowance for property acquired after September 10, 2001 and before September 11, 2004 and subject to special rules pursuant to section 168(k) of the Internal Revenue Code of 1986." in its place.

Sec. 833. Fiscal impact statement.

This subtitle will prevent the loss of \$27 million in revenue in FY 2002, \$24 million in FY 2003, and \$23 million in FY 2004, and its positive fiscal impact has already been accounted for in the FY 2003 budget and financial plan.

SUBTITLE D. PARKING TAX CLARIFICATION AMENDMENT

Sec. 851. Short title.

This subtitle may be cited as the "Parking Tax Clarification Act of 2002".

Sec. 852. Section 47-2001(n) is amended as follows:

(a) Paragraph (1)(L) is amended by adding a new sub-subparagraph (iv-I) to read as follows:

"(iv-I)(I) Where the sale or charge for service is made by a valet parking service business, the sale or charge for service shall be exempt from the tax imposed by this sub-subparagraph.

"(II) For the purposes of this sub-subparagraph, the term "valet parking service business" means a corporation, partnership, business entity, or proprietor who takes temporary control of a motor vehicle of a person attending any restaurant, business, activity, or event to park, store, or retrieve the vehicle. The term "valet parking service business" shall not include a garage, parking lot, or parking facility that provides parking services by parking lot attendants."

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

(1) Subparagraph (F) is amended by striking the phrase "; or" and inserting a semicolon in its place.

(2) Subparagraph (G) is amended by striking the period and inserting the phrase "; or" in its place.

(3) A new subparagraph (H) is added to read as follows:

"(H) Sales of valet parking services by a valet parking service business, as defined in paragraph (1)(L)(iv-I)(II) of this subsection."

Sec. 853. Fiscal impact statement.

This subtitle will have no negative fiscal impact. Because this tax has never been applied to valet parking service firms, the clarifying language of this proposed title will result in no loss of

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revenue to the District, hence, there is no fiscal impact to this proposal.

TITLE IX. CONSERVATION EASEMENT DEED OF GIFT CLARIFICATION

Sec. 901. Short title.

This title may be cited as the "Conservation Easement Deed of Gift Clarification Amendment Act of 2002".

Sec. 902. Section 5 of the District of Columbia Uniform Conservation Easement Act of 1986, effective May 16, 1986 (D.C. Law 6-113; D.C. Official Code § 42-204), is amended by adding a new subsection (d) to read as follows:

“(d)(1)(A) Subject to subparagraph (B) of this paragraph, the deduction of a qualified conservation contribution as claimed under section 170 of the Internal Revenue Code of 1986 approved August 16, 1954 (68A Stat. 58; 26 U.S.C. § 170)(“section 170”), shall be allowed under D.C. Official Code § 47-1803.03, notwithstanding the nonenforceability of the recorded instrument, the nonperpetual nature of the restriction, and the actual value of the contribution if the claimed value does not exceed 15% of the fair market value of the real property.

“(B) If the deduction is disallowed for federal income tax purposes, the deduction shall be disallowed under D.C. Official Code § 47-1803.03(b).

“(C) This paragraph shall apply to all instruments recorded at the Recorder of Deeds prior to the effective date of the Conservation Easement Deed of Gift Clarification Amendment Act of 2002, passed on 2nd reading on June 4, 2002 (Title IX of the Enrolled version of Bill 14-609).

“(2)(A) The restriction (granted in perpetuity) of a qualified real property interest, as defined in section 170, shall further require the unqualified subordination of all mortgage and deed of trust interests in the real property, including the express subordination of such interests to a lien resulting from enforcement of the instrument that created the qualified conservation contribution. Subject to subparagraph (E) of this paragraph, the following language shall provide prima facie evidence of compliance with the requirement that the enforcement lien shall be superior in priority to any such interests:

“In the event of a violation of this easement, the grantee shall have, and the grantor, and mortgagee or trustee of the deed of trust, present or future, hereby grant to grantee, the following rights:

“(a) The right to institute legal proceedings to enjoin such violation by ex parte, temporary, and permanent injunction, to require the restoration of the real property, including the facade, to its prior condition, to collect money damages, to be reimbursed for all costs and attorneys’ fees, and to avail itself

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of all other legal and equitable remedies;

“(b) The right to enter upon the land and into the improvement of the real property in order to correct such violation and hold grantor and the real property responsible for the cost thereof; and

“(c) The right to seek to place a lien against the real property to secure the payment of any of the obligations arising under this instrument, and such lien shall enjoy the same priority as this instrument regardless of whether such lien was foreseeable.

“(B) The assent to the terms of the instrument of the grantor, and mortgagee or trustee of a deed of trust, or their respective duly appointed and recorded attorneys, in fact, shall be expressly stated and acknowledged according to law.

*Codification
District of
Columbia
Official Code*

“(C) The instrument, and any return required by the Recorder of Deeds, shall specifically recite the value of the qualified conservation contribution and any cost and donation incurred by the grantor thereof.

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“(D) No deduction shall be allowed for a qualified conservation contribution that does not satisfy the requirements of this paragraph.

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Publisher

“(E) If the deduction is disallowed for federal income tax purposes, the deduction shall be disallowed under D.C. Official Code § 47-1803.03(a).

“(F) This paragraph shall apply to all instruments recorded at the Recorder of Deeds on or after the effective date of the Deed of Gift Clarification Amendment Act of 2002, passed on 2nd reading on June 4, 2002 (Title IX of the Enrolled version of Bill 14-609).”.

Sec. 903. Fiscal impact statement.

There is no fiscal impact. This title clarifies what has been longstanding District practice.

TITLE X. THE ACQUISITION OF ABANDONED AND NUISANCE PROPERTY AMENDMENT

Sec. 1001. Short title.

This title may be cited as the “Quick Acquisition of Abandoned and Nuisance Property Amendment Act of 2002”.

Sec. 1002. Title IV-A of the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000, effective April 27, 2001 (D.C. Law 13-281; D.C. Official Code § 42-3171.01 *et seq.*), is amended as follows:

(a) Section 431(2)(B) (D.C. Official Code § 42-3171.01(2)(B)) is amended by striking the word “and” at the end and inserting the word “or” in its place.

(b) Section 433(a)(1) (D.C. Official Code § 42-3171.03(a)(1)) is amended by striking the

word “and” at the end and inserting the word “or” in its place.

Sec. 1003. Fiscal impact statement.

This title does not affect the District of Columbia’s budget or financial plan and therefore has no fiscal impact. No additional staff or resources will be required to implement the provisions of this title.

TITLE XI. HOUSING AND ECONOMIC DEVELOPMENT AMENDMENTS

SUBTITLE A. HOUSING PRODUCTION TRUST FUND AMENDMENT

Sec. 1101. Short title.

This subtitle may be cited as the "Housing Production Trust Fund Amendment Act of 2002".

Sec. 1102. Section 3(c) of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2802(c)), is amended as follows:

(1) Paragraphs (12) and (13) are repealed.

(2) New paragraphs (14) and (15) are added to read as follows:

"(14) \$ 11.5 million on October 1, 2002; and

"(15) Beginning October 1, 2003, 15% of the real property transfer tax imposed by D.C. Official Code § 47-903 and 15% of the deed recordation tax imposed by section 303 of the District of Columbia Recordation Tax Act, approved March 2, 1976 (76 Stat. 12; D.C. Official Code § 42-1103); provided, that if, in any fiscal year, the Chief Financial Officer certifies the proposed budget will not be balanced as required by § 1-206.03(c) if the provisions of this paragraph take effect, the applicable percentage for the fiscal year shall be the amount derived from the available general fund balance."

Sec. 1103. (a) Section 47-857.09(a) of the District of Columbia Official Code is amended by striking the phrase "and 47-857.05." and inserting the phrase “and 47-857.05; provided, the Mayor may approve only up to \$500,000 in annual tax abatements in fiscal year 2003.” in its place.

(b) Funds sufficient for the implementation of this section shall be transferred from the Housing Production Trust Fund to the General Fund.

Sec. 1104. Section 1103 of the Housing Act of 2002, effective April 19, 2002 (D.C. Law 14-114; 49 DCR 1468), is amended by striking the phrase “This act” and inserting the phrase “Except for the enactment of D.C. Official Code §§ 47-857.03 and 47-857.05, this act” in its place.

Sec. 1105. Fiscal impact statement.

This subtitle has no negative fiscal impact. Funding for the Housing Production Trust Fund in Fiscal Year 2003 is included in the budget and financial plan. Funding for the implementation of D.C. Official Code §§ 47-857.03 and 47-857.05, as enacted by the Housing Act of 2002, in fiscal year 2003 is provided through other funding authorized by this title.

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SUBTITLE B. MODIFICATION TO ALLOWABLE USES OF REVENUE BOND SPECIAL ACCOUNT FUNDS

Sec. 1121. This subtitle may be cited as the "Industrial Revenue Bond Special Account Act of 2002".

Sec. 1122. Section 47-320.22 of the District of Columbia Official Code is amended by striking the phrase "for Fiscal Year 2002" and inserting the phrase "at the designation of the Council, or at the designation of the Mayor or Deputy Mayor for Planning and Economic Development, with the approval of the Council" in its place.

Sec. 1123. This subtitle has no fiscal impact.

SUBTITLE C. CHIEF FINANCIAL OFFICER FOR THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Sec. 1131. Short title.

This subtitle may be cited as the "Chief Financial Officer for the Department of Housing and Community Development Act of 2002".

Sec. 1132. (a) The Chief Financial Officer shall appoint a chief financial officer for the Department of Housing and Community Development ("Department"), with the approval of the Director of the Department, to provide services solely to the Department. The chief financial officer for the Department shall not be the chief financial officer for any other executive branch office or agency. The chief financial officer for the Department shall have significant knowledge of, and experience with, programs the Department administers in conjunction with the United States Department of Housing and Urban Development.

(b) The Chief Financial Officer shall make the appointment under subsection (a) of this section at the earlier of the following:

- (1) When the Chief Financial Officer conducts the reorganization of the Office of Chief Financial Officer; or
- (2) December 1, 2002.

Sec. 1133. Fiscal impact statement.

This subtitle has no negative fiscal impact. Funding for the implementation of this subtitle in fiscal year 2003 is provided through Other funding authorized by this subtitle.

SUBTITLE D. HOUSING AND COMMUNITY DEVELOPMENT REFORM ADVISORY COMMISSION

Sec. 1141. Short title.

This subtitle may be cited as the "Housing and Community Development Reform Advisory Commission Act of 2002".

Sec. 1142. Establishment of the Housing and Community Development Reform Advisory Commission; membership; chairperson.

(a) There is established a Housing and Community Development Reform Advisory Commission ("Commission").

(b) The Commission shall consist of the following 7 members:

(1) Three ex officio members, as follows:

- (A) The Chairman of the Council of the District of Columbia ("Council"), or a designee of the Chairman;
- (B) The chairperson of the Council's Committee on Economic Development, or a designee of the chairperson; and
- (C) The Director of the Department of Housing and Community Development ("Director"), or a designee of the

Director;

(2) Four public members, appointed by the Mayor, subject to the advice and consent of the Council under section 2(f) of the

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Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)). The public members shall be nominated as follows:

(A) Two members shall have expertise in government regulations related to grants managed by the U.S. Department of Housing and Urban Development; provided, that the member shall not be a current or former officer, employee, agent, or other affiliate of an organization that has received funding from the Department of Housing and Community Development within the prior 5 years; and

(B) One member shall have expertise in human resources and organizational management; provided, that the member shall not be a current or former officer, employee, agent, or other affiliate of an organization which has received funding from the Department of Housing and Community Development within the prior 5 years; and

(C) One member shall have expertise in financial systems and information technology; provided, that the member shall not be a current or former officer, employee, agent, or other affiliate of an organization which has received funding from the Department of Housing and Community Development within the prior 5 years.

(c) The Mayor shall nominate the public members of the Commission within 45 days after the effective date of this act.

(d) The Chairperson of the Commission shall be designated by the Mayor in consultation with the chairperson of the Council Committee on Economic Development.

Sec. 1143. Responsibilities of the Commission; report.

(a) The Commission shall review the operations and administration of the Department of Housing and Community Development (“Department”) and recommend to the Council and the Mayor legislative, regulatory, and administrative changes to improve the operation and administration of the Department.

(b) Before the first meeting of the Commission, the Director shall provide to the members of the Commission copies of all relevant studies, reports, correspondence, memoranda, and strategic plans maintained by the Department and completed within the previous 3 years which are related to matters within the purview of the Commission. The documents provided shall include notifications, correspondence, and reports from or to the Department of Housing and Urban Development, reports of the Inspector General, Department spending plans; Department strategic plans, Department policies and manuals, and correspondence with the Council, Council committees, and members of the Council. The Commission may request additional documents pursuant to section 1144(b).

(c) The Commission shall provide an assessment or recommendations on the following issues:

(1) Whether reforms announced by the Department since October 1, 2001, are being undertaken;

(2) The effectiveness and results of reforms initiated by the Department since October 1, 2001;

(3) Necessary or useful reforms that are not occurring or are occurring too slowly;

(4) Legislative, administrative, or operational impediments to the implementation of reforms which are being, or should be, undertaken by the Department;

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(5) Procedures to ensure that the Department expends federal grants funds in a timely and efficient manner and in conformity with federal regulations;

(6) Procedures to ensure that each grant of funds from the Department is tied to specific, measurable, and verifiable performance goals;

(7) Procedures to improve the Department's monitoring of the use of its funds in order to ensure that:

(A) The funds are used only for the intended purposes;

(B) The funds are used efficiently; and

(C) The use of the funds brings about the intended results, as set forth in the performance goals;

(8) Procedures to ensure grantee compliance with performance goals; and

(9) The impact of personnel procedures on the operations of the Department.

(d) In making recommendations under subsections (a) and (c) of this section, the Commission shall review best practices in other jurisdictions.

(e) The Commission shall not supersede the Consolidated Plan review and development process or the provisions of the Community Development Act.

(f) Within 150 days after the first meeting of the Commission, the Commission shall issue a final report setting forth its recommendations pursuant to this section. The Commission may issue interim reports at the discretion of the Commission. The Commission shall transmit a copy of each report to the Mayor, the Chairman of the Council, and the chairperson of the Council Committee on Economic Development, and the Director.

Sec. 1144. Authorities and resources of the Commission.

(a) The Mayor shall provide reasonable administrative and technical support, meeting space, and office supplies requested by the Commission to carry out its responsibilities under this act.

(b) The Commission may request from any department, agency, or instrumentality of the District government any information necessary to carry out its responsibilities under this act. Every department, agency, and instrumentality shall cooperate with the Commission and provide, in a timely and complete manner, any information that the Commission requests pursuant to this subsection.

(c) The Commission may enter into a contract with a government entity, private entity, or other organization or individual to conduct research or surveys, prepare reports, or perform other activities useful to the discharge of the responsibilities of the Commission under this act.

(d) The Commission may establish any advisory groups, committees, or subcommittees, consisting of members or nonmembers of this Commission, as it deems appropriate to carry out its responsibilities under this act.

Sec. 1145. Procedures of the Commission.

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(a) The Director of the Department, or the Director's designee, shall convene the first meeting of the Commission during December 2002; provided, that at least 5 appointments have been made to the Commission.

(b) The Commission shall meet at least once a month, at a time and place to be determined by the Chairperson. The Chairperson may call additional meetings.

(c) A majority of the members shall constitute a quorum.

(d) An audio or written transcript shall be kept of all meetings at which a vote is taken.

Sec. 1146. Funding; no compensation for members.

(a) Upon certification of the availability of funds by the Chief Financial Officer, there shall be authorized for expenditure by the Commission, \$200,000 from the Industrial Revenue Bond special account. The Commission may expend other funds as appropriated.

(b) No member of the Commission shall be reimbursed for expenses incurred in the performance of his or her duties under this act nor shall any member be compensated for time expended in the performance of duties under this act.

Sec. 1147. Dissolution of Commission.

The Commission shall cease to exist 90 days after the final report required by section 1143 is submitted to the Mayor, the Chairman of the Council, the chairperson of the Council Committee on Economic Development, and the Director.

Sec. 1148. Conforming amendment.

Section 2(f) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)), is amended as follows:

(a) Paragraph (39) is amended by striking the word “and” at the end.

(b) Paragraph (40) is amended by striking the semicolon and inserting the phrase “; and” in its place.

(c) A new paragraph (41) is added to read as follows:

“(41) The Housing and Community Development Reform Commission, established by section 1142 of the Housing and Community Development Reform Commission Act of 2002, passed on 2nd reading on June 4, 2002 (Title XI-D of the Enrolled version of Bill 14-609).”.

Sec. 1149. Fiscal impact statement.

This subtitle has no negative fiscal impact. Funding for the implementation of this subtitle in fiscal years 2002 and 2003 is provided through other funding authorized by this subtitle.

TITLE XII. REORGANIZATION OF CUSTOMER SERVICE OPERATIONS

Sec. 1201. Short title.

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This title may be cited as the "Customer Service Operations Establishment Act of 2002@

Sec. 1202. Establishment of the Customer Service Operations Unit; duties.

(a) There is hereby established the Customer Service Operations Unit within the Executive Office of the Mayor.

(b) The Customer Service Operations Unit shall be the District of Columbia's primary point of entry for citizens and customers attempting to access nonemergency services, solicit information, or register a complaint or comment about an agency. The calls to the Customer Service Operations Unit shall be tracked, monitored, and reported to all necessary agencies. The information collected from the calls to the Customer Service Center Operations Unit shall be used in determining where additional services are required, where specific services need improvement, and which current services are effective.

Sec. 1203. Transfers; abolishment.

(a) All personnel, property, records, functions, and unexpended balances of funds from the following agencies, offices, or units are transferred to the Customer Service Operations Unit, established pursuant to section 1202:

(1) The Citywide Call Center established in section 1002 of the Citywide Call Center Establishment Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code ' 1-327.01);

(2) The Mayor's Correspondence Unit, established in Mayor's Order 73-172, issued November 5, 1973; and

(3) The Tester Program in the Executive Office of the Mayor.

(b)(1) Section 1002 of the Citywide Call Center Establishment Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code ' 1-327.01), is abolished.

(2) The Citywide Call Center Establishment Act of 2000 (Title X of the Fiscal Year 2001 Budget Support Act of 2000), effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 1-327.01 *et seq.*), is repealed.

Sec. 1204. Applicability.

This title shall apply as of October 1, 2002.

Sec. 1205. Fiscal impact statement.

This title does not affect the District's budget or financial plan and therefore has no fiscal impact. No additional staff or resources will be required to implement the provisions of this title. The Fiscal Year 2003 budget requests a transfer of 4 full time employees and funding of \$376,997 for the Mayor's Correspondence Unit and the Tester Programs from the Executive Office of the Mayor to the Customer Service Operations budget to unify and more accurately represent the

budgetary and operational functions of the Mayor's customer service initiative.

TITLE XIII. ESTABLISHMENT OF CRIME VICTIMS ASSISTANCE FUND

Sec. 1301. Short title.

This title may be cited as the "Victims of Violent Crime Compensation Amendment Act of 2002".

Sec. 1302. The Victims of Violent Crime Compensation Act of 1996, effective April 9, 1997 (D.C. Law 11-243; D.C. Official Code § 4-501 *et seq.*), is amended as follows:

(a) Section 16(d)(2) (D. C. Official Code § 4-515(d)(2)) is amended by striking the phrase "to the executive branch of the District government" and inserting the phrase "to the Crime Victims Assistance Fund established by section 16a" in its place.

(b) A new section 16a is added to read as follows:

"Sec. 16a. Crime Victims Assistance Fund.

"(a) There is established as a nonlapsing, revolving fund the Crime Victims Assistance Fund into which shall be deposited the funds described in section 16(d)(2). The Crime Victims Assistance Fund shall be separate from the General Fund of the District of Columbia and administered by the Justice Grants Administration.

"(b) All amounts deposited in the Crime Victims Assistance Fund shall be appropriated without fiscal year limitation to make payments as authorized by subsection (d) of this section pursuant to an act of Congress. All amounts deposited in the Crime Victims Assistance Fund shall not revert to the General Fund of the District of Columbia at the end of any fiscal year or at any other time, but shall be continually available for the uses and purposes set forth in subsection (d) of this section, subject to authorization by Congress in an appropriations act.

"(c) Not more than 5% of the total amount of monies in the Crime Victims Assistance Fund in any given fiscal year may be used to pay administrative costs necessary to implement the requirements of this section in accordance with section 16(d)(2).

"(d) The balance of the Crime Victims Assistance Fund shall be used for outreach activities designed to:

"(1) Increase the number of crime victims who apply for direct compensation payments, including victims of sexual assault, domestic violence, or child abuse (abuse counseling, health and mental health services, child advocacy centers, emergency housing, emergency child care, transportation, hospital-based informational and referral services, and family support); and

"(2) Improve the intake, assessment, screening, and investigation of reports of child abuse and neglect, and domestic violence.

"(e) A plan for spending the funds deposited in the Crime Victims Assistance Fund shall be submitted to the Council for approval before funds are expended."

Sec. 1303. Fiscal impact statement.

This title does not affect the District of Columbia's budget or financial plan and therefore has no fiscal impact.

TITLE XIV. CHILDREN AND YOUTH INVESTMENT FUND AMENDMENT

Sec. 1401. Short title.

This title may be cited as the "Children and Youth Investment Fund Amendment Act of 2002".

Sec. 1402. Section 2403 of the Service Improvement and Fiscal Year 2000 Budget Support Act of 1999, effective October 20, 1999 (D.C. Law 13-38; 46 DCR 6408), is amended as follows:

(a) The existing language is designated as subsection (a).

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(b) The newly designated subsection (a) is amended by striking the phrase "95%" and inserting the phrase "90%" in its place.

(c) A new subsection (b) is added to read as follows:

"(b) There is authorized to be appropriated such funds as may be necessary to carry out the purposes of the Children and Youth Investment Fund."

Sec. 1403. Fiscal impact statement.

Funds are sufficient in the proposed FY 2003 through FY 2006 budget and financial plan because the Mayor is required to remain within existing appropriations when allocating funds for the required activities.

TITLE XV. MEDICAID PUBLIC PROVIDER OPERATIONS REFORM AND MEDICAID AND SPECIAL EDUCATION REFORM FUND

SUBTITLE A. ESTABLISHMENT OF THE OFFICE OF MEDICAID PUBLIC PROVIDER OPERATIONS REFORM

Sec. 1501. Short title.

This subtitle may be cited as the "Office of Medicaid Public Provider Operations Reform Establishment Act of 2002".

Sec. 1502. Definitions.

For the purposes of this subtitle, the term:

(1) "Director" means the Director of the Office of Medicaid Public Provider Operations Reform.

(2) "Medicaid" means the medical assistance programs authorized by title XIX of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 *et seq.*), and by section 1 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 purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02), and administered by the Department of Health.

(3) "Office" means the Office of Medicaid Public Provider Operations Reform.

Sec. 1503. Establishment of the Office of Medicaid Public Provider Operations Reform.

(a) There is established an Office of Medicaid Public Provider Operations Reform.

(b) The Mayor shall appoint a Director of the Office who shall be responsible for the management and operations of the Office and serve at the pleasure of the Mayor.

(c) The Mayor shall establish an External Medicaid Task Force to advise the Director.

(d) The Mayor shall fix the compensation of the Director pursuant to Title IX of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §§ 1-609.01-1-609.09).

(e) The Director is authorized to hire staff in the Career Service, consistent with budgetary authorization, as he or she deems necessary to perform the functions of the Office. The Director may engage qualified volunteers in accordance with District of Columbia law.

(f) If spending pressures generated by the Medicaid program make it necessary that funds from the Tobacco Settlement Trust Fund be made available for expenditure by the Department of Human Services or the Child and Family Services Agency, the Director shall submit to the Mayor

**Amend
§ 47-361**

a plan to generate savings comparable to the funds allocated in accordance with section 2302(b)(5)(A)(i) of the Tobacco Settlement Trust Fund Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D.C. Official Code § 7-1811.03(b)(5)(A)(i)).

Amend
§ 47-363

(g) The Director shall have the authority to delegate to other employees of the Office any of the Director's powers and duties.

Sec. 1504. Purposes, powers, and duties of the Office.

The primary purpose of the Office is to redesign the District of Columbia's Medicaid infrastructure to improve the operational management of Medicaid programs on an agency level. The Office shall:

- (1) Provide technical assistance and support to District of Columbia agencies for the purpose of documenting and processing Medicaid claims, and maximizing Medicaid reimbursements, where not duplicative of assistance already provided to District of Columbia agencies by the State Medicaid Office;
- (2) Manage Medicaid costs and project revenues in liaison with the State Medicaid Office and the Chief Financial Officer;
- (3) Review and support legislation ensuring service expansion for all entitled residents in collaboration with the Mayor and the State Medicaid Office;
- (4) Oversee the implementation of Medicaid reforms within District of Columbia agencies to fulfill statutory requirements;
- (5) Prepare an annual report for the Mayor and the Council on the Office's activities and recommendations; and
- (6) Engage in other activities as needed to carry out the purposes of this title.

Sec. 1505. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this subtitle.

Amend
§ 47-308.01

Sec. 1506. Applicability.

This title shall apply as of October 1, 2002.

Sec. 1507. Fiscal impact statement.

This title does not affect the District of Columbia's budget or financial plan and therefore has no fiscal impact.

SUBTITLE B. ESTABLISHMENT OF THE MEDICAID AND SPECIAL EDUCATION REFORM FUND

Sec. 1551. Short title.

This subtitle may be cited as the "Medicaid and Special Education Reform Fund Establishment Act of 2002".

Sec. 1552. Definitions.

For the purposes of this subtitle, the term:

- (1) "District" shall mean the District of Columbia.
- (2) "Fund" shall mean the Medicaid and Special Education Reform Fund established by section 1553 of the Medicaid and Special Education Reform Fund Establishment Act of 2002, passed on 2nd reading on June 4, 2002 (Title XV of the Enrolled version of Bill 14-609).
- (3) "Medicaid" means the medical assistance programs authorized by title XIX of

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the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 *et seq.*), and by section 1 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 purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02), and administered by the Department of Health.

Sec. 1553. Establishment of the Medicaid and Special Education Reform Fund.

(a) There is established as a nonlapsing, revolving fund the Medicaid and Special Education Reform Fund into which shall be deposited funds made available for the purposes of Medicaid and Special Education reform described in section 1554. The Fund shall be administered by the Chief Financial Officer.

(b) All amounts deposited in the Fund shall be appropriated without fiscal year limitation pursuant to an act of Congress. All amounts deposited in the Fund shall not revert to the General Fund at the end of any fiscal year or at any other time, but shall be continually available for the purposes of Medicaid and Special Education reform described in section 1554, subject to authorization by Congress in an appropriations act.

Sec. 1554. Purposes of the Fund.

The purposes of the Fund shall include:

- (1) Ensuring adequate resources are available to support District-wide Medicaid costs and revenue shortfalls;
- (2) Ensuring adequate resources are available to support District-wide Special Education costs and revenue shortfalls;
- (3) Supporting Medicaid reform activities designed to establish cost-effective, agency-based Medicaid operations; and
- (4) Optimizing Medicaid and other third-party revenues.

**Amend
§ 6-1401**

Sec. 1555. Distribution of funds.

(a) The Chief Financial Officer shall distribute funds from the Fund only after:

(1) Certifying that the funds are needed by the District of Columbia Public Schools, the Child and Family Services Agency, or the Department of Human Services for the purposes described in section 1554;

**Amend
§ 6-1405.01**

(2) Certifying that a savings plan to be submitted by the Director of the Office of Medicaid Public Provider Operations Reform to the Mayor in accordance with section 2302(b)(5)(A)(i) of the Tobacco Settlement Trust Fund Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D.C. Official Code § 7-1811.03(b)(5)(A)(i)), will generate savings comparable to the funds allocated; and

(3) Providing notification of the distribution to the Mayor and Council.

**Amend
§ 6-1409**

(b) Total distribution of funds from the Fund to the District of Columbia Public Schools, the Child and Family Services Agency, or the Department of Human Services in any given fiscal year shall not exceed the amount appropriated for that agency in that fiscal year for the purposes of section 2302(b)(5)(A) of the Tobacco Settlement Trust Fund Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D.C. Official Code § 7-1811.03(b)).

Sec. 1556. Annual report.

The Mayor shall report annually to the Council on the revenues and activities of the Fund.

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Sec. 1557. Fiscal impact statement.

This subtitle does not affect the District of Columbia's budget or financial plan and therefore has no fiscal impact.

TITLE XVI. PARKING FINES

Sec. 1601. Short title.

This title may be cited as the "Parking Fines Increase Amendment Act of 2002".

Sec. 1602. Section 2601.1 of Title 18 of the District of Columbia Municipal Regulations is amended as follows:

(a) The infraction "Alley, in [§2405.3(f)]" is amended by striking the figure "20" and inserting the figure "30" in its place.

(b) The infraction "Commercial vehicle, bus, or sightseeing vehicle in front of residence or other prohibited location [§24053(e)]" is amended by striking the figure "20.00" and inserting the figure "500.00" in its place.

(c) The infraction "Disobeying official sign [§2400.6]" is amended by striking the figure "20" and inserting the figure "30" in its place.

(d) The infraction "Expired red meter [§2404.8]" is amended by striking the figure "15" and inserting the figure "25" in its place.

(e) The infraction "No parking zone, in [§§2000.4, 4020]" is amended by striking the figure "20" and inserting the figure "30" in its place.

(f) The infraction "Residential permit parking area, beyond consecutive two hour period without valid permit [§2411.1]" is amended by striking the figure "20" and inserting the figure "30" in its place.

Sec. 1603. Fiscal impact statement.

This title conforms to the revenue estimate in the adopted FY 2003 Budget and Financial Plan. It is anticipated that the proposed \$10.00 increase in these fines will conservatively generate \$8,541,644 in revenue. This amounts to \$700,000 more than the Mayor's anticipated revenue estimate proposed in the Fiscal Year 2003 budget and financial plan submitted to the Council. The Committee on Public Works and the Environment found that the Mayor's calculation was based on only 70 Parking Control Aides on board. The Committee noted that 243 Parking Control Aides are anticipated to be on board in Fiscal Year 2003. Based on anticipated vacancy rates the Committee's revenue is calculated using 185 Parking Control Aides on board and working 220 days per year writing 36.86 tickets per day.

TITLE XVII. ALCOHOLIC BEVERAGE CONTROL AMENDMENTS

Sec. 1701. This title may be cited as the "Alcoholic Beverage Regulation Act of 2002".

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Sec. 1702 . Title 25 of the District of Columbia Official Code is amended as follows:

(a) Section 25-101 is amended by adding a new paragraph (15A) to read as follows:

"(15A) "Cooperative agreement" shall have the same meaning, and is synonymous with, voluntary agreement, as defined in paragraph (54) of this section."

(b) Section 25-104(f) is amended to read as follows:

"(f) Unincorporated associations, other than limited liability companies, shall not be issued a license other than a temporary license."

(c) Section 25-115(b) is amended to read as follows:

"(b) A temporary license shall be issued for no more than 4 consecutive days."

(d) Section 25-120(c) is amended by striking the phrase "The license fee shall be paid as provided under Chapter 5" and inserting the phrase "The fee for both years of the manager's license shall be paid at the time of application" in its place.

(e) Section 25-303(c) is amended as follows:

(1) Paragraph (4) is amended as follows:

(A) Strike the phrase "in the calendar year" and insert the phrase "during the preceding 12 months" in its place.

(B) Strike the phrase "; and" and insert a semicolon in its place.

(2) Paragraph (5) is amended by striking the period at the end and inserting the phrase "; and" in its place.

(3) A new paragraph (6) is added to read as follows:

"(6) The applicant does not hold a manufacturer's or wholesaler's license."

(f) Section 25-313(a) is amended by striking the phrase ", new owner license renewal," and inserting the phrase ", transfer of a license to a new location," in its place.

(g) Section 25-332(c)(4) is amended by striking the phrase "in the calendar year" and inserting the phrase "during the preceding 12 months" in its place.

(h) Section 25-352 is amended as follows:

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

"(d) No moratorium request to limit the number of licenses to be issued, the number of licenses issued for any single class, or the issuance of amended licenses for any single class that constitute a substantial change shall be considered by the Board unless all the requirements of subsection (a) of this section have been met and the following conditions are satisfied:

"(1) If the requested moratorium area is a locality, there shall exist in the area at least 3 licensed establishments of the same class or 6 licensed establishments of any class or combination of classes;

"(2) If the requested moratorium area is a section, there shall exist in the area at least 6 establishments of the same class or 12 establishments of any class or combination of classes; or

"(3) If the requested moratorium area is a portion, there shall exist in the area at least 9 establishments of the same class or 18 establishments of any class or combination of

**New
Title 1,
Chapter 15,
Subchapter
XVII,
Part A**

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classes."

(2) A new subsection (e) is added to read as follows:

DCMR

"(e) A moratorium request to limit the sale of products by licensees under an off-premises retailer's license, class A and class B, shall not be considered by the Board unless all the requirements of subsection (a) of this section have been met and the following conditions are satisfied:

"(1) If the requested moratorium area is a locality, there shall exist in the locality at least 3 class A, 3 class B, or any combination of 3 class A or class B licensed establishments;

"(2) If the requested moratorium area is a section, there shall exist in the section at least 5 class A, 5 class B, or any combination of 5 class A or class B licensed establishments; or

"(3) If the requested moratorium area is a portion, there shall exist in the portion at least 7 class A, 7 class B, or any combination of 7 class A or class B licensed establishments."

(i) Section 25-433(b)(1) is amended by striking the phrase "10 days after" and inserting the phrase "30 days after" in its place.

(j) Section 25-441(c) is amended to read as follows:

"(c) The Board may, on motion of any party or on its own motion, continue a hearing to permit an ANC to vote on a material issue in the hearing or upon a determination that the interests of justice will be served by the granting of the continuance to any party."

(k) Section 25-781 is amended by adding a new subsection (e) to read as follows:

"(e) A person alleged to have violated this section may be issued a citation under § 23-1110(b)(1). The person shall not be eligible to forfeit collateral."

**Amend
§ 31-3601**

Sec. 1703. Fiscal impact statement.

This title will have no adverse fiscal impact upon the District of Columbia.

**TITLE XVIII. FY 2002 COMPREHENSIVE FINANCIAL MANAGEMENT
POLICY APPROVAL**

Sec. 1801. Short title.

This title may be cited as the "FY 2002 Comprehensive Financial Management Policy Approval Act of 2002".

Sec. 1802. Pursuant to section 450B of the District of Columbia Home Rule Act, approved November 22, 2000 (114 Stat. 2475; D.C. Official Code § 1-204.50b), the Council hereby approves the FY 2002 Comprehensive Financial Management Policy approved by the Mayor and transmitted to the Council on March 18, 2002."

Sec. 1803. Fiscal impact statement.

There is no fiscal impact associated with this proposed title.

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TITLE XIX. ESTABLISHMENT OF INTERIM DISABILITY ASSISTANCE FUND

Sec. 1901. Short title.

This title may be cited as the "Interim Disability Assistance Fund Establishment Amendment Act of 2002".

Sec. 1902. The District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-201.01 *et seq.*), is amended as follows:

(a) Section 407 (D.C. Official Code § 4-204.07) is amended by adding a new subsection (e-1) to read as follows:

"(e-1)(1) The amount of a recipient's past-due SSI benefit payment that is due DHS as repayment under subsection (e) of this section shall be deposited into the Interim Disability Assistance Fund established by section 409.

"(2) The amount of an overpayment of IDA benefits that is received from an IDA recipient pursuant to subsection (e)(4) of this section shall be deposited into the Interim Disability Assistance Fund established by section 409."

(b) A new section 409 is added to read as follows:

"Sec. 409. Interim Disability Assistance Fund.

"(a) There is established as a nonlapsing, revolving fund the Interim Disability Assistance Fund ("Fund") which shall be separate from the General Fund and into which shall be deposited funds to be used solely for the purpose of implementing the Interim Disability Assistance program established by section 407.

"(b) All funds shall be deposited into the Fund without regard to fiscal year limitation pursuant to an act of Congress. All funds deposited into the Fund shall not revert to the General Fund at the end of any fiscal year or at any other time, but shall be continually available for the purpose of funding the Interim Disability Act program, subject to authorization by Congress in an appropriations act."

Sec. 1903. Fiscal impact statement.

This title has no adverse fiscal impact.

TITLE XX. CHILDHOOD LEAD POISONING SCREENING AND REPORTING

**Amend
§ 31-3606**

Sec. 2001. Short title.

This title may be cited as the "Childhood Lead Poisoning Screening and Reporting Act of 2002".

Sec. 2002. Definitions.

For the purposes of this title, the term:

(1) "Child" or "Children" means an individual or individuals under the age of 6 years.

**Amend
§ 31-3609.01**

(2) "Elevated blood lead level" means an excessive absorption of lead concentration in whole blood of 10 mg/dL (micrograms of lead per deciliter) or greater.

(3) "Health care facility" means any institution providing individual care or treatment of diseases or other medical, physiological, or psychological conditions, including, but not limited to, hospitals, clinics, laboratories, nursing homes, or homes for the aged or chronically ill, but excluding private medical offices.

(4) "Health care provider" means a physician, clinic, hospital, or neighborhood

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health center, licensed by the District of Columbia, that is responsible for providing primary care and coordinating referrals, when necessary, to other health care providers.

(5) "Lead-poisoned child" means a child with a confirmed blood lead level equal to or greater than 15 micrograms of lead per deciliter of blood, or such other lower threshold as the United States Centers for Disease Control and Prevention may establish.

(6) "Person" means an individual, a corporation, a partnership, firm, conservator, receiver, trustee, executor, or legal representative.

Sec. 2003. Childhood lead screening and reporting requirements.

(a) Each health care provider or facility shall inform the parent or guardian of every child under the age of 6 years in the District of Columbia, served by the provider or facility, of the requirement for periodic blood tests for lead poisoning as provided in this title and rules implementing this title.

Amend
§ 31-4304

(b) A health care provider or facility shall, unless parental consent is withheld or an identical test has already been performed within the last 12 months, perform a blood test for lead poisoning on every child who resides in the District of Columbia as part of a well-child care visit, once between ages 6 months and 9 months, and a second time between ages 22 months and 26 months. If a child's age exceeds 26 months, and a blood lead screening has not been performed, the child shall be screened twice prior to the age of 6 years.

(c) The laboratory that performed the tests pursuant to subsection (b) of this section shall forward all test results to the health care provider or facility where the blood sample was taken, and to the Mayor.

(d) The health care provider or facility shall forward all elevated blood lead level results immediately to the child's parent or guardian. Upon request of the child's parent or guardian, the health care provider or facility shall provide written evidence of testing for lead poisoning that includes the date of the test and the test results.

(e) The Mayor, pursuant to section 2006, shall issue rules governing the conditions under which a health care provider or facility shall administer additional lead screening tests exceeding the requirements of subsection (b) of this section, and the process for reporting lead screening results.

(f) Any agreement or contract entered into by the Medical Assistance Administration to provide its services through a health insuring or a managed care organization shall include a requirement for the organization to provide screening and reporting services pursuant to the provisions of this section and the rules implementing this section, or to provide reimbursement for those services.

(1) The agreement or contract shall explicitly include the provision of medical case management and other follow-up treatment of a Medicaid-enrolled, lead-exposed child as may be required to protect the child's health, or reimbursement for that management and treatment.

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(2) The Medical Assistance Administration shall provide for coverage and reimbursement of an environmental investigation and source control measures necessary to eliminate any lead-based paint hazard to which a Medicaid-enrolled, lead-poisoned child is exposed in the child's home environment, including, but not limited to, paint stabilization and cleanup of any dust-lead hazard.

(g) The Mayor shall issue an annual report to the Council summarizing and analyzing the lead screening results obtained pursuant to this title. The report shall include recommendations based on or pertaining at a minimum to:

- (1) The extent of compliance with the requirements of this section; and
- (2) The incidence and prevalence rates of childhood lead poisoning in the District of Columbia.

Sec. 2004. Enforcement.

(a) If the Mayor has reason to believe that there has been a violation of this title or of the regulations issued pursuant to this title, the Mayor may:

(1) Give written notice of the alleged violation, which shall include the provision of the law or regulation alleged to be violated, the facts alleged to constitute a violation, and an order that necessary corrective action be taken within a specified time set forth in the notice; or

(2) Impose civil or criminal fines and penalties in accordance with section 2005.

(b) Any party adversely affected by an action taken pursuant to subsection (a) of this section is entitled to a hearing before the Mayor upon filing with the Mayor, within 15 days from the date of the action, a written request for a hearing. The hearing shall be held in accordance with the requirements of Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat.1204; D.C. Official Code § 2-501 *et seq.*).

**Amend
§ 31-4305**

Sec. 2005. Penalties.

(a) Any person who fails to comply with any of the provisions of this title shall be subject to a fine not to exceed \$5,000 for each violation. Each and every day of the violation shall constitute a separate violation and the penalties prescribed shall be applicable to each separate violation unless otherwise indicated.

(b) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this title or the rules issued under authority of this title pursuant to Titles I through III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*).

**Amend
§ 31-2502.02**

(c) Any person who knowingly or willfully violates this title shall, in addition to or in lieu of any civil penalty which may be imposed for the violation, be subject, upon conviction, to a fine of not more than \$5,000 for each day of violation, or to imprisonment of not more than one year, or both.

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Sec. 2006. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this title. The Mayor is authorized to adopt, in whole or in part, guidelines issued by the Centers for Disease Control and Prevention and may consider such other materials relating to lead poisoning prevention, testing, and treatment, as deemed appropriate.

Sec. 2007. Fiscal impact statement.

Funds are sufficient in the Fiscal Year 2002 through Fiscal Year 2005 budget and financial plan to implement this title because no additional staff or resources will be required. This title will have no effect on General Fund revenue.

TITLE XXI. DEPARTMENT OF EMPLOYMENT SERVICES ADMINISTRATIVE REORGANIZATION REVIEW

Sec. 2101. This title may be cited as the "Department of Employment Services Administrative Reorganization Review Act of 2002".

Sec. 2102. The Department of Employment Services shall undertake a comprehensive review of its administrative infrastructure and report its findings to the Council, through the Committee on Public Services, by January 1, 2003. The report shall investigate whether the Department would benefit from a reorganized and simplified administrative operation and explore whether additional staff development and an increased investment in technology would yield greater efficiencies.

Sec. 2103. Fiscal impact statement.

This title does not affect the District of Columbia's budget or financial plan and, therefore, has no fiscal impact. This title requires the Department of Employment Services to investigate how it would benefit from a reorganized and simplified administrative operation and whether additional staff development and an increased investment in technology would yield greater efficiencies.

TITLE XXII. ESTABLISHMENT OF OFFICE OF VOCATIONAL EDUCATION AND SKILLS TRAINING

Sec. 2201. This title may be cited as the "Office of Vocational Education and Skills Training Establishment Amendment Act of 2002".

Sec. 2202. The District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974 (88 Stat. 1423; D.C. Official Code § 38- 1201.01 *et seq.*), is amended by adding a new title VIII to read as follows:

"Title VIII. Establishment of the Office of Vocational Education and Skills Training.

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"Sec. 801. Definitions.

"For the purposes of this title, the term:

"(1) "Advisory Board" means the Advisory Board of Vocational Education and Skills Training as defined in section 4 of this title.

"(2) "DCPS" means the District of Columbia Public Schools.

"(3) "UDC" means the University of the District of Columbia.

"(4) "VEST" means the Office of Vocational Education and Skills Training, established by this title.

Amend
§ 31-2502.03

"Sec. 802. Establishment of the Office of Vocational Education and Skills Training at the University of the District of Columbia.

"(a) Pursuant to section 404(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 787; D.C. Official Code § 1-204.04(b)), the Council establishes an Office of Vocational Education and Skills Training under the President of the University of the District of Columbia.

"(b) VEST shall be responsible for the oversight and coordination of all government-sponsored vocational education, adult apprenticeship, and workforce skills training performed by UDC and DCPS.

Amend
§ 31-3403

"Sec. 803. Establishment of Advisory Board.

"(a) There is established an Advisory Board on Vocational Education and Skills Training comprised of the following:

"(1) President of UDC, or a representative thereof, who shall serve as Chairperson of the Advisory Board;

"(2) Chairperson of the Apprenticeship Council, or a representative thereof;

"(3) Chairperson of the Board of Education, or a representative thereof;

"(4) Chairperson of the Council Committee on Education, Libraries, and Recreation, or a representative thereof;

"(5) Chairperson of the Council Committee on Public Services, or of that Council committee with purview over the Department of Employment Services, or a representative thereof;

"(6) Director of the Department of Employment Services, or a representative thereof;

"(7) Chairperson of the Youth Investment Committee of the District of Columbia Workforce Investment Board, or a representative thereof;

"(8) Mayor, or a representative thereof; and

"(9) Superintendent of DCPS, or a representative thereof.

"(b) The Advisory Board shall submit to the Council and to the Mayor a short-term plan as described in section 804.

"Sec. 804. Requirements of short-term plan.

"(a) The short-term VEST plan shall include:

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"(1) A mission statement defining the goals and purposes of VEST;
"(2) A description of existing vocational education and adult apprenticeship courses offered by DCPS and UDC and in the District of Columbia;
"(3) A list of the services and programs to be provided by VEST;
"(4) A list of performance standards by which the success of VEST shall be measured;

"(5) The identification of all local, federal, private, and other resources, such as personnel, available to support VEST services and programs, including those found within the Department of Employment Services, the Apprenticeship Council, UDC, DCPS, the District of Columbia Workforce Investment Board, and other District of Columbia government agencies;

**Amend
§ 31-3419**

"(6) Use of identified resources to support VEST;
"(7) Suggestions for the establishment of Individual Training Accounts for DCPS graduates of vocational educational programs;

"(8) A strategy for recruiting individuals into the vocational education programs and adult apprenticeship programs offered by VEST;

"(9) A plan for the placement of graduates of UDC apprenticeship training programs and vocational education programs, including resources dedicated for the plan;

"(10) Specific recommendations for legislative action by the Council to assist VEST; and

"(11) Other provisions deemed appropriate by the Advisory Board and consistent with the purposes of this title.

"(b) The short-term VEST plan shall be presented to the Council within 120 calendar days following the effective date of the Office of Vocational and Education and Skills Training Establishment Act of 2002 for a 30-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 the 30-day review period, the proposed rules shall be deemed approved.

**Amend
§ 7-1811.03**

"Sec. 805. Executive Director.

"(a) VEST shall be directed by an Executive Director who shall be appointed by the President of UDC, with the advice and consent of the Board of Trustees of UDC.

"(b) The Executive Director shall employ staff as needed, in accordance with annual appropriations.

"Sec. 806. Funding.

"There is authorized to be appropriated from the general revenues of the District of Columbia funds necessary to carry out the purposes of this title."

Sec. 2203. Fiscal impact statement.

The FY2003 budget will provide a capital budget of \$800,000 and a total operating budget of \$2,874,000, of which up to \$1,500,000 shall be transferred to the capital fund as a pay-

as-you-go supplement to the capital budget of \$800,000 to be used for capital expenditures necessary to implement VEST.

TITLE XXIII. UNEMPLOYMENT COMPENSATION AMENDMENTS
SUBTITLE A. UNEMPLOYMENT COMPENSATION ALTERNATIVE BASE PERIOD AMENDMENT

Sec. 2301. Short title.

This subtitle may be cited as the "Unemployment Compensation Alternative Base Period Amendment Act of 2002".

Sec. 2302. The District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 946; D.C. Official Code § 51-101*et seq.*), is amended as follows:

(a) Section 1(6) (D. C. Official Code § 51-101(6)) is amended to read as follows:

"(6) "Base period" means:

"(A) The first 4 out of the last 5 completed calendar quarters immediately preceding the first day of the individual's benefit year; or

"(B) Alternatively, for benefit years effective on or after the applicability date of this title, for any individual who does not have sufficient wages in the base period as described above, the last 4 completed calendar quarters immediately preceding the first day of the individual's benefit year, if such period qualifies the individual for benefits under 7(c). Wages that fall within the base period of claims established under this paragraph are not available for reuse in qualifying for any subsequent benefit years."

(b) Section 13(b) (D.C. Official Code § 51-113(b)) is amended by adding a new paragraph (3) to read as follows:

"(3) The Director shall be responsible for establishing rules pertaining to the alternative base period, defined in section 1(6)(B), which shall be published no later than 180 days following the effective date of the Unemployment Compensation Alternative Base Period Amendment act of 2002, and shall include rules for:

(A) Obtaining wage information, if wage information for most recently completed calendar quarter is not available to the Department of Employment Services from regular quarterly reports or wage information that is systematically accessible; and

(B) Notifying claimants of alternative base period eligibility."

Sec. 2303. Availability of funds.

(a) On March 13, 2002, pursuant to section 903 of the Social Security Act, approved August 5, 1954 (68 Stat. 670; 42 U.S.C. § 1103) ("SSA"), as amended by section 209 of the Job Creation and Worker Assistance Act of 2002, approved March 9, 2002 (Pub. L. 107-147; 116 Stat. 21), a Reed Act distribution of \$26 million was made available to the District. The authorized use of the distribution under section 903(d) of SSA includes administrative expenses.

(b) The Reed Act funds distributed to the District of Columbia account in the Unemployment Compensation Trust Fund under section 903(d) of the SSA are authorized to be used to pay administrative costs associated with implementation of the alternative base period. Of the funds, \$460,000 is authorized to be appropriated for necessary administrative costs to implement within the current automated unemployment compensation system such alternative base period.

Amend § 47-387.01

Sec. 2304. Applicability.

This subtitle shall apply 180 calendar days after the effective date of this act.

Amend § 47-1806.03

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Sec. 2305. Fiscal impact statement.

There is no fiscal impact. The Job Creation and Worker Assistance Act of 2002, approved March 9, 2002 (Pub. L. 107-147), provided for Reed Act transfers from the Federal Unemployment Trust Fund to the States. Public Law 107-147 further provides that these funds may be used to provide unemployment compensation to individuals who would be eligible for benefits under an unemployment compensation law that provides for an alternative base period and for the administration associated with its implementation. On March 13, 2002, the District received \$26 million pursuant to the Reed Act transfer. Based on the experience of other states that have adopted an alternative base period, it is estimated there would be an additional 1,100 beneficiaries and that the additional benefits would be between \$3,200,000 and \$4,000,000 annually. Workers who would become eligible generally have lower earnings and, therefore, would receive lower benefit amounts. The Reed Act transfer monies are more than sufficient to provide funding for the cash benefits authorized under this act for the next five years. The Reed Act transfer funds shall also be used for the administrative costs associated with implementing the alternative base period legislation.

SUBTITLE B. UNEMPLOYMENT COMPENSATION MODERNIZATION AMENDMENT

Sec. 2351. Short title.

This title may be cited as the "Unemployment Compensation Modernization Amendment Act of 2002".

Sec. 2352. Section 14(c)(2) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 954; D.C. Official Code § 51-114 (c)(2)), is amended to read as follows:

"(2) Of the amount deposited in the Interest Account, \$4,500,000 shall be transferred to the Special Administrative Expense Fund established by subsection (b) of this section, upon certification of the Director to the Chief Financial Officer of the District of Columbia that such monies are no longer needed to pay such interest bearing advances and interest assessments. The funds transferred from the Interest Account to the Special Administrative Account shall not be subject to the limitations imposed by subsection (b)(4) of this section and shall be expended on:

"(A) Installation of an Interactive Voice Response system, for processing initial, reopened, and transitional claims, for responding to inquiries on current benefit overpayment balances and status of most recent repayments, for providing general information on the process for filing an appeal and specific information on the status of a filed appeal, and for the processing of a household employer's annual contribution report;

"(B) Implementation of Internet based electronic applications, which would allow an employer to register, to update its account for changes of address, phone, and business status, to submit its quarterly reports, and in the case of a household employer to submit annual reports and make payment electronically;

"(C) Implementation of an integrated scanning, imaging, and retrieval system;

"(D) Implementation of an Internet based fraud control program;

"(E) Implementation of an Internet based system for scheduling benefit hearings and other procedures;

"(F) Implementation of a system for direct deposit and electronic transfer of benefit payments; and

"(G) Activities in support of the Unemployment Compensation Terrorist Response Temporary Amendment Act of 2002, passed on 2nd reading on May 7, 2002 (Enrolled version of Bill 14-619), and the increased workload associated with the events of September 11,

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2001.”.

Sec. 2353. Fiscal impact statement.

Funds are sufficient in the proposed FY 2003 through FY 2006 budget and financial plan to implement the provisions of this legislation. The proposed legislation authorizes a draw down of \$4.5 million from the Unemployment Insurance Surcharge Account and puts the funds in a dedicated "O" type account to implement the DOES Information Technology Initiative.

TITLE XXIV. ZONING ADDITIONAL SPACE NEEDS AND STIPENDS

Sec. 2401. This title may be cited as the "Zoning Additional Space Needs and Stipends Amendment Act of 2002".

Sec. 2402. The Office of Property Management shall provide additional space within the District government office building located at 441 4th Street, N.W. ("One Judiciary Square") to the Office of Zoning ("OZ") to address OZ's increased space requirements. The space to be provided shall be set forth in a plan which shall be submitted by the Mayor to the Council not later than September 1, 2002.

Sec. 2403. Section 1108(c)(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.08(c)(2)), is amended as follows:

Amend
§ 47-1807.02

(a) Subparagraph (A) is amended by striking the phrase "\$6,000" and inserting the phrase "\$12,000" in its place.

(b) Subparagraph (G) is amended by striking the phrase "\$6,000" and inserting the phrase "\$12,000" in its place.

Sec. 2404. Fiscal impact statement.

The Fiscal Year 2003 budget and financial plan includes \$350,000 in capital authority to support build-out costs for additional space needed by OZ at One Judiciary Square and \$65,000 in increased nonpersonal services funding for OZ during FY 2003 to address increased operating costs from the additional space to be provided pursuant to section 2402 of this title. Due to a doubling of the workload of the Zoning Commission and the Board of Zoning Adjustment, section 2403 of this title increases the statutory cap on the maximum annual stipend for Zoning Commission and Board of Zoning members from \$6,000 to \$12,000. Pursuant to section 1108(c)(J), chairpersons of each entity may receive an additional 20% above the annual maximum. The maximum potential fiscal impact of section 2403 is \$38,400, which has been funded in the FY 2003 budget and financial plan.

Amend
§ 47-1808-03

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**TITLE XXV. BOARDS AND COMMISSIONS COMPENSATION STUDY
AMENDMENT**

Sec. 2501. This title may be cited as the "Boards and Commissions Compensation Study Amendment Act of 2002".

Sec. 2502. Section 1108 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.08), is amended by adding a new subsection (e) to read as follows:

“(e) The Mayor shall conduct a comprehensive study of the compensation and stipend levels of the District's boards and commissions, recognizing the different characteristics of these entities, and examining the best practices in the compensation and stipend policies of surrounding and comparable jurisdictions. Based on this study, the Mayor shall provide a report to the Council by December 31, 2002, with recommendations for a rational compensation and stipend policy applicable to boards and commissions, including any recommendations for changes in specific compensation and stipend levels that could be addressed in the FY 2004 budget and financial plan.”.

Sec. 2503. Fiscal impact statement.

The Fiscal Year 2003 budget and financial plan includes sufficient funds within the Executive Office of the Mayor, including the Office of Boards and Commissions and the Office of Personnel, to conduct a study and prepare a report to the Council on the compensation and stipend levels of the District's boards and commissions.

Amend
§ 47-864

**TITLE XXVI. TAXICAB COMMISSION FUND ESTABLISHMENT AND
COMPENSATION AMENDMENT**

Sec. 2601. Short title.

This title may be cited as the "Taxicab Driver Security Revolving Fund Amendment Act of 2002".

Sec. 2602. The District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-301 *et seq.*), is amended as follows:

(a) Section 6(c) (D.C. Official Code § 50-305(c)) is amended as follows:

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

(2) The last sentence of the newly designated paragraph (1) is amended by striking the phrase "pursuant to section 1108(b) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-612.8(b))" and inserting the phrase "pursuant to section 1108(c)(2)(K) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979

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(D.C. Law 2-139; D.C. Official Code § 1-611.08(c)(2)(K))" in its place.

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

"(2) Public and industry members of the Commission may be compensated for physically attending official meetings of the Commission or a Panel of the Commission convened in accordance with Title 31 of the District of Columbia Municipal Regulations; provided, that the compensation has been approved by the Chairperson. To be entitled to compensation, members shall:

"(A) Be present for roll call at the beginning and the end of Commission and Panel meetings; and

"(B) Personally sign-in at the beginning and sign-out at the end of Commission and Panel meetings."

(b) Section 12 (D.C. Official Code § 50-311) is amended by adding a new subsection (b-1) to read as follows:

"(b-1) The Commission may spend, from the Taxicab Driver Security Revolving Fund, established in section 20b, an amount not to exceed \$1,200 per fiscal year for nominal refreshments, food, or additional supplies necessary to hold regular meetings, including work sessions."

(c) New sections 20b and 20c are added to read as follows:

"Sec. 20b. Establishment of the Taxicab Driver Security Revolving Fund.

"(a)(1) There is established as a nonlapsing, revolving fund, the Taxicab Driver Security Revolving Fund ("Security Fund") to be administered by the Mayor. The Security Fund shall be comprised of general revenue funds appropriated by a line item in the budget submitted pursuant to section 446 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 801; D.C. Official Code § 1-204.46), and authorized by Congress in an appropriations act for the purposes of the Security Fund.

Amend
§ 47-1803.03

"(2) Except as provided in paragraph (3) of this subsection, monies shall be deposited into the Security Fund without regard to fiscal year limitation pursuant to an act of Congress, and shall not revert to the General Fund of the District of Columbia at the end of any fiscal year or at any other time, but shall be continually available for the purposes of the Security Fund, subject to authorization by Congress.

"(3) The balance of the Security Fund shall not exceed \$512,000. Any amounts in the Security Fund in excess of \$512,000 shall revert to the General Fund.

"(b)(1) The purposes of Fund shall be to provide 1-year interest free loans of no more than \$500 per taxicab driver licensed in the District of Columbia to assist taxicab drivers with the purchase of any one of the security devices listed in 31 DCMR §§ 601.9, 601.10 and 601.12, for use in their taxicabs.

"(2) A portion of the Fund shall be allocated for administrative support, including:

"(A) Compensation for Commissioners in accordance with section

Amend
§ 47-1811.04

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1108(c)(2)(K) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.08(c)(2)(K));

"(B) Expenditures relating to meetings and supplies under section 12(b-1);
and

"(C) Expenditures relating to the audit required by subsection (d) of this section.

"(c) Loans from the Security fund shall be repaid within one year from the date of disbursement of the funds. Failure to pay back the loan within one year shall result in suspension of the taxicab drivers' hack license until the loan has been repaid; provided, that the driver has received a notice of the proposed suspension at least 30 days prior to the suspension of the license. A person whose license has been suspended under this subsection may request a hearing under Chapter 3 of Title 31 of the District of Columbia Municipal Regulations to contest the suspension.

"(d) Expenditures from the Fund shall be audited annually by the Mayor. The audit report shall be submitted to the Council by January 1, of each year. The expenses of each audit shall be paid for by monies in the Fund.

Amend
§ 47-2001

"(e) The Mayor may promulgate rules to implement the provisions of sections 20b and 20c.

"Sec. 20c. Taxicab Driver Security Revolving Fund: loan application and eligibility criteria; vendor payments.

"(a) An applicant for a loan from the Security Fund shall complete an application form provided by the Taxicab Commission.

"(b) At the time the completed application form is submitted, an applicant shall produce the following information:

"(1) A valid District of Columbia, Virginia, or Maryland driver's license;

"(2) A current District of Columbia hacker's license;

"(3) A social security card;

"(4) Proof of current address by one of the following documents:

"(A) Deed of trust;

"(B) Mortgage;

"(C) Lease agreement;

"(D) Current utility bill; or

"(E) Current rent receipt;

"(5) Purchase agreement for the device to be installed, signed by the driver and a certified vendor;

"(6) Proof or warranty of the device to be installed;

"(7) Proof of current District of Columbia vehicle registration; and

"(8) Verification of liability insurance on the taxicab that is the subject of the installation.

"(c) Applicants shall deliver an approved application to a vendor to complete the

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installation of the security device.

"(d) Upon completion of the installation, a vendor shall obtain the signature of the applicant driver verifying that the installation has been completed to the applicant's satisfaction.

"(e) Vendors shall receive reimbursement for installation of security devices:

"(1) Upon submission of completed vendor billing statements and certificate of completion to the Commission; and

"(2) Proof of warranty of the device for a period of not less than one year."

Amend
§ 42-204

Sec. 2603. Section 1108(c) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.08(c)), is amended as follows:

(a) Paragraph (1)(E) is amended by striking the word "Chairperson" and inserting the phrase "Chairperson, and public and industry members" in its place.

(b) Paragraph (2) is amended by adding a new subparagraph (K) to read as follows:

"(K) Effective October 1, 2002, public and industry members of the District of Columbia Taxicab Commission shall be entitled to compensation of \$25 per meeting or work session, not to exceed \$1,350 for each public or industry member per year, as provided in section 6(c) of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-305(c)). Total compensation for all Commission members shall not exceed \$10,800, for all meetings and work sessions."

Sec. 2604. Fiscal impact statement.

This title is consistent with the FY 2003 Budget and Financial Plan. The total amount in the Taxicab Driver Security Revolving Fund will be reduced from \$1,791,000 to \$512,000. Of the \$512,000 - \$500,000 will provide one year interest free loans to taxicab drivers to purchase security devices for their cabs and \$12,000 will be the cost for the stipends for the eight Commissioners to be paid from the Taxicab Driver Security Revolving Fund.

**TITLE XXVII. POLICE REGULATION AND PUBLIC SAFETY AMENDMENTS
SUBTITLE A. METROPOLITAN POLICE DEPARTMENT VIDEO
SURVEILLANCE REGULATIONS**

Sec. 2701. Short title.

This subtitle may be cited as the "Metropolitan Police Department Video Surveillance Regulations Act of 2002".

Sec. 2702. Regulations for use of video surveillance by Metropolitan Police Department.

(a) The Chief of Police, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue regulations pertaining to the Metropolitan Police Department's use of video surveillance

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cameras and technology in the operation of its Joint Operations Command Center/Synchronized Operations Command Center.

(b) The proposed regulations shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess.

(c) If the Council does not approve or disapprove the proposed regulations, in whole or in part, by resolution, within this 45-day review period, the proposed regulations shall be deemed disapproved.

Sec. 2703. Fiscal impact statement.

This subtitle has no fiscal impact. The Metropolitan Police Department is already in the process of drafting the regulations referred to in this legislation using existing staff and resources.

SUBTITLE B. OFF-DUTY SERVICE PISTOL AUTHORIZATION AMENDMENT

Sec. 2711. Short title.

This subtitle may be cited as the "Off-Duty Service Pistol Authorization Amendment Act of 2002".

Sec. 2712. Section 2.3:1 of the Regulation Enacting the Police Manual for the District of Columbia, issued January 14, 1972 (Reg. 72-2; 6A DCMR 206.1), is amended to read as follows:

"A member of the force, when off-duty any place in the District of Columbia, shall carry his or her badge, identification card, and service pistol except in his or her residence and as the Chief of Police may designate by general order."

Sec. 2713. Fiscal impact statement.

This subtitle has no fiscal impact.

SUBTITLE C. CLASSIFICATION AND COMPENSATION STUDIES FOR POLICE AND FIRE

Sec. 2731. Short title.

This subtitle may be cited as the "Classification and Compensation Studies for Police and Fire Amendment Act of 2002".

**Amend
§ 42-3171.01**

**Amend
§ 42-3171.03**

Sec. 2732. Section 402 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-604.02), is amended by adding a new subsection (e) to read as follows:

"(e) The Director of Personnel shall conduct classification and compensation studies of all sworn and civilian pay classes of the Fire and Emergency Medical Services Department and the Metropolitan Police Department and, based upon those studies, recommend reforms to promote equity, competitive pay, and sound performance management. The areas for review shall include recruitment, retention, longevity, hazardous duty, technical pay, and pay incentives for recognition of superior performance based on standards promulgated by the Director of Personnel."

Sec. 2733. Fiscal impact statement.

It will cost \$475,000 to conduct classification and compensation studies for the Metropolitan Police Department and the Fire and Emergency Medical Services Department. The funds are available because the Committee on the Judiciary has recommended transfer of the necessary funds to the Office of Personnel's Fiscal Year 2003 budget.

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**Amend
§ 42-2802**

TITLE XXVIII. ELIGIBILITY REQUIREMENTS FOR PERFORMANCE INCENTIVES

Sec. 2801. Short title.

This title may be cited as the "Executive Compensation and Fiscal Responsibility Amendment Act of 2002".

Sec. 2802. Section 1057 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective June 10, 1998 (D.C. Law 12-124; D.C. Official Code § 1-610.57), is amended to read as follows:

"Sec. 1057. Performance incentives

"The Mayor may authorize performance incentives for exceptional service for subordinate agency heads not to exceed 10% of the rate of basic pay in any year. Exceptional service incentives may be paid only if:

"(1) The agency head is bound by a performance contract, available to the public upon request, that clearly identifies measurable goals and outcomes; and

"(2) The agency head has exceeded contractual expectations in the year for which the incentive is paid."

**Amend
§ 42-857.09**

Sec. 2803. Fiscal impact statement.

This title has no fiscal impact.

TITLE XXIX. RESTRUCTURING OF CHILD SUPPORT GUIDELINE COMMISSION

Sec. 2901. Short title.

This title may be cited as the "Child Support Guideline Commission Restructuring Act of 2002".

Sec. 2902. Section 16-916.02 of the District of Columbia Official Code is amended to read as follows:

"§ 16-916.02. Child Support Guideline Commission.

"(a) There is established a Child Support Guideline Commission ("Commission"). The Commission shall study and make recommendations on the child support guidelines to the Mayor.

"(b) The Commission shall consist of a chairperson and 8 members who are District of Columbia residents. The Chief Judge of the Superior Court of the District of Columbia may appoint 2 members. The Mayor shall appoint the chairperson as well as 2 members, one of whom shall be a member of the District of Columbia Bar ("Bar") and an expert in the fields of family law and child support. The Mayor shall also appoint one member to represent the Child Support Enforcement Division of the Office of the Corporation Counsel ("CSED"). The Council shall designate one Councilmember to serve on the Commission and shall appoint 2 additional members, one of whom shall be a member of the Bar and an expert in the fields of family law and child support.

"(c)(1) Of the Commission members first appointed after the effective date of the Child Support Guideline Commission Restructuring Emergency Act of 2002 ("Commission Restructuring Act"), one member appointed by the Chief Judge of the Superior Court of the District of Columbia, the non-Bar member appointed by the Council, the Bar member appointed by the Mayor, and the CSED representative appointed by the Mayor shall serve 2-year terms. All of the other initial appointments after the effective date of the Commission Restructuring Act shall serve 4-year terms. Thereafter, all Commission members shall serve for a term of 4 years from the date of appointment. A Commission member may be reappointed. A person appointed to fill a vacancy on the Commission occurring prior to the expiration of a term shall serve for the remainder of the term. A vacancy shall be filled in the same manner as the original appointment.

**Amend
§ 47-320.22**

"(2) A majority of the members shall constitute a quorum. A quorum shall be necessary for the Commission to conduct

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business.

"(d) The functions of the Commission shall include:

"(1) To review and recommend updates of the child support guidelines not less than once every 4 years.

"(2) To review pertinent economic data, including poverty levels, and information on the functioning of the guidelines that the Commission gathers or that is brought to the attention of the Commission for the purpose of recommending changes to the guidelines.

"(3) To hold a public meeting at least annually to receive oral or written comments from members of the Bar or the public. Thirty days public notice shall be given for a public meeting.

"(4) To perform other tasks as necessary to develop, update, or monitor the guidelines and to ensure that the District of Columbia is in compliance with the federal mandates in section 467 of the Social Security Act, approved August 16, 1984 (98 Stat. 1321; 42 U.S.C. § 667).

"(e) The Commission, as restructured pursuant to the Child Support Guideline Commission Restructuring Act of 2002, shall convene no later than December 31, 2002, and shall issue initial recommendations no later than December 31, 2003.

"(f) Members of the Commission shall serve without compensation but shall be reimbursed for any reasonable expense associated with service on the Commission.

"(g) The Mayor shall provide sufficient space for the Commission to operate and may detail personnel to assist the Commission. The Mayor shall also direct any agency contacted by the Commission to give full cooperation to the Commission."

**New Part G,
Subchapter I,
Chapter 3,
Title 1
New
§ 1-301.121**

Sec. 2903. Fiscal impact statement.

This title has no fiscal impact.

TITLE XXX. LIMITATION ON DEPARTMENT OF CORRECTIONS' USE OF FACILITIES ON D.C. GENERAL HOSPITAL CAMPUS

Sec. 3001. Short title.

This title may be cited as "Limitation on Department of Corrections' Use of Facilities on D.C. General Hospital Campus Act of 2002".

**New
Subchapter
II, Chapter
10, Title 6**

Sec. 3002. Limitation on Department of Corrections' use of facilities on D.C. General Hospital Campus.

The Department of Corrections shall not house any misdemeanants, felons, ex-offenders, or persons awaiting trial or sentencing for offenses committed in the District of Columbia in any facility on the D.C. General Hospital Campus (Reservation 13) other than the District of Columbia Jail or the Correctional Treatment Facility. This limitation shall not prohibit the Department of Corrections from relocating its headquarters to any facility on Reservation 13 or using any Reservation 13 facility for the housing of records or training purposes.

**New
§ 6-1031**

Sec. 3003. Fiscal impact statement.

This title has no fiscal impact.

**New
§ 6-1032**

TITLE XXXI. DISTRICT OF COLUMBIA JAIL INMATE CAP

Sec. 3101. Short title.

This title may be cited as the "District of Columbia Jail Inmate Cap Act of 2002".

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Sec. 3102. Cap on sentenced persons housed at District of Columbia Jail.

(a) Except as provided in subsection (b) of this section, the number of sentenced persons housed at the District of Columbia Jail (Central Detention Facility) by the Department of Corrections shall not exceed 2,050 at any time.

(b) If the Department of Corrections requires an exemption to the cap on the number of sentenced persons established by subsection (a) of this section, the Mayor shall transmit a resolution requesting an exemption to the Council for a 30-day period of review. The transmitted resolution requesting an exemption shall include the reasons for the exemption, the consequences if the exemption is not approved, and the time the exemption shall be in force. If the Council has not approved or disapproved the resolution requesting an exemption within the 30-day review period, the resolution requesting an exemption shall be deemed disapproved.

Sec. 3103. Fiscal impact statement.

This title does not have a negative fiscal impact and is consistent with the FY 2003 Budget and Financial Plan. There already exists a court ordered cap on the number of inmates at the D.C. jail.

TITLE XXXII. CHIEF FINANCIAL OFFICER HEALTH CARE ANALYSIS AND OVERTIME PLAN

Sec. 3201. Short title.

This title may be cited as the "Chief Financial Officer Fiscal Year 2003 Duties Act of 2002".

Sec. 3202. Analysis of health care costs at Department of Corrections; plan to create Public Safety Overtime Bank.

In Fiscal Year 2003, the Chief Financial Officer shall:

- (1) Analyze health care costs at the Department of Corrections and recommend alternatives based on the analysis; and
- (2) Develop a plan to create a Public Safety Overtime Bank that would fund and oversee overtime expenditures by the Metropolitan Police Department, Fire and Emergency Medical Services Department, and the Department of Corrections.

Sec. 3203. Fiscal impact statement.

This title has no fiscal impact.

**New
§ 6-1033**

TITLE XXXIII. CRITERIA FOR SPENDING PAY-AS-YOU-GO FUNDING

Sec. 3301. Short title.

This title may be cited as the "Criteria for Spending Pay-As-You-Go Funding Act of 2002".

Sec. 3302. Criteria for spending Pay-As-You-Go funding in Fiscal Year 2003.

(a) Of the Pay-As-You-Go Capital funding for Fiscal Year 2003, a total of \$5 million shall be made available for Pay-As-You-Go once the Chief Financial Officer has determined and certified that those funds are not necessary for any of the following purposes:

- (1) Metropolitan Police Department, unanticipated overtime expenses;
- (2) Fire and Emergency Medical Services Department, unanticipated overtime expenses;
- (3) Department of Corrections, increased hiring to replace overtime

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expenditures; or

(4) Child and Family Services Agency, to cover increased hirings, if needed.

(b) No Pay-As-You-Go funding shall be used for the Child and Family Services Agency unless the 154 full-time employees that are to be hired within Fiscal Year 2002 are hired by October 1, 2002, and the 88 full-time employees that are to be hired in Fiscal Year 2003 are hired by January 1, 2003.

(c)(1) No Pay-As-You-Go funding shall be available for the Department of Mental Health to fund the rehabilitation option contracts unless the certification of providers is completed by January 1, 2003.

(2) If the certification of providers has not been completed by January 1, 2003, \$1 million of Pay-As-You-Go funds shall be used to fund a smoking cessation program in Fiscal Year 2003.

(d) No Pay-As-You-Go funding shall be used by the Metropolitan Police Department ("MPD") unless the Chief Financial Officer has determined and certified by the end of third quarter of Fiscal Year 2003 that unanticipated overtime expenses have been incurred by the MPD.

(e) No Pay-As-You-Go funding shall be used for the Fire and Emergency Medical Services Department ("FEMSD") unless the Chief Financial Officer has determined and certified by the end of the third quarter of Fiscal Year 2003 that unanticipated overtime expenses have been incurred by the FEMSD.

(f) No Pay-As-You-Go funding shall be used for the Department of Corrections unless the Chief Financial Officer has determined and certified by the end of the third quarter of Fiscal Year 2003 that the Department of Corrections needs to hire additional correctional officers.

(g) Not less than \$2 million of Pay-As-You-Go funding shall be deposited into the Addiction Recovery Fund, established pursuant to section 5 of the Choice in Drug Treatment Act of 2000, effective July 8, 2000 (D.C. Law 13-146; D.C. Official Code § 7-3004). The \$2 million shall be in addition to the \$7.5 million that the Council directed be reallocated from object class 41 (Contracts) to object class 50 (Subsidies and Transfers) for the express purpose of full implementation of the voucher system to support the Drug Treatment Choice Program, established pursuant to section 4 of the Choice in Drug Treatment Act of 2000, effective July 8, 2000 (D.C. Law 13-146; D.C. Official Code § 7-3003).

(h) Of the Pay-As-You-Go Capital funding for Fiscal Year 2003, \$3,000,000 shall be available to the University of the District of Columbia for one-time expenditures related to the accreditation of the Law School.

New
§ 6-1034

Sec. 3303. Fiscal impact statement.

The fiscal impact of these provisions are already included in the Mayor's Fiscal Year 2003 budget and financial plan as submitted to the Council.

TITLE XXXIV. PUBLIC EDUCATION AMENDMENTS

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SUBTITLE A. UNIFORM PER STUDENT FUNDING FORMULA FOR PUBLIC SCHOOLS AND PUBLIC CHARTER SCHOOLS

Sec. 3401. Short Title.

This subtitle may be cited as the “Uniform Per Student Funding Formula for Public School and Public Charter Schools Amendment Act of 2002”.

Sec. 3402. The Uniform Per Student Funding Formula for Public School and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901 *et seq.*), is amended as follows:

New
§ 6-1035

(a) Section 102 (D.C. Official Code § 38-2901) is amended by adding a new paragraph (11A) to read as follows:

“(11A) “*Special Education School*” means a separate DCPS or public charter day school or residential school dedicated exclusively to serving special education students at levels 4 or 5.

(b) Section 104 (D.C. Official Code § 38-2903) is amended by striking the phrase “\$5,500 per-student for FY 1999,” and inserting the phrase “\$6,555 per student for 2003” in its place.

(c) Section 105 (D.C. Official Code § 38-2904) is amended to read as follows:

New
§ 6-1036

“Sec. 105. Weightings applied to counts of students enrolled at certain grade levels.

“The student counts at certain grade levels and in certain programs shall be weighted to provide an amount per student differing from the basic foundation level in accordance with the following schedule:

Grade Level	Weighting	Per Pupil allocation in FY 2003
Pre-School / Pre-Kindergarten	1.17	\$7,670
Kindergarten	1.03	\$7,670
Grades 1-3	1.03	\$6,752
Grades 4-5	1.00	\$6,555
Ungraded ES	1.03	\$6,752
Grades 6-8	1.03	\$6,752
Ungraded MS/JHS	1.03	\$6,752
Grades 9-12	1.17	\$7,670
Ungraded SHS	1.17	\$7,670
Alternative	1.30	\$8,522
Special Education Schools	1.17	\$7,670
Adult	0.75	\$4,916

New
§ 6-1037

Amend
§ 1-523.01

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(d) Section 106(c) (D.C. Official Code § 38-2905(c)) is amended to read as follows:

“(c) These supplemental allocations shall be calculated by applying weightings to the foundation level as follows:

Level/program	Definition	Weighting	Supplemental \$ per pupil FY 2003
Level 1: Special Education	Regular class; special education services 6 hours or less per school week	0.55	\$3,605
Level 2: Special Education	Resource room; special education services 7-15 hours per school week	0.85	\$5,572
Level 3: Special Education	Separate class; special education services more than 15 hours per school week	1.50	\$9,833
Level 4: Special Education	Separate DCPS or public charter school	2.70	\$17,699
LEP/NEP	Limited and non-English proficient students	0.40	\$2,622
Summer School	An accelerated instructional program in the summer for students who do not meet literacy standards pursuant to promotion policies of the DCPS and public charter schools	0.17	\$1,114
Residential	DCPS or public charter school that provides students with room and board in a residential setting, in addition to their instructional program	1.70	\$11,144
Level 1: Special Education - Residential	Additional funding to support the after-hours level 1 special education needs of students living in a DCPS or public charter school that provides students with room and board in a residential setting	0.374	\$2,452
Level 2: Special Education - Residential	Additional funding to support the after-hours level 2 special education needs of students living in a DCPS or public charter school that provides students with room and board in a residential setting	1.36	\$8,915
Level 3: Special Education - Residential	Additional funding to support the after-hours level 3 special education needs of students living in a DCPS or public charter school that provides students with room and board in a residential setting	2.941	\$19,279

New Part B,
Subchapter
XII, Chapter
3, Title 1
New
§ 1-328.01

New
§ 1-328.02

New
§ 1-328.03

Note,
§ 1-327.01

Repeal
§§ 1-327.01,
1-327.02

New
§ 1-328.04

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Level 4: Special Education - Residential	Additional funding to support the after-hours level 4 special instructional needs of limited and non-English proficient students living in a DCPS or public charter school that provides students with room and board in a residential setting	2.924	\$19,168
Level 5: Special Education - Residential	Residential 24 hour intensity in a public charter school	9.40	\$61,620
LEP/NEP - Residential	Additional funding to support the after-hours level 4 special education needs of students living in a DCPS or public charter school that provides students with room and board in a residential setting	0.68	\$4,458

(e) Section 109 (D.C. Official Code § 38-2908) is amended to read as follows:

"Sec. 109. Facilities allowance for Public Charter Schools.

"(a) The fiscal year facility allowance for Public Charter Schools shall be determined as follows: DCPS approved capital budget shall be divided by the previous school year ("SY") DCPS total pupil count, as defined in section 107, to determine the DCPS per pupil facility cost.

Amend
§ 4-515

"(b) For FY 2004 and succeeding fiscal years, the facility allowance for Public Charter Schools shall be determined as described in subsection (a) of this section, except that the DCPS per pupil facility cost for all previous years shall be averaged with the current year's DCPS per pupil facility cost to determine the Public Charter School per pupil facility allowance. The facility allowance shall then be multiplied by the number of students estimated to be attending each Public Charter School to determine the actual facility allowance payments to be received by each Public Charter School. For each year after FY 2004, this "moving average" shall only include the most recent 5-year's DCPS per pupil facility cost.

New
§ 4-515.01

"(c) The entire annual payment for facilities shall be included in the first payment of the fiscal year and that any payment for new charter schools shall also be included in the first payment of the fiscal year."

Sec. 3403. Fiscal impact statement.

Funds are sufficient in the proposed FY 2003 through FY 2006 budget and financial plan. The proposed budget for the District of Columbia Public Schools includes \$576.1 million and the proposed budget for the D.C. Public Charter Schools includes \$132.8 million to implement the components of this subtitle.

SUBTITLE B. PUBLIC SCHOOL AND PUBLIC CHARTER SCHOOL FACILITY SHARING

Sec. 3421. Short title.

This subtitle may be cited as the "Public School and Public Charter School Facilities

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Sharing Act of 2002."

Sec. 3422. (a) The District of Columbia Public School ("DCPS") system shall allow existing public charter schools that are chartered by the District of Columbia Board of Education or the Public Charter School Board prior to September 30, 2002, to utilize space in DCPS facilities, where such facilities are currently or projected to be underutilized because of decreased or stagnant student enrollment.

(b)(1) As payment for the space allocation, the public charter school shall pay, from its facility allowance, a portion of all funding amounts dealing with capital and maintenance costs or an amount agreeable to the charter school and DCPS.

(2) This amount of payment shall be agreed upon by DCPS and the Charter School before relocation of any public charter school into a public school facility. The fee charged shall be added to the individual school's budget.

(3) The Superintendent of Schools, in cooperation with the Board of Education, shall provide a plan for the co-location of public schools chartered after October 1, 2002, to the Council, by March 1, 2003.

(c) The Board of Education shall promulgate rules to implement the provision of this act.

Amend, New
codification
§ 2-1553

Sec. 3423. Fiscal impact statement.

This subtitle does not have a negative fiscal impact. Public charter schools will pay for the cost of the use of public school facilities from their facility allowance.

SUBTITLE C. MULTIYEAR BUDGET PLAN FOR SPECIAL EDUCATION PROGRAMS

Sec. 3451. Short title.

This subtitle may be cited as the "Special Education Multiyear Budget Plan Act of 2002".

Sec. 3452. No later than December 31, 2002, Superintendent of the District of Columbia Public Schools shall submit to the Chief Financial Officer of the District of Columbia a multiyear financial plan which details the projected cost of services for the Special Education program for fiscal years 2003 through 2006, and shall be based on a performance plan for the same fiscal years. The multiyear financial plan shall specify reasonable assumptions for inflation, personal service levels, and wage increases, and identify all budgetary assumptions being used. The multiyear financial plan shall calculate and specify the cost per fiscal year to achieve the objectives and goals set forth in the performance plan.

New Part B,
Subchapter
IV,
Chapter 2,
Title 4

New
§ 4-204.11

Sec. 3453. In developing the multiyear financial plan, the Superintendent of the District of Columbia Public Schools shall work as closely as possible with the Special Education Task Force established pursuant to section 2303(b)(5)(A)(ii) of the Tobacco Settlement Trust Fund

New
§ 4-204.12

ENROLLED ORIGINAL

Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D.C. Official Code § 7-1811.03(b)(5)(A)(ii).

Sec. 3454. The Chief Financial Officer shall have the authority to require greater specificity in the multiyear financial plan. When the Chief Financial Officer is satisfied with the quality and detail of the multiyear financial plan, but in any event no later than March 1, 2003, the Superintendent of the District of Columbia Public Schools shall submit the multiyear financial plan for special education to the Council.

Sec. 3455. The multi-year financial plan shall include all funds, including local and federal funds. New
§ 4-204.13

Sec. 3456. (a) For the purposes of this subtitle, "performance plan" is a detailed statement that includes:

- (1) A mission statement -- a broad statement of central purpose;
- (2) Objectives -- less broad statements of desired outcomes resulting from accomplishing the mission; and
- (3) Goals -- target levels of performance expressed in tangible, measurable terms, against which actual achievement of objectives can be compared; a goal may be expressed as a population target, or as a quantitative standard, value, or rate.

(b) The performance plan shall describe the strategy for how the mission (including its needs assessment goals and service delivery goals and objectives) will be accomplished. This description of strategy shall include all of the functions, activities, operations, and projects required for effective implementation of the performance plan. There shall be one or more measures of performance, that address both quantity and quality, for each goal. The performance plan shall state measurable or objective performance goals and objectives for all significant activities of the agency or program. The plan shall identify (describe and quantify) the classes of persons to be served and how (qualitatively and quantitatively) those classes will change as a result of the mission, objectives, and goals.

(c) The performance plan shall also provide national norms, industry standards, typical benchmarks, performance measures from other cities, or other relevant comparative data. New
§ 4-204.14

(d) The performance plan shall detail how the agency or program will provide improved service delivery that:

- (1) Fulfills its mission (including objectives and goals);
- (2) Reduces expenditures over the time frame of the plan, especially from local funds; and
- (3) Creates operational efficiencies to accomplish this.

Sec . 3457. Fiscal impact statement.

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This title is consistent with the FY 2003 budget and financial plan.

SUBTITLE D. TANF FUND SHARING

Sec. 3471. Short title.

This subtitle may be cited as the "TANF Fund Sharing Act of 2002".

Sec. 3472. The District of Columbia Public Schools ("DCPS") shall distribute any TANF or Health and Human Services funds that it receives that are designated for after-school programs, on an equitable basis, to DCPS and Public Charter Schools serving students with after-school programs, that receive funding based on the Uniformed Per Pupil Funding Formula. New
§ 4-204.15

Sec. 3473. Fiscal impact statement. New

This title does not have a negative fiscal impact. § 4-204.16

TITLE XXXV. COUNCIL REVIEW OF THE PLANNED USE OF KLINGLE ROAD, N.W.

Sec. 3501. Short title.

This title may be cited as the "Klingle Road Council Review Act of 2002". New Part C,
Subchapter
IV,
Chapter 2,
Title 4
New
§ 4-204.51

Sec. 3502. No later than December 31, 2002, the Mayor shall transmit to the Council, by resolution, a plan for the future use of Klingle Road, N.W.

Sec. 3503. Notwithstanding any other provision of law, no capital program of federal highway aid projects, federal-aid highway contract, or funds from any source may be expended for Klingle Road, N.W., for any purpose except to facilitate the movement of motor vehicle traffic until a resolution has been transmitted to and approved by the Council authorizing the proposed use. This section shall not preclude critically needed remediation work including, but not limited to, repair to the storm sewer system and protections against further erosion of the roadbed." New
§ 4-204.52

Sec. 3504. Section 105a(h) of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a(h)), is amended as follows:

(a) Designate the existing text as paragraph (1).

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

"(2) Paragraph (1) of this subsection shall not apply to any capital program of federal highway aid projects or federal-aid highway contract that involves the expenditure of funds for Klingle Road., N.W., for any purpose except to facilitate the movement of motor vehicle traffic until a resolution has been transmitted to and approved by the Council authorizing the proposed use. This section shall not preclude critically needed remediation work including, but not limited

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to, repair to the storm sewer system and protections against further erosion of the roadbed."

New
§ 4-204.53

Sec. 3505. Fiscal impact statement.
There is no fiscal impact associated with this title.

TITLE XXXVI. HIGHWAY TRUST FUND

Sec. 3601. Short title.
This title may be cited the "Highway Trust Fund Amendment Act of 2002".

Sec. 3602. Section 1704(b) of the Fiscal Year 2002 Budget Support Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 9-111.01), is amended by striking the phrase "February 1st" and inserting the phrase "November 1st" in its place.

New
§ 4-204.54

Sec. 3603. Fiscal impact statement.
There will be no fiscal impact because this title continues a requirement of existing law.

TITLE XXXVII. TEACHERS, POLICE, AND FIREFIGHTERS RETIREMENT AMENDMENTS

SUBTITLE A. TEACHERS RETIREMENT CONSOLIDATION AMENDMENTS

Sec. 3701. Short title.
This subtitle may be cited as the "Teachers Retirement Consolidation Amendment Act of 2002".

New
§ 4-204.55

Sec. 3702. An Act for the retirement of public-school teachers in the District of Columbia, approved August 7, 1946 (60 Stat. 875; D.C. Official Code § 38-2021.01 *et seq.*), is amended by adding new sections 24 and 25 to read as follows:

"Sec. 24. Rollovers; purchase of service credit.

"(a) Any individual withdrawing any distribution under this act, which distribution constitutes an eligible rollover distribution within the meaning of section 402(c) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 135; 26 U.S.C. § 402(c)) ("Internal Revenue Code of 1986"), may elect, at the time and in the manner prescribed by the Mayor, and after receipt of proper notice, to have any portion of the distribution paid directly to an eligible retirement plan, within the meaning of section 402(c) of the Internal Revenue Code of 1986, in a direct rollover.

"(b) The Custodian of the Retirement Funds shall be entrusted with any transfer from another retirement plan for the purchase of service credit, including transfers allowed by sections 403(b) and 457 of the Internal Revenue Code of 1986. Before any transfer is received, the Mayor shall be presented with documentation sufficient to satisfy the provisions of the Internal Revenue Code of 1986 governing the substantiation of proposed transfers for the purchase of service credit.

New

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“(c)(1) The Custodian of the Retirement Funds shall also be entrusted with any rollover contribution from: § 4-204.56

“(A) A qualified plan described in section 401(a) or 403(b) of the Internal Revenue Code of 1986, excluding after-tax employee contributions;

“(B) An annuity contract described in section 403(b) of the Internal Revenue Code of 1986, excluding after-tax employee contributions;

“(C) An eligible plan under section 457(b) of the Internal Revenue Code of 1986 which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state; or

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“(D) Amounts transferred from an individual retirement account or annuity described in section 408(a) or 408(b) of the Internal Revenue Code of 1986 that is eligible to be rolled over and would otherwise be includible in gross income.

“(2) The rollover shall be separately accounted for as member contributions that were not previously taxed. Before any rollover is received, the Mayor shall be presented with documentation sufficient to satisfy the provisions of the Internal Revenue Code of 1986 governing the substantiation of proposed rollover contributions. The rollover shall be used to purchase service credit in addition to the service credit provided under the provisions of this act.

“(d) The Mayor shall administer the plan in the manner required to satisfy the applicable qualification requirements for a qualified governmental plan pursuant to the Internal Revenue Code of 1986. If a conflict should arise with a qualification requirement, the provision shall be interpreted in favor of maintaining the federal qualification requirements. The Mayor may adopt rules to implement this section.

“Sec. 25. Internal Revenue Code limits.

“(a)(1) Benefits and contributions under the provisions of this act shall not be computed with reference to any compensation that exceeds that maximum dollar amount permitted by section 401(a)(17) of the Internal Revenue Code of 1986, as adjusted for increases in the cost-of-living.

“(2) This subsection shall apply as of October 1, 2002, and shall apply only with respect to an individual who first becomes covered by this act after October 1, 2002.

“(b) Benefits shall not be payable under this act to the extent that they exceed the limitations imposed by section 415 of the Internal Revenue Code of 1986, as adjusted for increases in the cost-of-living.”.

Sec. 3703. Construction of subtitle.

This subtitle is adopted in good faith to comply with the requirements of the Economic Growth and Tax Relief Reconciliation Act of 2001, approved June 7, 2001 (115 Stat. 38; scattered sections of Title 26 of the U.S. Code) (“EGTRRA”) and shall be construed in accordance with EGTRRA and guidance issued thereunder.

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Sec. 3704. Applicability.

This subtitle shall apply as of January 1, 2002.

Sec. 3705. Fiscal impact statement.

The enactment of this subtitle makes it easy for employees to purchase service credit with distributions from other retirement plans. There is no cost to the District for implementing this pension reform. The Fiscal Year 2003 budget and financial plan includes sufficient funds with the D.C. Retirement Board and D.C. Office of Personnel to administer this pension reform.

Amend
§ 25-101

Amend
§ 25-104

SUBTITLE B. POLICE AND FIREFIGHTERS RETIREMENT CONSOLIDATION

Sec. 3721. Short title.

This subtitle may be cited as the "Police and Fire Retirement Consolidation Amendment Act of 2002".

Amend
§ 25-115

Amend
§ 25-120

Sec. 3722. Section 12 of An Act Making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June thirteenth, nineteen hundred and seventeen, and for other purposes, approved September 1, 1916 (39 Stat. 718; D.C. Official Code § 5-701 *et seq.*), is amended as follows:

Amend
§ 25-303

(a) Subsection (d) (D.C. Official Code § 5-706) is amended by adding new paragraphs (5) through (9) to read as follows:

"(5) Any individual withdrawing any distribution under this section, which distribution constitutes an eligible rollover distribution within the meaning of section 402(c) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 135; 26 U.S.C. § 402(c)) ("Internal Revenue Code of 1986"), may elect, at the time and in the manner prescribed by the Mayor, and after receipt of proper notice, to have any portion of the distribution paid directly to an eligible retirement plan, within the meaning of section 402(c) of the Internal Revenue Code of 1986, in a direct rollover.

Amend
§ 25-313
Amend
§ 25-332

"(6) The Custodian of the Retirement Funds shall be entrusted with any transfer from another retirement plan for the purchase of service credit, including transfers allowed by sections 403(b) and 457 of the Internal Revenue Code of 1986. Before any transfer is received, the Mayor shall be presented with documentation sufficient to satisfy the provisions of the Internal Revenue Code of 1986 governing the substantiation of proposed transfers for the purchase of service credit.

Amend
§ 25-352

"(7)(A) The Custodian of the Retirement Funds shall also be entrusted with any rollover contribution from:

"(i) A qualified plan described in section 401(a) or 403(b) of the Internal Revenue Code of 1986, excluding after-tax employee contributions;

"(ii) An annuity contract described in section 403(b) of the Internal Revenue Code of 1986, excluding after-tax employee contributions;

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"(iii) An eligible plan under section 457(b) of the Internal Revenue Code of 1986 which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state; or

"(iv) Amounts transferred from an individual retirement account or annuity described in section 408(a) or 408(b) of the Internal Revenue Code of 1986 that is eligible to be rolled over and would otherwise be includible in gross income.

"(B) The rollover shall be separately accounted for as member contributions that were not previously taxed. Before any rollover is received, the Mayor shall be presented with documentation sufficient to satisfy the provisions of the Internal Revenue Code of 1986 governing the substantiation of proposed rollover contributions. The rollover shall be used to purchase service credit in addition to service credit provided under the provisions of subsection (c) of this section.

"(8) The Mayor shall administer the plan in the manner required to satisfy the applicable qualification requirements for a qualified governmental plan pursuant to the Internal Revenue Code of 1986. If a conflict should arise with a qualification requirement, the provision shall be interpreted in favor of maintaining the federal qualification requirements.

Amend
§ 25-433

"(9) The Mayor may adopt rules to implement this section."

Amend
§ 25-441

(b) A new subsection (n-1) is added to read as follows:

"(n-1) Benefits and contributions under the provisions of this act shall not be computed with reference to any compensation that exceeds that maximum dollar amount permitted by section 401(a)(17) of the Internal Revenue Code of 1986, as adjusted for increases in the cost-of-living. This provision shall take effect as of October 1, 2002, and shall apply only with respect to an individual who first becomes covered by this act after that date.

Amend
§ 25-781

"(2) Benefits shall not be payable under this chapter to the extent that they exceed the limitations imposed by section 415 of the Internal Revenue Code of 1986, as adjusted for increases in the cost-of-living."

Sec. 3723. Applicability.

This subtitle shall apply as of January 1, 2002.

Sec. 3724. Fiscal impact statement.

The enactment of this subtitle makes it easy for employees to purchase service credit with distributions from other retirement plans. There is no cost to the District for implementing this pension reform. The Fiscal Year 2003 budget and financial plan includes sufficient funds with the D.C. Retirement Board and D.C. Office of Personnel to administer this pension reform.

Note,
§ 1-204.50b

**SUBTITLE C. RETIREMENT REFORM CONSOLIDATED ACTUARIAL
ENGAGEMENT AMENDMENT**

Sec. 3731. Short title.

ENROLLED ORIGINAL

This subtitle may be cited as the "Retirement Reform Consolidated Actuarial Engagement Amendment Act of 2002".

Sec. 3732. Section 142(d)(1) of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; D.C. Official Code § 1-722(d)(1)), is amended by adding a new sentence at the end to read as follows:

"Whenever any change in benefits under a retirement program is made to either, but not both, the Metropolitan Police Department or the Fire and Emergency Medical Services Department, the Mayor shall engage an enrolled actuary to perform the same study contemporaneously for the other employee group for which the change was not made."

Amend
§ 4-204.07

Sec. 3733. Fiscal impact statement.

This subtitle requires an actuary to provide a financial impact study on both employee groups under the police officers and fire fighters retirement plan, when a change in benefits is proposed. Under current law (D.C. Official Code §1-722), whenever a change in benefits is made under a retirement program for police officers and fire fighters, or teachers, the Mayor is required to hire an actuary to estimate the financial effect of such change in benefits over a 5-year period. If a change in benefits is proposed for only one covered employees group, the actuary is required to study the financial impact only for that particular group. As a practical reality, when one group successfully negotiates an enhanced retirement benefit, the other group is likely to request the same benefit in subsequent legislation, creating a potential scenario for the actuary to conduct two separate studies. The average cost of an actuary study is \$5,000 - \$10,000 depending on the complexity of the study. The potential savings of conducting one study rather than conducting two separate studies is \$2,000 - \$4,000 per study.

New
§ 4-204.09

SUBTITLE D. RETIREMENT REFORM REPLACEMENT ACTUARIAL ENGAGEMENT AMENDMENT

Sec. 3741. Short title.

This subtitle may be cited as the "Retirement Reform Replacement Actuarial Engagement Amendment Act of 2002".

Sec. 3742. Section 133(c)(2) of 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 § 1-907.03(c)(2)), is amended by striking the phrase "District payments." and inserting the phrase "District payments; provided that whenever any change in benefits under a retirement program is made to either, but not both, the Metropolitan Police Department or the Fire and Emergency Medical Services Department, the Mayor shall engage an enrolled actuary to perform the same study contemporaneously for the other employee group for which the change was not made." in its place.

New Chapter
10A, Title 7

New
§ 7-1031

New
§ 7-1032

ENROLLED ORIGINAL

Sec. 3743. Fiscal impact statement.

This subtitle requires an actuary to provide a financial impact study on both employee groups under the police officers and fire fighters retirement plan, when a change in benefits is proposed. Under current law (D.C. Official Code §1-722), whenever a change in benefits is made under a retirement program for police officers and fire fighters, or teachers, the Mayor is required to hire an actuary to estimate the financial effect of such change in benefits over a 5-year period. If a change in benefits is proposed for only one covered employees group, the actuary is required to study the financial impact only for that particular group. As a practical reality, when one group successfully negotiates an enhanced retirement benefit, the other group is likely to request the same benefit in subsequent legislation, creating a potential scenario for the actuary to conduct two separate studies. The average cost of an actuary study is \$5,000 - \$10,000 depending on the complexity of the study. The potential savings of conducting one study rather than conducting two separate studies is \$2,000 - \$4,000 per study.

TITLE XXXVIII. LABOR RELATIONS AND COLLECTION BARGAINING AMENDMENTS
SUBTITLE A. FUNDING FOR THE OFFICE OF LABOR RELATIONS AND COLLECTIVE BARGAINING

Sec. 3801. Short title.

This subtitle may be cited as the "Office of Labor Relations and Collective Bargaining Act of 2002".

New
§ 7-1033

Sec. 3802. Reimbursement for representation by Office of Labor Relations and Collective Bargaining.

(a) Any agency that is represented by the Office of Labor Relations and Collective Bargaining ("OLRCB") in third-party cases, grievances, and dispute resolution shall pay the cost of representation established through an intradistrict agreement with the OLRCB.

(b) Beginning in Fiscal Year 2003, the OLRCB shall calculate and assess the costs for representing agencies under the direct personnel authority of the Mayor in third-party cases, grievances, and dispute resolution. The OLRCB shall negotiate the cost of representing an independent agency in third-party cases, grievances, and dispute resolution with the independent agency.

Sec. 3803. Budget for Office of Labor Relations and Collective Bargaining.

Beginning with the proposed budget for Fiscal Year 2004, the Mayor shall provide in the budget funding for the Office of Labor Relations and Collective Bargaining ("OLRCB") represented as a separate line or responsibility center. The Mayor shall include in the budget request submitted to the Council historical spending information for the OLRCB so that an accurate, complete comparison can be made of the fiscal costs for the OLRCB.

Sec. 3804. Fiscal impact statement.

This title is budget neutral because it generates funds for the Office of Labor Relations and Collective Bargaining through intradistrict revenues.

SUBTITLE B. LABOR RELATIONS AMENDMENT

Sec. 3831. Short title.

ENROLLED ORIGINAL

This subtitle may be cited as the "Labor Relations Amendment Act of 2002".

Sec. 3832. 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. Official Code §§ 1-617.01 - 1-617.18), is amended as follows:

(a) Section 1701(c) (D.C. Official Code § 1-617.01(c)) is amended by striking the phrase "employee representatives" and inserting the phrase "representative(s) of bargaining unit employees" in its place.

(b) Section 1704(a)(1) (D.C. Official Code § 1-617.04(a)(1)) is amended by adding the word "with" after the word "interfering".

(c) Section 1706(a) (D.C. Official Code § 1-617.06(a)) is amended as follows:

(1) Paragraph (2) is amended by striking the word "and" at the end.

(2) Paragraph (3) is amended by striking the period at the end and inserting the phrase "; and" in its place.

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

"(4) to refrain from any or all such activities under paragraphs (1), (2), and (3) of this subsection, except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in section 1711."

(d) Section 1711(a) (D.C. Official Code § 1-617.11(a)) is amended by striking the phrase "in an amount equal to the dues of the employees' organizations" and inserting the phrase "consistent with law" in its place.

New
§ 7-1034

(e) Section 1717 (D.C. Official Code § 1-617.17) is amended as follows:

(1) Subsections (c) and (e) are repealed.

(2) Subsection (f) is amended as follows:

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

"(1) Collective bargaining for a given fiscal year or years shall take place at such times as to be reasonably assured that negotiations shall be completed prior to submission of a budget for said year(s) in accordance with this section.

"(A) A party seeking to negotiate a compensation agreement shall serve a written demand to bargain upon the other party during the period 120 days to 90 days prior to the first day of a fiscal year, for purposes of negotiating a compensation agreement for the subsequent fiscal year.

"(B) Negotiations among the parties shall continue until a settlement is reached, or until 180 days after negotiations have commenced."

New
§ 7-1035

(B) Paragraph (2) is amended by striking the first and second sentences and inserting the sentence "If the parties have failed to begin negotiations within 90 days of the end of the annual notice period, or have failed to reach settlement on any issues 180 days after negotiations have commenced, then an automatic impasse may be declared by any party. " in

its place.

(3) Subsection (g) is amended by striking the last sentence.

(4) Subsection (m) is amended by striking the first and second sentences and inserting in its place a new sentence to read as follows:

"When the Public Employee Relations Board makes a determination as to the appropriate bargaining unit for the purpose of compensation negotiations pursuant to section 1716, negotiations for compensation between management and the exclusive representative of the appropriate bargaining unit shall commence as provided for in subsection (f) of this section."

New
§ 7-1036

Sec. 3833. Fiscal impact statement.

This title will have no fiscal impact as it pertains to the existing functions and responsibilities of the Office of Labor Relations and Collective Bargaining. However, the legislation will affect beneficially the relationship between bargaining and the District of Columbia government budget process.

TITLE XXXIX. WATER AND SEWER OPERATIONS

Sec. 3901. Short title.

This title may be cited as the "Water and Sewer Operations Amendment Act of 2002".

Sec. 3902. Section 207(a)(3) of the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 106; D.C. Official Code § 34-2107(a)(3)), is amended to read as follows:

"(3)(A) For any unimproved real property under construction that discharges groundwater into a District-owned sanitary sewer, or combined sewer, or for any real property using water, part of which is from a source or sources other than the District water supply system, the real property owner shall pay a sanitary sewer service charge separate from and in addition to any sanitary sewer service charge levied in paragraphs (1) or (2) of this subsection. For any improved real property that discharges groundwater into a District-owned sanitary or combined sewer, the real property owner shall not be subject to payment of a separate and additional charge for discharges of groundwater, but shall pay for discharges of cooling water into a District-owned sanitary of combined sewer that are derived from a source or sources other than the District water supply system.

Note, Part A,
Subchapter
IV, Chapter
15, Title 1

"(B)(i) For unimproved real property under construction the separate and additional sanitary sewer service charge shall apply to and be measured by the quantity of water that is derived from the groundwater and is discharged into the District sanitary or combined sewer system.

"(ii) For improved real property, the separate and additional sanitary sewer service charge shall apply to and be measured by the quantity of water that is derived from the cooling water and is discharged into the District sanitary or combined

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sewer system.

"(iii) For real property using water from a source or sources other than the District water supply system, such separate and additional charge shall be measured by the quantity of water from the source or sources other than the District water supply system discharged into the District sanitary or combined sewer system from the property.

New
Subchapter
VIII, Chapter
12, Title 38

"(C) Unless the Mayor determines that it is not practicable, the owner of the real property shall install and maintain, at a location approved by the Mayor and without cost to the District, any sanitary meter or device necessary to measure the quantity of groundwater, cooling water, or water from other than the District water supply system that is discharged into the District's sanitary sewers.

New
§ 38-1208.01

"(D) For purposes of this section, the determination made by the Mayor pursuant to Chapter 8 of Title 47 of the D.C. Official Code as to whether property is improved or unimproved shall apply."

Sec. 3903. Fiscal impact statement.

The title will have a positive fiscal impact. Currently, no funds are budgeted for the District government to install meters and pay groundwater charges in its buildings. The District has approximately 1,600 operations buildings, many of which have groundwater. If the amendment is not passed, the District would have local expenditures that exceed budgeted amounts.

New
§ 38-1208.02

TITLE XL. OFFICE OF INSPECTOR GENERAL DOMICILIARY

Sec. 4001. Short title.

This title may be cited as the "Office of Inspector General Domiciliary Amendment Act of 2002".

New
§ 38-1208.03

Sec. 4002. Section 906 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-609.06), is amended by adding a new subsection (i) to read as follows:

"(i)(1) The Office of the Inspector General shall meet the definitions of "hard to fill" position or "exceptional circumstances" to receive a waiver of the District of Columbia's residency and domicile laws for new hires.

"(2) For the purposes of this subsection, the term:

(A) "Hard to fill position" means a position so designated by the personnel authority on the basis of demonstrated recruitment and retention problems inherent in the position due to the uniqueness of the duties and responsibilities and the unusual combination of highly specialized qualification requirements for the position.

(B) "Exceptional circumstances" means conditions or facts that are uncommon, deviate from or do not conform to the norm, or are beyond willful control, which

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are presented to the personnel authority by the Inspector General when hiring an individual to fill a position in the Excepted or Executive Services, and which shall be considered by the personnel authority in determining the reasonableness of granting a waiver of the domicile requirement pursuant to this section and section 1059.

"(3) The Office of Personnel shall have the authority to grant the Office of the Inspector General waivers of the domicile requirement for new positions or hires in the Office of the Inspector General when those positions or hires present exceptional circumstances or for appointees or hires in hard to fill positions."

New
§ 38-1208.04

Sec. 4003. Fiscal impact statement.

The fiscal impact is minimal since this title reinstates the waiver authority for the Office of the Inspector General, which was granted to the Office of Personnel by Congress.

TITLE XLI. FISCAL YEAR 2004 BUDGET SUBMISSION AMENDMENT

Sec. 4101. Short title.

This title may be cited as the "Fiscal Year 2004 Budget Submission Amendment Act of 2002".

Sec. 4102. Limit on increase in spending.

For fiscal year 2004 the Mayor shall not submit a budget to the Council that increases spending by more than 4% of the fiscal year 2003 budget approved by the Council.

Sec. 4103. Fiscal impact statement.

There is no fiscal impact.

TITLE XLII. EFFECTIVE DATE

Sec. 4201. 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.

New
§ 38-1208.05

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Chairman
Council of the District of Columbia

New
§ 38-1208.06

Mayor
District of Columbia

Amend
§ 51-101

Amend
§ 51-113

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**Note,
§§ 51-100,
51-113**

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**Amend
§ 51-114**

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**Note,
§ 10-1001**

**Amend
§ 1-611.08**

**Amend
§ 1-611.08**

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**Amend
§ 50-305**

ENROLLED ORIGINAL

**Amend
§ 50-311**

**New
§ 50-321**

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**New
§ 50-322**

**Amend
§ 1-611.08**

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New
§ 5-133.19

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**Amend
§ 1-604.02**

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**Amend
§ 1-610.57**

**Amend
§ 16-916.02**

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**New Part D,
Subchapter II,
Chapter 2,
Title 24**

**New
§ 24-211.61**

**New Part C,
Subchapter I,
Chapter 2,
Title 24**

**New
§ 24-201.61**

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**New
§ 1-301.122**

**Note,
§ 1-204.46**

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**Amend
§ 38-2901**

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**Amend
§ 38-2903**

**Amend
§ 38-2904**

**Amend
§ 38-2905**

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**Amend
§ 38-2908**

**New Chapter
18A, Title 38**

**New
§ 38-1851**

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**Note,
§ 38-2501**

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**New
Subchapter II,
Chapter 29,
Title 38**

**New
§ 38-2951**

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**New
Subchapter
VIII, Chapter
1, Title 9**

**New
§ 9-115.01**

**New
§ 9-115.02**

**Amend
§ 2-301.05a**

**Amend
§ 9-111.01**

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New
§ 38-2021.24

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New
§ 38-2021.25

Note,
§§ 38-2021.24,
38-2021.25

Note,
§§ 38-2021.24,
38-2021.25

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**Amend
§ 5-706**

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**New
§ 5-723.01**

**Note,
§§ 5-706,
5-723.01**

**Amend
§ 1-722**

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**Amend
§ 1-907.03**

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**New
Subchapter V,
Chapter 5,
Title 1**

**New
§ 1-531.01**

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**Amend
§ 1-617.01**

**Amend
§ 1-617.04**

**Amend
§ 1-617.06**

**Amend
§ 1-617.11**

**Amend
§ 1-617.17**

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**Amend
§ 34-2107**

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**Amend
§ 1-609.06**

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**New
§ 1-301.76
Note,
§ 1-204.42**