

1 **Draft AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
2 **Chairman Kwame R. Brown**  
3 **June 10, 2011**  
4 **(To be moved at the June 14, 2011 Legislative Meeting)**  
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6

7 A BILL

8  
9 19-203

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12 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
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17 To limit payment from the categories of bonus and special pay; to amend the Fiscal Year 1999  
18 Budget Support Act of 1998 to allow the Office of the Chief Technology Officer to obtain  
19 and expend broadband stimulus grant monies; to establish a Department of General  
20 Services as a separate, cabinet-level agency, to manage the capital construction program  
21 for District government facilities and the real property assets of the District of Columbia;  
22 to amend the rental accommodations statute to clarify that the funds collected from the  
23 rental unit fees are to be deposited in the Nuisance Abatement Fund; to clarify authority  
24 for historic preservation review and designation fees; to repeal the Neighborhood Investment  
25 Fund Act of 2004; to amend the District of Columbia Housing Authority Act of 1999; to  
26 amend the Poverty Lawyer Loan Assistance Repayment Program to remove it from OAG  
27 and assign it to the Mayor; to amend the Uniform Per Student Funding Formula for  
28 Public Schools and Public Charter Schools and Tax Conformity Clarification Amendment  
29 Act of 1998 to modify the per student foundation level for fiscal year 2010 and to provide  
30 for a supplemental allocation for extended school days; to amend the Healthy Schools Act  
31 of 2010; to amend the Day Care Policy Act of 1979 in order to bring the Child  
32 Development Facilities Regulations of 2007 into compliance with the statutory maximum  
33 licensing capacity; to amend D.C. Code §38-2906.02 to hold the July 15 payment in  
34 escrow pending a final decision by the eligible charter authority; to amend the Mentally  
35 Retarded Citizens Constitutional Rights and Dignity Act of 1978 to authorize the  
36 Department on Disability Services to require individuals receiving supports and services  
37 to be Medicaid eligible and maintain Medicaid eligibility for the purpose of receiving  
38 such supports and services from a Medicaid-eligible provider or require the individual to  
39 make full payment to the provider for such supports and services and to amend the  
40 Department on Disability Services Establishment Act of 2006 to require the Department  
41 on Disability Services to maximize Medicaid revenues by requiring individuals receiving  
42 supports and services to be Medicaid eligible and maintain Medicaid eligibility or require  
43 the individual to make full payment to the provider for such supports and services; to  
44 provide the Office of Asian and Pacific Islander Affairs with grant making authority; to  
45 amend the District of Columbia Public Assistance Act of 1982; to amend Section 7(a)(4)  
46 of the District of Columbia Traffic Act, and Title IV of the District of Columbia Revenue

1 Act of 1937 to modify the fee to obtain a duplicate operators permit, learner’s permit,  
2 provisional permit or registration certificate and to enhance the fee to obtain a duplicate  
3 non-driver identification card or commercial driver’s license; to amend Title 24 of the DC  
4 Municipal Regulations to revise the public space rental fee for temporarily placing steel  
5 plates in the public space; to amend the Department of Transportation Establishment Act  
6 of 2002 to allow DDOT to sell advertising on District Department of Transportation  
7 property in public space; to amend Title 47 of the District of Columbia Official Code to  
8 provide information requirements for the exemption or abatement of taxes and to provide  
9 for an annual certification by taxpayers for continued receipt of an exemption or  
10 abatement from real property taxation; to amend Chapters 20 and 22 of Title 47 of the  
11 District of Columbia Official Code to specify a mechanism for remittance of taxes on  
12 additional charges by room remarketers for occupancy of hotel accommodations by  
13 transients; to make technical amendments to the Fiscal Year 2010 Budget Support Act of  
14 2010 and the Fiscal Year 2011 Budget Support Act of 2010; to amend Title 47, Chapter  
15 18 of the District of Columbia Official Code by adding thereto new sections, designated  
16 §§ 47-1805.02A, 47-1810.04, 47-1810.05, 47-1810.06, 47-1810.07, and amending and  
17 reenacting, § 47-1801.04, all relating to franchise taxes; to require combined reporting of  
18 certain taxes upon businesses; to amend Title 47 of the D.C. Official Code to initiate a  
19 limitation on Itemized Deductions; to amend Chapter 18 of Title 47 of the D.C. Official  
20 Code to amend the equally weighted 3-factor apportionment formula from a single-  
21 weighted sales factor to a double-weighted sales factor; to eliminate the sunset date on the  
22 existing sales tax rate; to amend Title 47 of the D.C. Official Code to provide for a 6%  
23 sales tax on live performances and the same rate of sales tax on legitimate theater sales as  
24 other live performance venues; to increase the sales tax rate on parking to 18%; to collect  
25 sales tax on cigarettes at the wholesale level; to increase the estimated tax penalty safe  
26 harbor to 110% of prior year’s taxes; to amend Chapter 18 of Title 47 of the D.C. Official  
27 Code to increase the minimum tax payable on corporations and unincorporated businesses  
28 doing business in the District of Columbia; to amend Chapter 44 of Title 47 of the D.C.  
29 Official Code adding a new section 47-4481 to require a District bank or financial  
30 institution to disclose to the Office of Tax & Revenue any bank account asset information  
31 of a delinquent taxpayer with holdings in that bank or financial institution for the purpose  
32 of ascertaining whether there are sufficient assets in the account to satisfy any District  
33 liability owed by the delinquent taxpayer; to amend Chapter 18 of Title 47 of the D.C.  
34 Official Code 47-1812.08 to exclude the standard deduction from withholding  
35 calculations; to amend Chapter 8 of Title 47 to determine the calculated rate for  
36 commercial property in fiscal year 2012; to amend Chapter 18 of Title 47 of the D.C.  
37 Official Code 47-1812.08 to provide for tax to be withheld on distributions from  
38 retirement accounts; to amend Chapter 18 of Title 47 of the D.C. Official Code by adding  
39 a new subparagraph to 47-1806.03(a) to impose an 8.9% income tax rate increase for  
40 District taxable income over \$200,000; to amend the D.C. Official Code to allow off-  
41 premise alcohol sales to occur until 12 a.m.; to amend section 47-2001 of the District of  
42 Columbia Official Code to impose a duty on out-of District vendors that have a physical  
43 presence within the District to collect sales taxes on the internet sales to purchasers in the  
44 District of tangible personal property or services; to make the Community Benefits Fund  
45 subject to appropriations; to repeal and convert to local funds or make lapsing various  
46 special purpose revenue and dedicated tax funds; to undesignated special purpose revenue

1 funds for fiscal year 2011; to adjust fiscal year 2011, 2012, and 2013 funding transfers;  
2 and to authorize .

3  
4 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this

5 act may be cited as the “Fiscal Year 2012 Budget Support Act of 2011”.

6 **TITLE I. GOVERNMENT DIRECTION AND SUPPORT**

7 **SUBTITLE A. BONUS AND SPECIAL PAY LIMITATION**

8 Sec. 1001. Short title.

9 This subtitle may be cited as the “Bonus and Special Pay Limitation Act of 2011”.

10 Sec. 1002. Bonus and special pay limitations.

11 (a) For fiscal year 2012, no funds shall be used to support the categories of special awards  
12 pay or bonus pay; provided, that funds may be used to pay:

13 (1) Retirement awards;

14 (2) Hiring bonuses for difficult-to-fill positions;

15 (3) Additional income allowances for difficult-to-fill positions;

16 (4) Agency awards or bonuses funded by private grants or donations;

17 (5) Safe driving awards;

18 (6) Suggestion/invention awards; or

19 (7) Any other award/bonus required by an existing contract or collective  
20 bargaining agreement that was entered into prior to October 1, 2010.

21 (b) For fiscal year 2012, no special awards pay or bonus pay shall be paid to a  
22 subordinate agency head or an assistant or deputy agency head unless required by an existing  
23 contract that was entered into prior to October 1, 2010.

24 (c) Notwithstanding any other provision of law, no restrictions on the use of funds to

1 support the categories of special awards pay (comptroller subcategory 0137) or bonus pay  
2 (comptroller subcategory 0138) shall apply in fiscal year 2012 to employees of the District of  
3 Columbia Public Schools who are based at a local school or who provide direct services to  
4 individual students.

5 **SUBTITLE B. BROADBAND ACCESS**

6 Sec. 1011. Short title.

7 This subtitle may be cited as the “Digital Inclusion Grant-making Amendment Act of  
8 2011”.

9 Sec. 1012. Section 1814 of the Fiscal Year 1999 Budget Support Act of 1998, effective  
10 March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 1-1403), is amended as follows:

11 (a) Paragraph (10)(C) is amended by striking the word “and” .

12 (b) Paragraph (11) is amended by striking the phrase “Internet services.” and inserting the  
13 phrase “Internet services; and” in its place.

14 (c) A new paragraph (12) is added to read as follows:

15 “(12) In furtherance of paragraph (10) of this section, obtaining and expending federal  
16 grant funds for digital inclusion efforts and awarding sub-grants to nonprofit entities established  
17 in the District for the purpose of supporting digital inclusion efforts by such entities, including  
18 the following:

19 (A) Providing computer literacy training;

20 (B) Providing free or low-cost computers;

21 (C) Developing new online content;

22 (D) Conducting public outreach concerning the use, availability, and benefits of  
23 computers and the Internet; and

1 (E) Similar efforts to enhance the accessibility, usability, affordability, and  
2 perceived value of computers and the Internet among underserved populations of the District.”.

3 **SUBTITLE C. DEPARTMENT OF GENERAL SERVICES**

4 Sec. 1021. Short title.

5 This subtitle may be cited as the “Department of General Services Establishment Act of  
6 2011”.

7 Sec. 1022. Department of General Services; establishment.

8 (a) There is established, as a subordinate agency within the executive branch of the  
9 District government, a Department of General Services (~~“Department”~~), which shall be headed  
10 by a Director who shall carry out the functions and authorities assigned to the Department.

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11 (b) The functions of the Department shall be to:

12 (1) Manage the capital improvement and construction program for District  
13 government facilities, including the modernization or new construction of District facilities by  
14 approving and authorizing decisions at every stage of modernization and new construction,  
15 including planning, design, procurement, and construction, in accordance with the approved  
16 Capital Improvement Plan;

17 (2) Acquire real property, by purchase or lease, for use by the District  
18 government;

19 (3) Manage space in buildings and adjacent areas operated and leased by the  
20 District government, assist District agencies in implementing space plans, and administer the  
21 employee parking program;

22 (4) Provide building services for facilities owned and occupied by the District  
23 government, including engineering services, custodial services, security services, energy

1 conservation, utilities management, maintenance, inspection and planning, and repairs and non-  
2 structural improvements;

3 (5) Administer the disposition of District real and personal property through sale,  
4 lease, or other authorized method, and to exercise other acquisition and property disposition  
5 authority delegated by the Mayor; and

6 (6) Manage data and information needs pertaining to real property, including  
7 maintaining inventory records for tracking and controlling District-owned, controlled, and leased  
8 space.

9 Sec. 1023. Organization.

10 There are established 6 primary organizational functions in the Department as follows:

11 (1) Agency Management, which shall include the staff and organizational units  
12 needed to carry out the overall plan and direction for the Department, including coordination and  
13 management for information technology, resource allocation, human resources, procurement,  
14 fixed -cost forecasting for District facilities, and the administrative functions of the Department;

15 (2) Capital Construction, which shall:

16 (A) Implement and oversee the Department's capital improvement  
17 program for District government facilities; and

18 (B) Execute the capital budget program, which includes the rehabilitation  
19 of existing real property facilities and construction of new facilities supporting the District;

20 (3) Portfolio Management, which shall coordinate:

21 (A) Lease administration;

22 (B) Allocation of owned and leased properties to District agencies;

23 (C) Property acquisition and disposition; and

1 (D) Rent collection from entities leasing District-owned or leased  
2 properties;

3 (4) Facilities Management, which shall coordinate the day-to-day operations of  
4 District-owned properties by:

5 (A) Maintaining building assets and equipment;

6 (B) Performing various repairs and non-structural improvements; and

7 (C) Providing janitorial, trash and recycling pickup, postal, and  
8 engineering services; provided, that the District of Columbia Public Schools (“DCPS”) shall  
9 remain responsible for providing janitorial services at DCPS facilities;

10 (5) Contracting and Procurement, which shall provide services and support in  
11 procuring for the District:

12 (A) Construction, architecture, and engineering services;

13 (B) Facilities maintenance and operation services;

14 (C) Real estate asset management services, including leasing and auditing;

15 (D) Utility contracts;

16 (E) Security services; and

17 (F) Such other services necessary or desirable to improve the

18 effectiveness of the Department and advance the purposes of this act; and

19 (6) Protective Services Police Department, which shall coordinate, manage, and  
20 provide the security and law enforcement requirements for District government facilities.

21 Sec. 1024. Director; appointment.

22 (a) The Director shall manage and administer the Department and all functions and  
23 personnel assigned thereto, including the power to redelegate to other employees and officials of

1 the Department powers and authority as in the judgment of the Director are warranted in the  
2 interests of efficiency and sound administration.

3 (b) The Director shall be appointed by the Mayor with the advice and consent of the  
4 Council pursuant to section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C.  
5 Law 2-142; D.C. Official Code § 1-523.01(a)), and shall have extensive experience in  
6 construction project management or real property management.

7 Sec. 1025. Independent procurement authority.

8 (a) (1) The Department shall have independent procurement authority and be exempt  
9 from the Procurement Practices Reform Act of 2011, effective April 8, 2011 (D.C. Law 18-371;  
10 D.C. Official Code § 2-351.01 *et seq.*) (“PPA”);

11 (2) The Department shall promulgate rules to implement this authority. The  
12 proposed rules for procurement shall be submitted to the Council for a 45-day period of review,  
13 excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not  
14 approve or disapprove the proposed rules, by resolution, within the 45-day review period, the  
15 proposed rules shall be deemed approved.

16 (3) Until the Department establishes a procurement system and promulgates rules,  
17 the PPA and its rules shall apply to the Department; provided, that the existing Office of Public  
18 Education Facilities Modernization procurement rules shall apply to contracts for public  
19 education facilities construction and modernization until new rules have been promulgated.

20 (b) The Department shall comply with the requirements of the First Source Employment  
21 Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.01  
22 *et seq.*), and the requirements of the Small, Local, and Disadvantaged Business Enterprise  
23 Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C.



1 Official Code § 2-218.01 *et seq.*).

2 Sec. 1026. Transfers.

3 (a) All functions assigned, authorities delegated, positions, personnel, property, records,  
4 and unexpended balances of appropriations, allocations, and other funds available or to be made  
5 available to the Department of Real Estate Services and the Office of Public Education Facilities  
6 Modernization are transferred to the Department.

7 (b) All functions assigned, authorities delegated, positions, personnel, property, records,  
8 and unexpended balances of appropriations, allocations, and other funds available or to be made  
9 available for capital construction and real property management functions of other subordinate  
10 executive branch agencies, except for the District Department of Transportation, as the Mayor  
11 considers necessary to effectuate this act, are transferred to the Department.

12 (c) All functions assigned, authorities delegated, positions, personnel, property, records,  
13 and unexpended balances of appropriations, allocations, and other funds available or to be made  
14 available to the Deputy Mayor for Planning and Economic Development Department for its asset  
15 management program, including the DC USA Garage, are transferred to the Department;  
16 provided, that with respect to funds which are deposited or held in special purpose revenue funds  
17 and fund the asset management program, the Deputy Mayor for Planning and Economic  
18 Development shall enter into a memorandum of understanding with the Department to pay for  
19 the asset management program, including the DC USA Garage, from such special purpose  
20 revenue funds.

21 Sec. 1027. Inventory of real property assets.

22 (a) The Department shall maintain an inventory of all real property assets, based upon  
23 information provided by each District department, agency, and instrumentality under the

1 executive control of the Mayor. The inventory shall be maintained by the Department on a  
2 centralized automated database. Information contained in the database for each property shall  
3 include the following:

- 4 (1) A detailed description of each real property asset;
- 5 (2) Facility condition assessments, which shall contain a proposed or actual  
6 annual budget for maintenance and deferred maintenance, and a detailed description and estimate  
7 of any needed repairs;
- 8 (3) The street address of the property;
- 9 (4) The property's square and lot number;
- 10 (5) The current and prospective future use of the property;
- 11 (6) The area of the property in square feet and, if improved, the gross floor area,  
12 including the subsurface area and the number of stories of any building on the property;
- 13 (7) The current assessed value of the property and any improvements;
- 14 (8) The Ward and Advisory Neighborhood Commission boundary within which  
15 the property is located; and
- 16 (9) Whether the real property is located within a historic district or is designated  
17 as a registered historic landmark under District or federal laws and, if so, the designation.

18 (b) The Department shall make available to the public on its website a database of  
19 information of the inventory of all real property assets in a form substantially similar to that as  
20 maintained and used by the Department.

21 (c) The Department shall maintain a facilities condition assessment of all District-owned  
22 assets under the control of the Mayor on a rolling basis of over 5 years.

23 (d) This section shall apply to improved commercial real property assets, whether

1 occupied or unoccupied, and all real property assets that the Mayor has determined to be no  
2 longer needed for educational purposes and for which jurisdiction has been transferred to the  
3 Department of Real Estate Services for disposal.

4 (e) The Director shall submit to the Council an annual report indicating the changes in  
5 inventory no later than 30 days after the beginning of the fiscal year.

6 (f) For the purposes of this section, the term "real property asset" means real property  
7 titled in the name of the District or in which the District has an interest or jurisdiction and  
8 includes all structures of a permanent character erected thereon or affixed thereto.

9 Sec. 1028. Green building priority.

10 Priority consideration for the District government's facility needs shall be given to  
11 buildings fulfilling or exceeding the LEED-NC 2.2 standard or the LEED-CS 2.0 standard at the  
12 silver level. For purposes of this subsection, the terms "LEED-NC" and "LEED-CS" shall have  
13 the same meanings as provided in the Green Building Act of 2006, effective March 8, 2007 (D.C.  
14 Law 16-234; D.C. Official Code § 6-1451.01).

15 Sec. 1029. Representative program.

16 (a) The Director may contract for the services of a representative to provide real estate  
17 brokerage or real estate consulting services.

18 (b) Each contract for the services of a representative shall be awarded on a competitive  
19 basis to a qualified real estate professional in accordance with procurement regulations  
20 promulgated pursuant to this chapter.

21 (c) The representative shall perform an analysis of all aspects of the proposed contract or  
22 real estate transaction, including the costs and benefits, and shall negotiate on behalf of the  
23 District; provided, that the representative shall not bind the District, and the terms of the contract

1 shall be approved by the Director and, if applicable, by the Council.  
2 (d) Fees paid for the services of a representative may be paid by either party in a  
3 transaction, either as a percentage of the total contract value or a fixed dollar amount, according  
4 to the terms of the contract as negotiated between the District and the representative.

5 Sec. 1030. Rules.

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6 The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act,  
7 approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules  
8 to implement the provisions of this subtitle, including rules for the valuation of the factors to be  
9 considered under section 1028.

10 Sec. 1031. Transition.

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11 To facilitate the establishment of the Department, the City Administrator is authorized to  
12 coordinate and implement the transition process for the Department. The City Administrator shall  
13 transmit to the Council, which shall approve or disapprove by resolution, an implementation plan  
14 for the new agency no later than July 10, 2011. The plan shall:

- 15 (1) Include an organizational chart;
- 16 (2) Identify redundant positions and functions; and
- 17 (3) Include a plan for transferring employees that details how many employees  
18 will be required to re-apply for new positions.

19 Sec. 1032. See Forever Foundation – Evans Campus.

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20 The Department shall have the authority to direct and manage the modernization or new  
21 construction of the See Forever Foundation – Evans Campus, as authorized funds become  
22 available.

1 | Sec. 103<sup>3</sup>. Conforming amendments.

2 | (a) The Office of Property Management Establishment Act of 1998, effective March 26,  
3 | 1999 (D.C. Law 12-175; D.C. Official Code § 10-1001 *et seq.*), is repealed.

4 | (b) Title VII of the Public Education Reform Amendment Act of 2007, effective June 12,  
5 | 2007 (D.C. Law 17-9; D.C. Official Code § 38-451 *et seq.*), is repealed.

6 | (c) Section 105(c) of the Procurement Practices Reform Act of 2010, effective April 8,  
7 | 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.05(c)), is amended as follows:

8 | (1) Paragraph (8) is repealed.

9 | (2) Paragraph (11) is amended by striking the word “and” at the end

10 | (3) Paragraph (12) is amended by striking the period at the end and inserting a  
11 | semicolon in its place.

12 | (4) A new paragraph (13) is added to read as follows:

13 | “(13) The Department of General Services.”.

14 | **SUBTITLE D. OFFICE OF EMPLOYEE APPEALS MANDATORY MEDIATION**

15 | Sec. 1041. Short title.

16 | This subtitle may be cited as the “Office of Employee Appeals Mandatory Mediation  
17 | Amendment Act of 2011”.

18 | Sec. 1042. Section 605(a) of the District of Columbia Government Comprehensive Merit  
19 | Personnel Act of 1978, effective May 15, 1990 (D.C. Law 8-127; D.C. Official Code § 1-  
20 | 606.06(a)), is amended to read as follows:

21 | “(a) The Office shall develop a mediation program. Matters involving the following  
22 | adverse actions shall undergo mediation through the program:

- 1           “(1) Removal;
- 2           “(2) Reduction in grade;
- 3           “(3) Suspension of 10 days or more;
- 4           “(4) Placement on enforced leave lasting 10 days or more; and
- 5           “(5) Any other appeal the Hearing Examiner considers appropriate for
- 6 mediation.”.

7           **SUBTITLE E. OTHER POST-EMPLOYMENT BENEFITS TECHNICAL**  
8 **AMENDMENT**

9           Sec. 1051. Short title.

10           This subtitle may be cited as the “Police and Firefighter Post-Retirement Health Benefits  
11 Clarification Amendment Act of 2011”.

12           Sec. 1052. Section 2109 of the District of Columbia Government Comprehensive Merit  
13 Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-  
14 621.09), is amended as follows:

15           (a) Subsection (h)(3) is amended to read as follows:

16                   “(3) For annuitants who are injured or killed in the line of duty, the District’s  
17 contribution shall be an amount equal to 72% of the cost of the selected health benefit plan and  
18 the annuitant shall contribute 28% of the cost of the selected health benefit plan. For a covered  
19 family member of an annuitant, the District contribution shall be an amount equal to 72% of the  
20 cost of the selected health benefit plan and the family member shall contribute 28% of the cost of  
21 the selected health benefit plan. This paragraph shall apply as of October 1, 2009.”.

22           (b) Subsection (l) is amended to read as follows:

23                   “(l) For an individual covered by subsection (k) of this section, the District’s contribution

1 to the cost of the selected health benefits plan of the individual shall be an amount equal to 72%  
2 of the cost of the selected health benefit plan and the individual shall contribute 28% of the cost  
3 of the selected health benefit plan. For a covered family member of the individual, the District  
4 contribution to the cost of the selected health benefit plan of the family member shall be an  
5 amount equal to 72% of the cost of the selected health benefit plan and the family member shall  
6 contribute 28% of the cost of the selected health benefit plan.”.

7 Sec. 1053. Applicability.

8 This subtitle shall apply as of October 1, 2011.

9 **SUBTITLE F. OIG AUDITING REFORM AMENDMENT**

10 Sec. 1061. Short title.

11 This subtitle may be cited as the “OIG Auditing Reform Amendment Act of 2011”.

12 Sec. 1062. Section 820(c) of the District of Columbia Procurement Practices Act of 1985,  
13 effective May 8, 1998 (D.C. Law 12-104; D.C. Official Code § 2-308.20(c)), is repealed.

14 Sec. 1063. The Professional Engineers’ Registration Act, approved September 19, 1950  
15 (64 Stat. 854; D.C. Official Code § 47-2886.01 *et seq.*), is amended as follows:

16 (a) Section 13(l) (D.C. Official Code § 47-2886.13(d)) is amended by striking the phrase  
17 “It shall be the duty of the Office of the Inspector General of the District of Columbia to audit  
18 annually the accounts of the Board and make a report thereof to the Mayor. For the purpose of  
19 performance of such duty” and inserting the phrase “For the purpose of any contemplated  
20 investigation or audit by the Inspector General,” in its place.

21 (b) Section 16 (D.C. Official Code § 47-2886.16) is amended by striking the phrase “the  
22 Mayor” and inserting the phrase “the Mayor, the Inspector General, and the Office of the  
23 Secretary of the Council of the District of Columbia” in its place.

1           **SUBTITLE G. NONLAPSING FUND FOR COUNCIL TECHNOLOGY**

2           **PROJECTS**

3           Sec. 1071. Short title.

4           This subtitle may be cited as the “Council Technology Projects Fund Establishment Act  
5 of 2011”.

6           Sec. 1072. Council Technology Projects Fund.

7           (a) There is established as a nonlapsing fund the Council Technology Projects Fund  
8 (“Fund”). All funds deposited into the Fund, and any interest earned on those funds, shall not  
9 revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end  
10 of a fiscal year, or at any other time, but shall be continually available for the uses and purposes  
11 set forth in subsection (b) of this section without regard to fiscal year limitation, subject to  
12 authorization by Congress.

13           (b) The Fund shall be used solely for the purposes of maintaining and upgrading the  
14 technology used for the benefit of the Council and shall be administered by the Council’s Chief  
15 Technology Officer.

16           (c) The following shall be deposited into the Fund:

17                   (1) All excess monies remaining in the operating budget for the Council of the  
18 District of Columbia at the end of each fiscal year;

19                   (2) Any interest earned from the monies deposited into the Fund; and

20                   (3) Any other funds received on behalf of the Fund or the Council for the purpose  
21 of maintaining and upgrading the technology for the Council.

22           **SUBTITLE H. DISABILITY COMPENSATION PROGRAM AMENDMENT**

23           Sec. 1081. Short title.



1           This subtitle may be cited as the “Disability Compensation Program Amendment Act of  
2 2011”.

3           Sec. 1082. Section 2327 of the District of Columbia Government Comprehensive Merit  
4 Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-  
5 603.27.), is amended as follows:

6           (a) Subsection (b) is amended to read as follows:

7           “(b) (1) For the purposes of this subsection, the term “successful prosecution” means  
8 obtaining an award of compensation that exceeds the amount that was previously awarded,  
9 offered, or determined. The term “successful prosecution” shall include a reinstatement or partial  
10 reinstatement of benefits which are reduced or terminated.

11           “(2) If a person utilizes the services of an attorney-at-law in the successful  
12 prosecution of his or her claim under section 2324(b) or before any court for review of any  
13 action, award, order, or decision, there shall be awarded, in addition to the award of  
14 compensation, in a compensation order, a reasonable attorney’s fee, not to exceed 20% of the  
15 actual benefit secured, which fee award shall be paid directly by the Mayor or his or her designee  
16 to the attorney for the claimant in a lump sum within 30 days after the date of the compensation  
17 order.”.

18           (b) Subsection (d) is amended to read as follows:

19           “(d)(1) In all cases, fees for attorneys representing the claimant shall be approved in the  
20 manner herein provided. If any proceedings are had before the administrative law judge or any  
21 court for review of any action, award, order, or decision, the administrative law judge or court  
22 shall approve an attorney’s fee for the work done before the administrative law judge or court, as  
23 the case may be, by the attorney for the claimant.

1           “(2) An approved attorney’s fee, in cases in which the obligation to pay the fee is  
2 upon the claimant, may be made a lien upon the compensation order due under an award, and the  
3 administrative law judge or court shall fix in the award approving the fee such lien and manner of  
4 payment.”.

5           **TITLE II. ECONOMIC DEVELOPMENT AND REGULATION**

6           **SUBTITLE A. RENTAL UNIT FEE CLARIFICATION**

7           Sec. 2001. Short title.

8           This subtitle may be cited as the “Housing Business License Rental Unit Fee Clarification  
9 Amendment Act of 2011”.

10          Sec. 2002. Section 401(a) of the Rental Housing Act of 1985, effective July 17,  
11 1985 (D.C. Law 6-10; D.C. Official Code § 42-3504.01(a)), is amended as follows:

12          (a) Strike the phrase “business license” and insert the phrase “basic business license” in  
13 its place.

14          (b) Strike the phrase “the license” and insert the phrase “the basic business license” in its  
15 place.

16          (c) Strike the phrase “no license” and insert the phrase “no basic business license” in its  
17 place.

18          (d) Strike the last sentence and insert the following sentence in its place:

19          “The fees shall be deposited in the fund established pursuant to section 1(b) of An Act to  
20 provide for the abatement of nuisances in the District of Columbia by the Commissioners of said  
21 District, and for other purposes, approved April 14, 1906 (34 Stat. 114; D.C. Official Code § 42-  
22 3131.01(b)).”.

23           **SUBTITLE B. HISTORIC PRESERVATION FEE AUTHORIZATION**

1 **CLARIFICATION**

2 Sec. 2011. Short title.

3 This subtitle may be cited as the “Historic Preservation Fee Authorization Clarification  
4 Act of 2011”.

5 Sec. 2012. Section 11a (b) of the Historic Landmark and Historic District Protection Act  
6 of 1978, effective November 16, 2006 (D.C. Law 16-185; D.C. Official Code § 6–1110.01(b)), is  
7 amended as follows:

8 (a) Paragraph (5) is amended by striking the word “and” at the end.

9 (b) Paragraph (6) is amended by striking the period and inserting the phrase “; and” in its  
10 place

11 (c) A new paragraph (7) is added to read as follows:

12 “(7) All proceeds from the payment of the filing fee and transmittal fees for  
13 applications to designate a historic landmark or historic district as set forth at 10 DCMR § C  
14 205.”

15 Sec. 2013. Title 10 of the District of Columbia Municipal Regulations, Subtitle C,  
16 Historic Preservation Chapter 2, Designation of Historic Landmarks and Districts, Section 205,  
17 Filing Fees, is amended to read as follows:

18

19 **205** **FILING FEES**

20 205.1 The application filing fee to designate a historic landmark is as follows:

21 (a) Up to five buildings \$ 100

22 (b) More than five buildings \$ 200

23 205.2 The application filing fee to designate a historic district is as follows:

- 1 (a) Fewer than 100 buildings \$ 250
- 2 (b) 100-750 buildings \$ 500
- 3 (c) More than 750 buildings \$1,000

4 205.3 In addition to the applicable filing fees above, the follow fees shall be charged for  
 5 transmittal to the following agencies when applicable:

- 6 (a) Commission of Fine Arts \$ 25
- 7 (b) National Capitol Planning Commission for review of projects in the  
 8 Pennsylvania Avenue Development Corporation Area \$ 25

9 205.4 Except as provided in 203.6, the applicant shall pay the non-refundable filing fee before  
 10 the assignment of a case number. Payment shall be by check payable to the District of  
 11 Columbia Treasurer.

12 205.5 Federal and District government agencies, including ANCs, are not required to pay a  
 13 filing fee.

14 Sec. 2014. Title 12 of the District of Columbia Municipal Regulations, Subtitle K,  
 15 Chapter 1, DCRA Permits Division Schedule of Fees, Section 101, Building Permit Fees is  
 16 amended as follows:

17 (a) By adding the following Special Permit and Review fees to subparagraph  
 18 101.1 (b):

| Description                        | Fee Type                      | Fee Amount |
|------------------------------------|-------------------------------|------------|
| Historic Preservation Review Board | Addition or New Construction, |            |
|                                    | • Less than 10,000 SF         | \$ 100     |
|                                    | • 10,000-100,000 SF           | \$ 300     |
|                                    | • More than 100,000 SF        | \$1,000    |
|                                    | Alteration                    |            |
|                                    | Subdivision                   | \$ 25      |
|                                    | Raze                          | \$ 100     |
|                                    |                               | \$ 25      |

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Sec. 2015. This subtitle shall apply as of October 1, 2000.

**SUBTITLE C. NEIGHBORHOOD INVESTMENT FUND AMENDMENT**

Sec. 2021. Short title.

This subtitle may be cited as the “Neighborhood Investment Fund Amendment Act of 2011”.

Sec. 2022. Section 2 of the Neighborhood Investment Act of 2004, effective March 30, 2004 (D.C. Law 15-131; D.C. Official Code § 6-1071), is amended as follows:

(a) Subsection (a) is amended by striking the phrase “Subject to appropriations, there shall be deposited annually into the Neighborhood Investment Fund 17.4% of the personal property tax imposed by § 47 1522(a); provided, that the amount deposited into the Neighborhood Investment Fund from the personal property tax shall not exceed \$10 million annually.” and inserting the phrase “There shall be deposited into the fund such funds as may be appropriated from time to time.” in its place.

(b) Subsection (h) is repealed.

(c) Subsection (i) is repealed.

(d) A new subsection (l) is added to read as follows:

“(l) This section shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.”.

Sec. 2023. Transfer of Get D.C. Residents Training for Jobs Now Career Technical Training program to OSSE.

Section 7b of the State Education Office Establishment Act of 2000, effective June 12,

1 2007 (D.C. Law 17-9; D.C. Official Code § 38-2608), is amended by adding a new subsection (f)  
2 to read as follows:

3 “(f) OSSE shall provide funding for all costs associated with the 24-hour vocational  
4 education programs at Phelps Architecture, Construction and Engineering High School  
5 (“Phelps”), Academy for Construction and Design at Cardozo Senior High School (“Cardozo”),  
6 and the Hospitality Public Charter School at Roosevelt High School; provided, that a portion of  
7 this funding shall be used to employ 2 career technical educators at Cardozo and Phelps.”.

8 **SUBTITLE D. RENT SUPPLEMENT PRIORITIZATION AND FUNDING**

9 Sec. 2031. Short title.

10 This subtitle may be cited as the “Rent Supplement Prioritization and Funding Act of  
11 2011”.

12 Sec. 2032. (a) Section 26a of the District of Columbia Housing Authority Act of 1999,  
13 effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-226), is amended by adding a  
14 new subsection (e) to read as follows:

15 “(e)(1) The Authority shall fill no fewer than 175 units in new or existing Rent  
16 Supplement Program project-based or sponsor-based units with Housing First program  
17 participants. The Authority shall require providers of project-based or sponsor-based housing  
18 under the Rent Supplement Program to provide a preference for and house families and  
19 individuals referred to their programs by the Department of Human Services.

20 “(2) This subsection shall not apply if the fiscal year 2012 appropriation  
21 for the Department of Human Services is increased by \$1,600,000, pursuant to the Fiscal Year  
22 2012 Budget Request Act, passed by the Council on May 25, 2011 (Bill 19-202).”.

23 Sec. 2033. Section 3 of the Housing Production Trust Fund Act of 1988, effective March

1 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2802), is amended by adding a new  
2 subsection (b-4) to read as follows:

3 “(b-4) (1) Notwithstanding any other provision of this act or any other law, the Mayor  
4 may transfer an amount not to exceed \$18 million from the Fund to the Rent Supplement Fund  
5 established by section 26a(d)(1) of the District of Columbia Housing Authority Act of 1999,  
6 effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-226(d)(1)) (“Housing  
7 Authority Act”), for the purpose of funding in fiscal year 2012 the assistance programs set forth  
8 in sections 26a through 26d of the Housing Authority Act.

9 “(2) None of the funds transferred to the Rent Supplement Fund pursuant to  
10 paragraph (1) of this subsection shall be used for administrative costs.

11 “(3) If, pursuant to the [Contingency for Additional Estimated Revenue Act of](#)  
12 [2011, passed on 2<sup>nd</sup> reading on June 14, 2011 \(Enrolled version of Bill 19-203\)](#), the appropriation  
13 for the District of Columbia Housing Authority is increased by an amount by which a revised  
14 revenue estimate exceeds the revenue estimate of the Chief Financial Officer of the District of  
15 Columbia dated February 28, 2011, the transfer set forth in paragraph (1) of this subsection shall  
16 be reduced by an equal amount.”.

Thomas I. Moir 6/10/11 12:13 PM  
**Deleted:** Fiscal Year 2012 Budget Request Act,  
passed by the Council on May 25, 2011 (Bill 19-  
202)

17 **SUBTITLE E. AFFORDABLE HOUSING ANNUAL REPORTING**

18 **AMENDMENT**

19 Sec. 2041. Short title.

20 This subtitle may be cited as the “Affordable Housing Annual Reporting Amendment Act  
21 of 2011”.

22 Sec. 2042. Section 4a of the Housing Production Trust Fund Act of 1988, effective April  
23 19, 2002 (D.C. Law 14-114; D.C. Official Code § 42-2803.01), is amended by striking the phrase

1 “Within 60 days after the end” and inserting the phrase “No later than April 1” in its place.

2 **SUBTITLE F. COMPREHENSIVE HOUSING STRATEGY AMENDMENT**

3 Sec. 2051. Short title.

4 This subtitle may be cited as the “Comprehensive Housing Strategy Amendment Act of  
5 2011”.

6 Sec. 2052. Section 5 of the Comprehensive Housing Strategy Act of 2003, effective  
7 March 10, 2004 (D.C. Law 15-73; D.C. Official Code § 6-1054), is amended by adding a new  
8 subsection (c) to read as follows:

9 “(c)(1) No later than 120 days after the effective date of the Fiscal Year 2012 Budget  
10 Support Act of 2011, passed on 2<sup>nd</sup> reading on June 14, 2011 (Enrolled version of Bill 19-203),  
11 the Mayor shall submit to the Council a Comprehensive Housing Strategy for the District,  
12 separate from the Comprehensive Housing Strategy required by section 4. The Comprehensive  
13 Housing Strategy shall be submitted to the Council for a 45-day period of review, excluding  
14 Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve  
15 or disapprove the Comprehensive Housing Strategy, by resolution, within the 45-day review  
16 period, the Comprehensive Housing Strategy shall be deemed approved.

17 “(2) In developing the Comprehensive Housing Strategy, the Mayor shall:

18 “(A) Consider the updated recommendations of the task force established  
19 pursuant to subsection (b) of this section;

20 “(B) Address the criteria set forth in section 3(c); and

21 “(C) Include budgetary analyses demonstrating how the Comprehensive  
22 Housing Strategy will affect current and future financial plans, including an analysis of the long-  
23 term impact on the District’s affordable housing programs from the annual use of \$18 million



1 from the Housing Production Trust Fund, established by section 3 of the Housing Production  
2 Trust Fund Act of 1988, effective Marcy 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-  
3 2802), to support the Rent Supplement Program.”.

4 **SUBTITLE G. SUMMER YOUTH EMPLOYMENT COMPENSATION**

5 Sec. 2061. Short title.

6 This subtitle may be cited as the “Summer Youth Employment Compensation  
7 Amendment Act of 2011”.

8 Sec. 2062. Section 2(a)(1)(A) of the Youth Employment Act of 1979, effective January 5,  
9 1980 (D.C. Law 3-46; D.C. Official Code § 32-241(a)(1)(A)), is amended to read as follows:

10 “(A)(i) A summer youth jobs program to provide for the employment each  
11 summer of no less than 10,000 and no more than 21,000 youth between 14 and 21 years of age  
12 on the date of enrollment in the program.

13 “(ii) Youth between the ages of 14 and 15 years at the date of  
14 enrollment shall be compensated at the rate of \$5.25 per hour.

15 “(iii) Youth between the ages of 16 and 21 years at the date of  
16 enrollment shall be compensated at a rate equal to the federal minimum wage rate established by  
17 section 6 of the Fair Labor Standards Act of 1938, approved June 25, 1938 (52 Stat. 1062; 29  
18 U.S.C. § 206).”.

19 **SUBTITLE H. OFFICE OF THE TENANT ADVOCATE AMENDMENT**

20 Sec. 2071. Short title.

21 This subtitle may be cited as the “Office of the Tenant Advocate Establishment  
22 Amendment Act of 2011”.

23 Sec. 2072. Section 2067(6A) of the Office of the Chief Tenant Advocate Establishment

1 Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 42-  
2 3531.07(6A)), is amended to read as follows:

3 “(6A) Provide emergency housing and relocation assistance to qualified tenants, as  
4 determined by the Office, including payments for:

5 “(A) The short-term relocation of tenants to hotels, motels, or other appropriate  
6 accommodations;

7 “(B) The moving and storage of personal property;

8 “(C) Rental application fees, security deposits, and utility deposits; and

9 “(D) The first month’s rent; and”.

10 **SUBTITLE I. PUBLIC SERVICE COMMISSION AMENDMENT**

11 Sec. 2081. Short title.

12 This subtitle may be cited as the “Public Service Commission Amendment Act of 2011”.

13 Sec. 2082. Section 8 of An Act Making appropriations to provide for the expenses of the  
14 government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred  
15 and fourteen, and for other purposes, approved March 4, 1913 (37 Stat. 974; codified at scattered  
16 sections of the D.C. Official Code), is amended as follows:

17 (a) Paragraph 85 (D.C. Official Code § 34-706) is amended by adding a new subsection  
18 (e) to read as follows:

19 “(e)(1) Any public utility that fails to comply with regulations establishing specific  
20 performance standards may be subject to a civil penalty of up to \$100,000 for each offense.

21 “(2) In determining the amount of a penalty, the Commission may consider the:

22 “(A) Public utility’s previous violations, including their:

23 “(i) Gravity;

1                               “(ii) Duration; and

2                               “(iii) Number.

3                               “(B) Gravity and duration of the current violation; and

4                               “(C) Public utility’s good-faith attempt to achieve compliance.

5                               “(3) A penalty imposed under this subsection shall not be passed on to ratepayers  
6 in rates or in any other manner by the public utility.”.

7                               (b) Paragraph 42(b)(4) (D.C. Official Code § 34-912(b)(4)) is repealed.

8                               Sec. 2083. Section 4(b) of the Telecommunications Competition Act of 1996, effective  
9 September 9, 1996 (D.C. Law 11-154; D.C. Official Code § 34-2003(b)), is amended as follows:

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

11                              (b) The newly designated paragraph (1) is amended by striking the phrase “exchange  
12 carriers and Voice Over” and inserting the phrase “exchange carriers (“LEC”) and Voice Over”  
13 in its place.

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

15                              “(2) The Commission may exempt from the requirements of this subsection any  
16 LEC or Voice over Internet Protocol Service provider whose share of the total universal service  
17 subsidy the Public Service Commission determines to be de minimis.”.

18                              **TITLE III. PUBLIC SAFETY AND JUSTICE**

19                              **SUBTITLE A. ACCESS TO JUSTICE INITIATIVE**

20                              Sec. 3001. Short title.

21                              This subtitle may be cited as the “Access to Justice Initiative Amendment Act of 2011”.

22                              Sec. 3002. The Access to Justice Initiative Establishment Act of 2010, effective  
23 September 24, 2010 (D.C. Law 18-223; D.C. Official Code § 4-1601), is amended as follows:

1 (a) Section 3012 (D.C. Official Code § 4-1601) is repealed.

2 (b) New sections 101 through 407 are added to read as follows:

3 “TITLE I. DEFINITIONS.

4 “Sec. 101. Definitions.

5 “For the purposes of this act, the term:

6 “(1) “Adequate notice” means written notice of termination from eligible  
7 employment provided within 15 days of termination and separate written confirmation by the  
8 provider of eligible employment.

9 “(2) “Adjusted gross income” shall have the same meaning as provided in D.C.  
10 Official Code § 47-1803.02(b).

11 “(3) “Administrator” means the entity designated to administer the LRAP,  
12 established pursuant to section 401.

13 “(4) “Applicant” means an individual who applies for assistance from the LRAP.

14 “(5) “ATJ” means the Access to Justice Grant Funding for Civil Legal Services.

15 “(6) “Bar Foundation” means the District of Columbia Bar Foundation.

16 “(7) “Deputy Mayor” means the Deputy Mayor for Public Safety and Justice or  
17 the Office of the Deputy Mayor for Public Safety and Justice, as the context requires.

18 “(8) “Eligible debt” means outstanding principal, interest, and related expenses  
19 from loans obtained for reasonable educational expenses associated with obtaining a law degree  
20 made by government and commercial lending institutions or educational institutions, but does not  
21 include loans extended by a private individual or group of individuals, including families.

22 “(9) “Eligible employment” means those areas of legal practice certified by the  
23 Administrator to serve the public interest, including employment with legal organizations that

1 qualify for District of Columbia Bar Foundation funding, but does not include employment with  
2 the District of Columbia government or federal government or with or as the Administrator.

3 “(10) “Full-time employment” means not less than 35 hours of work per week.

4 “(11) “Initiative” means the Access to Justice Initiative established by section  
5 201.

6 “(12) “Involuntary termination” means termination for budgetary or inadequate  
7 funding reasons, as confirmed, in writing, by the eligible employer.

8 “(13) “Lawyer” means a graduate of an accredited law school who is:

9 “(A) Licensed to practice in the District of Columbia;

10 “(B) Authorized under the provisions of Rule 49(c)(9) of the District of  
11 Columbia Court of Appeals to practice law before that court; or

12 “(C) A member in good standing of the highest court of any state who has  
13 submitted an application for admission to the District of Columbia Bar.

14 “(14) “LRAP” means the District of Columbia Poverty Lawyer Loan Repayment  
15 Assistance Program.

16 “(15) “Participant” means an eligible lawyer whose application to the LRAP has  
17 been approved.

18 “(16) “Reasonable educational expenses” means the cost of tuition for law school  
19 as well as the costs of education considered to be required by the school’s degree program, such  
20 as fees for room, board, transportation and commuting costs, books, supplies, and educational  
21 equipment and materials that are part of the estimated student budget of the school in which the  
22 participant was enrolled.

23 “(17) “Service obligation” means the period of eligible employment necessary to

1 sustain participation in the LRAP, which shall not be less than 45 weeks within the 12-month  
2 period for which the participant applied for assistance.

3 "TITLE II. ACCESS TO JUSTICE INITIATIVE.

4 "PART A.

5 "Sec. 201. Access to Justice Initiative.

6 "The Office of the Deputy Mayor for Public Safety and Justice shall establish an Access  
7 to Justice Initiative program for the purpose of providing support to nonprofit organizations that  
8 deliver civil legal services to low-income and under-served District residents and providing loan-  
9 repayment assistance to lawyers working in eligible employment. The Initiative shall consist of  
10 the ATJ and LRAP programs.

11 "Sec. 202. Financial audit and reporting requirements.

12 "(a)(1) The Bar Foundation shall provide the Deputy Mayor with:

13 "(A)(i) An annual financial audit of the ATJ program prepared by a  
14 certified public accountant licensed in the District of Columbia and carried out in accordance  
15 with generally accepted auditing standards.

16 "(ii) The Bar Foundation may use a portion of funds allocated for  
17 reasonable administrative expenses pursuant to section 301(b) to procure an audit of the ATJ  
18 program for the current or preceding fiscal year. The audit shall account for and reflect all  
19 interest associated with the grant funding.

20 "(B) Semiannual programmatic reporting on the administration and  
21 performance of the ATJ program.

22 "(2) The Bar Foundation shall not be required to provide access to information on  
23 subgrantee matters covered by attorney-client privilege or attorney work-product privilege or that

1 includes confidences and secrets of clients assisted by civil legal-service providers that receive  
2 funds through the ATJ program.

3 “(b)(1)(A) The Administrator for the LRAP shall provide to the Deputy Mayor (or if the  
4 Deputy Mayor is acting as Administrator, shall obtain) an annual financial audit of the LRAP  
5 prepared by a certified public accountant licensed in the District of Columbia and carried out in  
6 accordance with generally accepted auditing standards.

7 “(B) The Administrator may use a portion of funds allocated for  
8 reasonable administrative expenses pursuant to section 401(c)(3) to procure an audit of the LRAP  
9 for the current or preceding fiscal year. The audit shall account for and reflect all interest  
10 associated with the grant funding.

11 “(2) The Administrator shall provide semiannual programmatic reporting on the  
12 administration and performance of the LRAP.

13 “(3) The Administrator shall not be required to provide (or if the Deputy is acting  
14 as Administrator, shall not release) information on subgrantee matters covered by attorney-client  
15 privilege or attorney work-product privilege or any information that includes confidences and  
16 secrets of clients assisted by lawyers participating in the LRAP.

17 “PART B.

18 “Sec. 301. ATJ; funding and administration.

19 “(a) The Deputy Mayor shall award a grant in each fiscal year from the budget of the  
20 Initiative to the Bar Foundation for the purpose of the Bar Foundation providing support to  
21 nonprofit organizations that deliver civil legal services to low-income and under-served District  
22 residents, including funds for a shared legal interpreter bank. Payment of the award shall be  
23 submitted by October 15th of each fiscal year in the amount specified in an act of the Council.

1           “(b) The Deputy Mayor shall permit the Bar Foundation to use up to 5% of the grant  
2 awarded in each fiscal year for reasonable administrative expenses associated with the provision  
3 of support to the nonprofit organizations.

4           “PART C.

5           “Sec. 401. LRAP.

6           “(a) The District of Columbia Poverty Lawyer Loan Repayment Assistance Program  
7 shall provide loan repayment assistance to lawyers working in eligible employment. The LRAP  
8 shall be part of and be funded through the Initiative, established pursuant to section 201.

9           “(b)(1) Funding for the LRAP shall be allocated to the Deputy Mayor.

10           “(2) The amount of funding for the LRAP for each fiscal year shall be specified  
11 by an act of the Council and shall not be modified except by a subsequent act of the Council.

12           “(c)(1) The Deputy Mayor may serve as Administrator or may designate a nonprofit  
13 entity to serve as the Administrator. If the Deputy Mayor designates a nonprofit entity as the  
14 Administrator, the Deputy Mayor shall provide funding for the LRAP by awarding a grant to the  
15 nonprofit entity. The grant shall be nonlapsing and interest earned by the nonprofit on grant  
16 funds shall remain available for use by the Administrator for the purposes of the LRAP, without  
17 fiscal year limitation, subject to authorization by Congress.

18           “(2) For fiscal year 2012, the Deputy Mayor shall designate the Bar Foundation  
19 as the Administrator.

20           “(3) The Administrator may use up to 15% of the grant funding for reasonable  
21 administrative expenses associated with administering the LRAP.

22           “Sec. 402. LRAP; administration.

23           “(a) The Administrator shall:



1           “(1) Establish an application and eligibility review process for the LRAP;  
2           “(2) Conduct a semiannual review of the continued eligibility of participants;  
3           “(3) Certify a list of eligible employment; and  
4           “(4) Determine the levels of participant contribution.

5           “(b) The Administrator shall provide loans to participants who maintain eligible  
6 employment to repay eligible debt for reasonable education expenses associated with obtaining a  
7 law degree. The Administrator shall forgive these loans upon a participant’s completion of the  
8 required service obligation.

9           “Sec. 403. LRAP; participation eligibility.

10          “(a) To be eligible to participate in the LRAP, an applicant shall, at the time of  
11 application and throughout participation in the LRAP:

12           “(1) Hold, or presently plan to secure, eligible employment; provided, that a  
13 participant shall hold eligible employment before any payments may be disbursed;

14           “(2) Be a resident of the District of Columbia;

15           “(3) Be a lawyer;

16           “(4) Have an annual adjusted gross income of less than \$65,000;

17           “(5) Exhaust all other available avenues for loan repayment assistance, including  
18 through participation in any available undergraduate or law school debt-forgiveness programs;

19           “(6) Have no current service obligation from scholarships;

20           “(7) Submit a timely and completed application;

21           “(8) Be in satisfactory repayment status on all eligible debt; and

22           “(9) Execute a release to allow the Administrator access to records, credit  
23 information, and information from lenders necessary to verify eligibility of debt and to determine

1 loan repayments.

2 “(b) A law student attending the David A. Clarke School of Law at the University of the  
3 District of Columbia who is in his or her final year of school may apply and be approved for loan  
4 repayment assistance if the applicant demonstrates that he or she will meet all eligibility  
5 requirements by the time of the first award disbursement.

6 “Sec. 404. LRAP; award of loans.

7 “(a) The Administrator shall award loans to participants during the period of service  
8 obligation in accordance with section 406. Subject to the availability of funds and within the  
9 limits established by subsection (c) of this section, participants shall be granted loans sufficient to  
10 repay all eligible debt.

11 “(b) If the needs of all participants exceed the financing available in any fiscal year,  
12 preference shall be given to participants who:

13 “(1) Are graduates of accredited public schools of law in the District of  
14 Columbia;

15 “(2) Have completed no less than 2 prior service obligations in the LRAP;

16 “(3) Have graduated from an accredited school of law within the last 3 years; or

17 “(4) Have a high debt to adjusted gross income ratio as compared to other  
18 participants.

19 “(c) Participants in the LRAP shall not receive loan repayment assistance under the  
20 LRAP in excess of \$60,000, or in excess of \$1,000 for a single month; except, that the Deputy  
21 Mayor may increase the award limits in this subsection to reflect changes in reasonable education  
22 expenses.

23 “Sec. 405. LRAP; participant obligations.

1           “(a) A participant shall:

2                   “(1) Maintain full-time employment and eligible employment for each year of the

3 service obligation;

4                   “(2) Sign a promissory note setting forth his or her obligation to the LRAP to

5 repay any assistance loans that are not subsequently forgiven pursuant to section 402(b) because

6 of a failure to sustain eligible employment or other noncompliance with the eligibility

7 requirements set forth in section 403.

8                   “(3) Authorize the Administrator to verify his or her eligible employment and

9 annual adjusted gross income at least semiannually during participation in the LRAP;

10                  “(4) Timely notify the Administrator of any change in status that would make the

11 participant ineligible for an award; and

12                  “(5) Be responsible for:

13                          “(A) Negotiating with each lending institution the terms and conditions of

14 eligible debt repayments; and

15                          “(B) Any penalties associated with early repayment.

16                  “(b) Except as provided in subsection (c) of this section, participants who fail to fulfill

17 the required service obligation shall repay any loan disbursed, in accordance with the terms of the

18 promissory note required by subsection (a)(2) of this section and regulations promulgated

19 pursuant to section 407.

20                  “(c) For the purposes of this act, a participant who provides adequate notice to the

21 Administrator of involuntary termination from eligible employment shall be deemed to have

22 completed the service obligation through the date of the involuntary termination from eligible

23 employment.

1 “Sec. 406. LRAP; disbursement of loans.

2 “(a) The Administrator shall begin to disburse loan repayment assistance within 90 days  
3 of the Administrator’s receipt of adequate funds.

4 “(b) Subject to the availability of appropriations, loan repayment assistance payments  
5 shall be made not less than semiannually to the participant until the repayment of the eligible  
6 debt is complete or the participant no longer meets the eligibility requirements set forth in section  
7 403.

8 “Sec. 407. LRAP; rulemaking.

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

12 Sec. 3003. Conforming amendment.

13 The District of Columbia Poverty Lawyer Loan Assistance Repayment Program Act of  
14 2007, effective March 2, 2007 (D.C. Law 16-203; D.C. Official Code § 1-308.21 *et seq.*), is  
15 repealed.

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16 **SUBTITLE B. FEMS OVERTIME LIMITATION**

17 Sec. 3011. Short title.

18 This subtitle may be cited as the “FEMS Overtime Limitation Amendment Act of 2011”.

19 Sec. 3012. Section 1103(f) of the District of Columbia Government Comprehensive  
20 Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-  
21 611.03(f)), is amended as follows:

22 (a) Paragraph (2)(B) is amended by striking the phrase “For fiscal year 2011” and  
23 inserting the phrase “For fiscal year 2012” in its place

1 (b) Paragraph (4) is amended to read as follows:

2 “(4)(A) For fiscal year 2012, and except as provided in subparagraph (B) of this  
3 paragraph, no officer or member of the Fire and Emergency Medical Services Department who is  
4 authorized to receive overtime compensation under this subsection may earn overtime in excess  
5 of \$20,000 in a fiscal year.

6 “(B) This paragraph shall not apply to a member of the Fire and  
7 Emergency Medical Services Department who is classified as a Heavy Mobile Equipment  
8 Mechanic or a Fire Arson Investigator Armed (Canine Handler).”

9 Sec. 3013. Section 2 of An Act To amend the Act entitled “An Act to classify the  
10 officers and members of the Fire Department of the District of Columbia, and for other  
11 purposes”, approved June 20, 1906, and for other purposes, approved June 19, 1948 (62 Stat.  
12 498; D.C. Official Code § 5-405), is amended as follows:

13 (a) Subsection (f) is amended by striking the year “2011” and inserting the year “2012” in  
14 its place.

15 (b) Subsection (g) is amended by striking the year “2011” and inserting the year “2012”  
16 in its place.

17 Sec. 3014. Section 202(c) of the Omnibus Public Safety Agency Reform Amendment  
18 Act of 2004, effective September 30, 2004 (D.C. Law 15-194; D.C. Official Code § 5-441(c)), is  
19 amended by striking the year “2011” and inserting the year “2012” in its place.

20 **SUBTITLE C. OFFICE OF THE DEPUTY MAYOR FOR PUBLIC SAFETY AND**  
21 **JUSTICE ESTABLISHMENT**

22 Sec. 3021. Short title.

23 This subtitle may be cited as the “Office of the Deputy Mayor for Public Safety and

1 Justice Establishment Act of 2011”.

2 Sec. 3022. Office of the Deputy Mayor for Public Safety and Justice; establishment;  
3 authority.

4 (a) Pursuant to section 404(b) of the District of Columbia Home Rule Act, approved  
5 December 24, 1973 (87 Stat. 787; D.C. Official Code § 1-204.04(b)), the Council establishes the  
6 Office of the Deputy Mayor for Public Safety and Justice (“Office”), as a separate agency,  
7 subordinate to the Mayor, within the executive branch of the District of Columbia government,  
8 which shall be headed by the Deputy Mayor for Public Safety and Justice.

9 (b) Except as provided in subsection (d) of this section, the Deputy Mayor for Public  
10 Safety and Justice shall be appointed to head the Office pursuant to section 2(a) of the  
11 Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-  
12 523.01(a)).

13 (c) The Office shall:

14 (1) Be responsible for providing guidance and support to, and coordination of,  
15 public safety and of justice agencies within the District of Columbia government;

16 (2) Ensure accountability through general oversight over public safety and justice  
17 agencies, as well as the programs under the jurisdiction of the Office, including those listed in  
18 paragraph (5) of this subsection;

19 (3) Promote, coordinate, and oversee collaborative efforts among District  
20 government agencies, and between District and federal government agencies, to ensure public  
21 safety and enhance the delivery of public-safety and justice services;

22 (4) Serve as a liaison to federal government agencies associated with criminal  
23 justice or public-safety issues, in the coordination, planning, and implementation of public-safety

1 and justice matters; and

2 (5)(A) Oversee and provide administrative support for the:

- 3 (i) Access to Justice Initiative;
- 4 (ii) Motor Vehicle Theft Prevention Commission;
- 5 (iii) Corrections Information Council;
- 6 (iv) Office of Justice Grants Administration; and
- 7 (v) Office of Victim Services.

8 (B) Funding for the programs listed in subparagraph (A) of this paragraph shall be  
9 specified by an act of the Council. Nothing in this paragraph shall prevent the Office from  
10 contributing administrative and other support to further the purpose of these programs.

11 (d) Subsection (b) of this act shall not apply to the Deputy Mayor for Public Safety and  
12 Justice who is the incumbent head of the Office on the effective date of this act.

13 **SUBTITLE D. CRIMINAL CODE REFORM EXTENSION**

14 Sec. 3031. Short title.

15 This subtitle may be cited as the “Criminal Code Reform Extension Amendment Act of  
16 2011”.

17 Sec. 3032. Section 2(b) of the Advisory Commission on Sentencing Establishment Act of  
18 1998, effective June 16, 2006 (D.C. Law 16-126; D.C. Official Code § 3-101.01(b)), is amended  
19 by striking the year “2012” and inserting the year “2014” in its place.

20 **SUBTITLE E. DCNG YOUTH CHALLENGE PARTICIPANT SUPPORT FUND**  
21 **ESTABLISHMENT**

22 Sec. 3041. Short title.

23 This subtitle may be cited as the “National Guard Morale Welfare and Recreation DCNG

1 Youth ChalleNGe Participant Support Fund Establishment Amendment Act of 2011”.

2 Sec. 3042. The National Guard Morale Welfare and Recreation Act of 2009, effective  
3 December 8, 2009 (D.C. Law 18-83; D.C. Official Code § 49-431 *et seq.*), is amended by adding  
4 a new section 4a to read as follows:

5 “Sec. 4a. Youth ChalleNGe Participant Support Fund.

6 “(a) The Commanding General of the DCNG may establish a Youth ChalleNGe  
7 Participant Support Fund (“ChalleNGe Fund”) for the purpose of assisting in the purchase and  
8 provision of materials, supplies, and equipment for participants of the DCNG Youth ChalleNGe  
9 program. To facilitate the accomplishment of its purpose, the ChalleNGe Fund may accept  
10 donations of money or property from any lawful source.

11 “(b) The Commanding General may authorize that up to \$3,000 of any unused District  
12 balance from the funds appropriated in a fiscal year for the DCNG Youth ChalleNGe program be  
13 retained in the ChalleNGe Fund for use in the current or a subsequent fiscal year; provided, that  
14 the balance of the fund shall not exceed \$10,000.”.

15 **SUBTITLE F. E-911 FUND FIXED COSTS**

16 Sec. 3051. Short title.

17 This subtitle may be cited as the “E-911 Fund Fixed Costs Amendment Act of 2011”.

18 Sec. 3052. Section 603 of the Emergency and Non-Emergency Number Telephone  
19 Calling Systems Fund Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official  
20 Code § 34-1802), is amended by adding a new subsection (b-3) to read as follows:

21 “(b-3) Notwithstanding subsection (b-2) of this section, monies in the Fund may be used  
22 to defray security costs during fiscal year 2011 and fiscal year 2012.”.

23 **TITLE IV. PUBLIC EDUCATION**



1           **SUBTITLE A. FUNDING FOR PUBLIC SCHOOLS AND PUBLIC CHARTER**  
2 **SCHOOLS AMENDMENT**

3           Sec. 4001. Short title.

4           This subtitle may be cited as the “Funding for Public Schools and Public Charter Schools  
5 Amendment Act of 2011”.

6           Sec. 4002. Section 2401 of the District of Columbia School Reform Act of 1995,  
7 approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1804.01), is by adding new  
8 subsections (c) through (h) to read as follows:

9           “(c) The requirements to meet IDEA’s Maintenance of Effort Obligation and Use of  
10 Formula Special Education Payments are as follows:

11                   “(1)(A) All public schools within the District of Columbia receiving Formula  
12 Special Education payments and federal grant funds under the Individuals with Disabilities  
13 Education Act (“IDEA”), must expend, in total or per capita, an equal or greater amount of its  
14 non-federal, District funds on allowable special education costs each subsequent fiscal year as  
15 required by 34 CFR § 300.203 “Maintenance of effort”, except as provided in 34 CFR § 300.204  
16 “Exception to maintenance of effort”, and 34 CFR § 300.205 “Adjustment to local fiscal efforts  
17 in certain fiscal years”.

18                   “(B) This requirement applies to the District of Columbia Public Schools  
19 (“DCPS”) and all public charter schools regardless of whether they have elected DCPS as their  
20 LEA for special education purposes.

21                   “(C) Special education attorney fee expenditures made pursuant to 34  
22 CFR § 300.517 shall not be included in the IDEA Maintenance of Effort calculation for DCPS or  
23 public charter schools.

1                   “(D) If it is determined at any point that DCPS or a public charter school  
2 has failed to maintain level of effort for expenditures made with non-federal, District funds for  
3 special education as defined in 34 CFR § 300.203-205 of IDEA, the District shall withhold an  
4 amount equal to the difference from the school’s next scheduled Formula base payment. In no  
5 case shall such withholding be taken from Formula Special Education payments made to the  
6 school in any fiscal year.

7                   “(E) If a public charter school relinquishes its charter or if a final decision  
8 is made by the eligible chartering authority to revoke the charter as described in D.C. Official  
9 Code § 38-1802.13, the public charter school shall refund to OSSE the unexpended amount of  
10 the Formula Special Education payment necessary to ensure compliance with 34 CFR § 300.203.  
11 In no case shall federal funds, for which accountability to the federal government is required, be  
12 used to pay this liability.

13                   “(2) Expenditure of Formula Special Education payments by public schools are  
14 restricted for use in accordance with Allowable Special Education Costs as defined in section  
15 102.

16                   “(3) Expenditures for attorney fees related to IDEA due process hearings  
17 pursuant to 34 CFR § 300.517 may not be paid from Formula Special Education payments;  
18 except that such fees may be paid from funds received under the Special Education Compliance  
19 Fund as defined in D.C. Official Code § 38-2901.

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**Deleted:** only be paid from funds received under the Special Education Compliance Fund as defined in section 102

20                   “(4) All Formula Special Education payments must be expended within the fiscal  
21 year within which they were appropriated.

22                   “(5)(A) If DCPS or a public charter school fails to expend in its entirety Formula  
23 Special Education payment(s) on allowable special education costs within the fiscal year within

1 which the funds are appropriated, the public school shall refund the unexpended funds to the  
2 Office of the State Superintendent of Education (“OSSE”).

3 “(B) If DCPS or a public charter school fails to comply with the requirements  
4 of this section, the District shall withhold an amount equal to the unspent portion of such funds  
5 from the school’s next scheduled Formula base payment. In no case shall such withholding be  
6 taken from Special Education payments made to the school in any fiscal year.

7 “(d) DCPS and public charter schools shall provide to OSSE, at least annually, a  
8 certified report of all expenditures made with Formula special education payments for each fiscal  
9 year.

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**Deleted:** “(d) If a public charter school relinquishes its charter or if a final decision is made by the eligible chartering authority to revoke the charter as described in section 2213, the public charter school shall immediately refund any unspent portions of the Formula Special Education payment to the OSSE. In no case shall federal funds, for which accountability to the federal government is required, be used to pay this liability. -

10 “(e) OSSE shall issue guidance to clarify reporting requirements for the purpose of  
11 determining whether DCPS and each public charter school have:

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12 “(1) Expended Formula Special Education payments on allowable special  
13 education costs as required by this section;

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14 “(2) Made expenditures for attorney fees related to IDEA Due Process  
15 Hearings pursuant to 34 CFR §300.517 in accordance with subsection (c)(3) of this section; and

16 “(3) Complied with federal IDEA Maintenance of Effort requirements.

17 “(f)(1)The OSSE, in consultation with the Office of the Chief Financial Officer  
18 (“OCFO”), shall monitor the DCPS and public charter schools for compliance with the  
19 requirements in this section.

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20 “(2) DCPS and public charter schools shall adhere to monitoring policies issued  
21 by OSSE.

22 “(h) In the event the distribution of a Formula payment is delayed to DCPS or a public  
23 charter school, a school shall receive additional time to expend the distribution based upon the

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1 [difference in the number of days between the scheduled distribution date and the actual](#)  
2 [distribution date of funds to DCPS or the public charter school.”](#)

3 Sec. 4003. The Uniform Per Student Funding Formula for Public Schools and Public  
4 Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code §  
5 38-2901 *et seq.*), is amended as follows:

6 (a) Section 102 (D.C. Official Code § 38-2901) is amended as follows:

7 (1) Paragraph (1A) is redesignated as paragraph (1B).

8 (2) A new paragraph (1A) is added to read as follows:

9 “(1A) “Allowable special education costs” means costs incurred for the following  
10 purposes:

11 “(A) Instruction: salaries, benefits, supplies, textbooks, and other  
12 expenses, including:

13 “(i) The cost of salaries and benefits of special education program  
14 teachers, regular program teachers, and teacher aides, allocated to the corresponding working  
15 time that each person devotes to special education, including services required by an  
16 individualized education program;

17 “(ii) Teaching supplies and textbooks for special education  
18 programs;

19 “(iii) The purchase, rental, repair, and maintenance of instructional  
20 equipment required to implement a student's individualized education program;

21 “(iv) Professional development activities for teachers who work  
22 with, or provide services to, students with disabilities;

23 “(v) Contracted services, including fees paid for professional

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**Deleted:** If it is determined at any point that DCPS or a public charter school has failed to maintain level of effort for expenditures made with non-federal, District funds for special education as defined in 34 CFR §300.203-205 of IDEA, the District shall withhold an amount equal to the difference from the school's next scheduled Formula base payment. In no case shall such withholding be taken from Formula Special Education payments made to the school in any fiscal year.

1 services, advice, and consultation regarding children with disabilities under the IDEA, and the  
2 delivery of special education services by public or private entities; and

3                               “(vi) Transportation costs for special education instructional  
4 personnel who travel on an itinerant basis from school to school or to in-state and out-of-state  
5 individualized education program meetings;

6                               “(B) Related services as defined in 34 CFR § 300.34 and supplementary  
7 aids and services as defined in 34 CFR § 300.42 and also including the following:

8                               “(i) Salaries and benefits of professional supportive personnel,  
9 corresponding to the working time that each person devotes to implementing services required  
10 pursuant to an individualized education program (“IEP”) as defined in 34 CFR §300.22.

11                              “(ii) Salaries and benefits of clerical personnel who assist  
12 professional personnel in supportive services, corresponding to the working time that each person  
13 devotes to special education services or program;

14                              “(iii) Supplies for related services and supplementary aids and  
15 services;

16                              “(iv) Contracted services, including fees paid for professional  
17 advice and consultation regarding children with disabilities under the IDEA or related services  
18 and supplementary aids and services, and the delivery of such services by public or private  
19 agencies;

20                              “(v) Transportation for special education-related services personnel  
21 and providers of supplementary aides who travel from school to school or to in-state and out-of-  
22 state individualized education program meetings; and

23                              “(vi) Equipment purchase, rental, repair, and maintenance required

1 to implement related services and supplementary aids and services as required by a student's  
2 individualized education program;

3 “(C) Administrative expenses related to the direct implementation of  
4 IDEA Part B programmatic and fiscal requirements within the public school, including:

5 “(i) Salaries and benefits of staff who ensure programmatic and  
6 fiscal requirements of IDEA are being implemented, corresponding to the working time that each  
7 person devotes to the implementation of IDEA;

8 “(ii) Contracted services, including fees paid for professional  
9 services, advice, and consultation regarding the implementation of IDEA, and the delivery of  
10 special education services to students with IEPs by public or private entities;

11 “(D) Assistive technology devices for students with IEPs, not including  
12 medical devices surgically implanted (*i.e.*, cochlear implant);

13 “(E) Implementation of due process hearing decisions;

14 “(F) Implementation of compensatory education plans;

15 “(G) Implementation of coordinated early intervening services programs  
16 (CEIS) as defined in 34 CFR § 300.226; and

17 “(H) Transition of a student back into public schools in the District who,  
18 as a result of an IEP decision or due process hearing decision, is currently attending non-public  
19 schools.”.

20 (3) Paragraph (11A) is redesignated as paragraph (11D).

21 (4) New paragraphs (11A) through (11C) are added to read as follows:

22 “(11A) “Special Education Capacity Fund” means funds provided to public  
23 schools through the Formula to support activities required to improve the quality of special

1 education programming available to students and to ensure that all personnel necessary to carry  
2 out Part B of the Individuals with Disabilities Education Act (“IDEA”) pursuant to 34 CFR §  
3 300.207, are appropriately and adequately prepared, subject to the requirements of 34 CFR §  
4 300.156 related to personnel qualifications for teachers, related service providers, and  
5 paraprofessionals.

6 “(11B) “Special Education Compliance Fund” means funds provided to public  
7 schools through the “Formula” to support activities required to address identified noncompliance  
8 with federal and local laws and regulations regarding the provision of special education services  
9 to students with disabilities.

10 “(11C) “Special Education Payment” means funding appropriated by the District  
11 through the “Formula” in the following budget categories: Special education schools, Special  
12 Education Add-ons, Special Education Capacity Fund, Special Education Compliance Fund;  
13 Residential Add-ons for Special Education, and Special Education Add-ons for Students with  
14 Extended School Year (“ESY”) Indicated in Their Individualized Education Programs.

15 (b) Section 104 (D.C. Official Code § 38-2903) is amended by striking the phrase  
16 “\$8,770 per student for fiscal year 2011” and inserting the phrase “\$8,945 per student for fiscal  
17 year 2012” in its place.

18 (c) Section 105 (D.C. Official Code § 38-2904) is amended by striking the tabular array  
19 and inserting the following chart in its place:

| Grade Level      | Weighting | Per Pupil Allocation in FY 2012 |
|------------------|-----------|---------------------------------|
| Pre-School       | 1.34      | \$11,986                        |
| Pre-Kindergarten | 1.30      | \$11,629                        |
| Kindergarten     | 1.30      | \$11,629                        |
| Grades 1-3       | 1.00      | \$8,945                         |
| Grades 4-5       | 1.00      | \$8,945                         |

|  |      |          |
|--|------|----------|
| Ungraded elementary school               | 1.00 | \$8,945  |
| Grades 6-8                               | 1.03 | \$9,213  |
| Ungraded middle school/junior highschool | 1.03 | \$9,213  |
| Grades 9-12                              | 1.16 | \$10,376 |
| Ungraded senior high school              | 1.16 | \$10,376 |
| Alternative program                      | 1.17 | \$10,466 |
| Special education school                 | 1.17 | \$10,466 |
| Adult                                    | 0.75 | \$6,709  |

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

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

“General Education Add-ons:

| "Level/ Program      | Definition  | Weighting | Per Pupil Supplemental FY 2012 |
|----------------------|---|-----------|--------------------------------|
| "LEP/NEP             | Limited and non-English proficient students   | 0.45      | \$4,025                        |
| "Summer              | An accelerated instructional program in the summer for students who do not meet literacy standards pursuant to promotion policies of the District of Columbia Public Schools and public charter schools | 0.17      | \$1,521                        |
| "Extended school day | Extended learning time beyond the regular school day  | 0.1       | n/a                            |

“Special Education Add-ons:

| Level/ Program | Definition | Weighting | Per Pupil Supplemental FY 2012 |
|----------------|------------|-----------|--------------------------------|
|----------------|------------|-----------|--------------------------------|



|                                |    |   |      |         |
|--------------------------------|----|---|------|---------|
| "Level<br>Special<br>Education | 1: | Eight hours or less per week<br>of specialized services                       | 0.58 | \$5,188 |
| "Level<br>Special<br>Education | 2: | More than 8 hours and less<br>than or equal to 16 hours per<br>school week of | 0.81 | \$7,245 |

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|                                   |   |      |          |
|-----------------------------------|---|------|----------|
|                                   | specialized services  |      |          |
| "Level Special Education          | 3: More than 16 hours and less than or equal to 24 hours per school week of specialized services  | 1.58 | \$14,133 |
| "Level Special Education          | 4: More than 24 hours per week which may include instruction in a self contained (dedicated) special education school other than residential placement            | 3.10 | \$27,730 |
| "Special Education Capacity Fund  | Weighting provided in addition to special education level add-on weightings on a per student basis for each student identified as eligible for special education. | 0.40 | \$3,578  |
| Special Education Compliance Fund | Weighting provided in addition to special education level add-on weightings on a per student basis for each student identified as eligible for special education. | 0.16 | \$1,431  |
| "Residential                      | D.C. Public School or public charter school that provides students with room and board in a residential setting, in addition to their instructional program       | 1.70 | \$15,207 |

"Residential Add-ons:

| "Level/<br>Program                               | Definition  | Weighting | Per Pupil<br>Supplemental FY<br>2012 |
|--|---|-----------|--------------------------------------|
| "Level 1:<br>Special<br>Education<br>Residential | Additional funding to support the after-hours level 1 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting | 0.374     | \$3,345                              |
| "Level 2:<br>Special<br>Education<br>Residential | Additional funding to support the after-hours level 2 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting | 1.360     | \$12,165                             |

**ENGROSSED ORIGINAL**

|   |  |       |          |
|---|--|-------|----------|
| "Level 3: Special Education Residential | Additional funding to support the after-hours level 3 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting                                    | 2.941 | \$26,307 |
| "Level 4: Special Education Residential | Additional funding to support the after-hours level 4 special education needs of limited and non-English proficient students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting | 2.924 | \$26,155 |
| "LEP/NEP-Residential                    | Additional funding to support the after-hours Limited and non-English proficiency needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting                          | 0.68  | \$6,083  |

"Special Education Add-ons for Students with Extended School Year ("ESY") Indicated

in Their Individualized Education Programs ("IEPs"):

| "Level/Program                 | Definition   | Weighting | Per Pupil Supplemental FY 2012 |
|--------------------------------|--|-----------|--------------------------------|
| "Special Education Level 1 ESY | Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their | 0.064     | \$572                          |

|                                |   |       |           |
|--------------------------------|---|-------|-----------|
|                                | IEPs  |       |           |
| "Special Education Level 2 ESY | Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs | 0.231 | \$2,066   |
| "Special Education Level 3 ESY | Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs | 0.500 | \$4,473   |
| "Special Education Level 4 ESY | Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs | 0.497 | \$4,446". |

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**SUBTITLE B. HEALTHY SCHOOLS TECHNICAL AMENDMENT ACT**

Sec. 4011. Short title.

This subtitle may be cited as the "Healthy Schools Technical Amendment Act of 2011".

Sec. 4012. Section 102 of the Healthy Schools Act of 2010, effective July 27, 2010 (D.C.

Law 18-209; D.C. Official Code § 38-821.02), is amended as follows:

(a) Subsection (c)(2) is repealed.

(b) New subsections (f) and (g) are added to read as follows:

"(f) Beginning on October 1, 2011, an amount of \$4,266,000 from the revenues derived from the collection of the tax imposed upon all vendors by D.C. Official Code § 47-2002 shall be deposited annually into the Fund.

1           “(g) All excess monies remaining in the Fund at the end of a fiscal year shall be  
2 administered by the Office of the State Superintendent of Education for the purposes set forth in  
3 subsection (c)(6) and (7) of this section.”.

4           **SUBTITLE C. DAY CARE POLICY AMENDMENT**

5           Sec. 4021. Short title.

6           This subtitle may be cited as the “Day Care Policy Amendment Act of 2011”.

7           Sec. 4022. Section 2(3) of the Day Care Policy Act of 1979, effective September 19,  
8 1979 (D.C. Law 3-16; D.C. Official Code § 4-401(3)), is amended to read as follows:

9           “(3) The term “child development home” means a private residence which provides a  
10 child development program for up to a total of 6 children with no more than 2 children younger  
11 than 2 years of age in the group. The total of 6 children shall not include those of the caregiver  
12 who are 6 years or older; provided, that the total number of children of the caregiver between the  
13 ages of 6 and 15 years shall not exceed 3, and of those 3 children, no more than 2 shall be age 10  
14 years or younger. A child development home shall also include care given to a child by a  
15 caregiver related to the child. For the purpose of this paragraph, the term “related” means any of  
16 the following relationships by marriage, blood, or adoption: Grandparent, parent, brother, sister,  
17 step-sister, step-brother, uncle, or aunt.”.

18           **SUBTITLE D. CHARTER SCHOOL PAYMENT ADVANCE AMENDMENT**

19           Sec. 4031. Short title.

20           This subtitle may be cited as the “Charter School Payment Advance Amendment Act of  
21 2011”.

1           Sec. 4032. Section 107b of the Uniform Per Student Funding Formula for Public Schools  
2 and Public Charter Schools Act of 1998, effective April 13, 2005 (D.C. Law 15-348; D.C.  
3 Official Code § 38-2906.02), is amended by adding a new subsection (h) to read as follows:

4           “(h) If an eligible charter authority proposes to revoke the charter of a public charter  
5 school as described in section 2213 of the District of Columbia School Reform Act of 1995,  
6 approved April 26, 1996 (110 Stat. 1321 [250]; D.C. Official Code § 38-1802.13), during any  
7 period prior to a July 15 payment, consistent with this section, the Office of the State  
8 Superintendent of Education (“OSSE”) shall hold the July 15 payment in escrow pending a final  
9 decision by the eligible charter authority. Upon a final revocation decision, the Mayor shall have  
10 no obligation to release the escrow funds. The OSSE, in its discretion, may approve the  
11 distribution of the July 15 payment as it considers appropriate.”.

12           **SUBTITLE E. DIRECT LOAN FUND FOR CHARTER SCHOOL**

13           **IMPROVEMENT**

14           Sec. 4041. Short title.

15           This subtitle may be cited as the “Direct Loan Fund for Charter School Improvement  
16 Amendment Act of 2011”.

17           Sec. 4042. Section 143(b) of the District of Columbia Appropriations Act, 2003,  
18 approved February 20, 2003 (117 Stat. 131; D.C. Official Code § 38-1833.02), is amended as  
19 follows:

20           (a) Paragraph (6) (D.C. Official Code § 38-1833.02(f)) is amended to read as follows:

21           “(6) To be eligible for a loan under this section, an applicant shall be one of the  
22 following:

1                   “(A) A public charter school with a charter in effect pursuant to this  
2 chapter which meets or exceeds its performance goals as outlined in its originating charter;

3                   “(B) A limited liability company that participates in a New Markets Tax  
4 Credit program transaction structure with public charter schools; or

5                   “(C) A nonprofit corporation that develops and finances a facility that will  
6 be occupied by a public charter school throughout the term of the loan; provided, that in the  
7 event the facility financed under this subsection is not occupied by a public charter school, the  
8 loan shall be deemed to be in default.”.

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

10                   “(8) The term of a loan within the context of a New Market Tax Credit as this term is  
11 defined in the Internal Revenue Code, may extend to 7 years; all other loan terms under this  
12 subsection shall not exceed 5 years.”.

13                   **SUBTITLE F. ADULT LITERACY REPORTING**

14                   Sec. 4051. Short title.

15                   This subtitle may be cited as the “Adult Literacy Reporting Act of 2011”.

16                   Sec. 4052. Adult literacy reporting.

17                   (a) The Office of the Deputy Mayor for Education shall report to the Mayor and the  
18 Council, on an annual basis on or before the start of the third quarter of fiscal years 2012 through  
19 2016, on the capacity of District-funded service providers to meet the need and demand for adult  
20 literacy services in the District. The report shall:

21                   (1) Cover the current and the preceding fiscal year;



1 (2) Identify the office’s metrics used for measuring the need and demand for adult  
2 literacy support, state the office’s quality standards, and measure the performance of District-  
3 funded providers of adult literacy services;

4 (3) Provide an accounting of the total number of adults needing literacy support in  
5 the District and by ward;

6 (4) Provide an accounting of the total number of District-funded providers of  
7 adult literacy support services that provide services to District residents, broken down by ward;

8 (5) Provide an accounting of the total number of openings available for literacy  
9 support services from District-funded service providers during the fiscal year reported, broken  
10 down by ward and by service provider;

11 (6) Provide a gap analysis that measures the capacity of District-funded service  
12 providers to meet the need and demand for adult literacy services in the District and by ward;  
13 and

14 (7) Propose an adult literacy plan for the next fiscal year to ensure that District  
15 funded programs are meeting the needs of adult learners District-wide and by ward.

16 (b) To prepare for the adult literacy report, the Office of the Deputy Mayor for  
17 Education, shall seek information and support for the development of quality standards and  
18 performance measures from community-based providers of adult education and family literacy  
19 services, adult learners, funders, District and federal agencies, representatives from the business  
20 community, and adult education experts.

21 **SUBTITLE G. UNIVERSITY OF THE DISTRICT OF COLUMBIA**

22 **NONRESIDENT TUITION**

23 Sec. 4061. Short title.

1 This subtitle may be cited as the “University of the District of Columbia Nonresident  
2 Tuition Amendment Act of 2011”.

3 Sec. 4062. Section 407 of the District of Columbia Public Postsecondary Education  
4 Reorganization Act, approved October 26, 1974 (88 Stat. 1423; D.C. Official Code § 38-  
5 1204.07), is amended as follows:

6 (a) Designate the existing text as subsection (a).

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

8 “(b) The Trustees shall establish the tuition rate for nonresident students at the University  
9 of the District of Columbia flagship undergraduate program, graduate program, and the  
10 Community College, at a level no lower than the nonresident tuition rate charged at comparable  
11 public institutions of higher education.”

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12 **SUBTITLE H. COMMUNITY COLLEGE PLAN FOR INDEPENDENCE**

13 Sec. 4701. Short title.

14 This subtitle may be cited as the “Community College of the District of Columbia Plan  
15 for Independence Act of 2011”.

16 Sec. 4702. University of the District of Columbia Community College Transition to  
17 Independence Advisory Board.

18 There is established a 5-member University of the District of Columbia Community  
19 College Transition to Independence Advisory Board. Two of the advisory board members shall  
20 be nominated by the Chairman of the Council and 3 advisory board members shall be nominated  
21 by the Mayor. All advisory board members shall be subject to confirmation by the Council.

22 Sec. 4703. Transition plan for independent Community College of the District of  
23 Columbia.

1 (a) The President and Chairman of the Board of Trustees of the University of the District  
2 of Columbia (“UDC”), the President of the Community College of the District of Columbia  
3 (“CCDC”), and the University of the District of Columbia Community College Transition to  
4 Independence Advisory Board, shall jointly develop and submit to the Council by no later than  
5 November 28, 2011, a transition plan for establishing CCDC as an independent community  
6 college.

7 (b) The transition plan shall:

8 (1) Identify all actions that must be taken in order for CCDC to operate  
9 independently from the UDC flagship university, including the creation of an independent board  
10 of trustees for CCDC;

11 (2) Account for the type and scope of programs offered and envisioned, and  
12 include the development, expansion, integration, coordination, and efficient use of the facilities;  
13 and

14 (3) Include the following:

15 (A) An independent budget for CCDC that shall identify, for the first 5  
16 years of operation as an independent entity, beginning in fiscal year 2013, the expected costs and  
17 revenues associated with its operation;

18 (B) CCDC’s application for accreditation by the Middle States  
19 Commission on Higher Education;

20 (C) Draft Terms of Articulation, which shall contain all proposed policies  
21 related to the transfer of credits and admission policies between CCDC and UDC, and which  
22 may be updated from time to time;

1 (D) A Workforce and Local Education Plan, which shall identify potential  
2 arrangements to provide training for both public and private sector employees, and which shall  
3 identify mechanisms by which to increase cooperation and interaction with the District of  
4 Columbia Public Schools, public charter schools, and other District agencies; and

5 (E) A plan detailing any transfers of positions, employees, property, and  
6 funds from UDC to CCDC for the purposes of establishing an independent community college.

7 Sec. 4704. Funding for transition plan.

8 Funding to support the development of the transition plan for an independent community  
9 college shall consist of \$500,000, as set forth in the fiscal year 2012 budget and financial plan,  
10 to be transferred to an account held by the UDC Trustees and to be exclusively used for the  
11 purpose of developing the transition plan as described in this subtitle.

12 **TITLE V. HEALTH AND HUMAN SERVICES**

13 **SUBTITLE A. INTELLECTUAL DISABILITY SERVICES MEDICAID**

14 **MAXIMIZATION REFORM**

15 Sec. 5001. Short title.

16 This subtitle may be cited as the “Intellectual Disability Services Medicaid Maximization  
17 Reform Amendment Act of 2011”.

18 Sec. 5002. The Mentally Retarded Citizens Constitutional Rights and Dignity Act of  
19 1978, effective March 3, 1979 (D.C. Law 2-137; D.C. Official Code § 7-1301.01 *et seq.*), is  
20 amended as follows:

21 (a) Section 311 (D.C. Official Code § 7-1303.11) is amended by adding a new subsection

22 (d) to read as follows:

1           “(d)(1) Notwithstanding any other provision of this act, effective January 1, 2012, a  
2 person with mental retardation who is otherwise eligible to receive supports and services from  
3 the District pursuant to this act must either pay the full cost of such supports and services directly  
4 to the provider or become District Medicaid-eligible and maintain District Medicaid eligibility in  
5 order to receive supports and services under this act from a District Medicaid-eligible provider.

6 This requirement shall not apply to a person:

7                           “(A) Who is a former resident of Forest Haven;

8                           “(B) Whose needs cannot reasonably be met by a District Medicaid  
9 provider;

10                          “(C) Who is eligible for enrollment in the D.C. Healthcare Alliance; or

11                          “(D) Whose representative payee for the purposes of Social Security  
12 benefits is the Department of Disability Services or a provider agency who is contracted with the  
13 District to provide supports and services for that person, if the reason the person lost Medicaid  
14 eligibility is due to a failure by the representative payee.

15                          “(2) The Department of Disability Services shall work with and support the  
16 person to become District Medicaid-eligible and to maintain District Medicaid eligibility, and the  
17 person and his or her representatives, estate, or both shall fully cooperate in such efforts.”.

18           (b) Section 501 (D.C. Official Code § 7-1305.01) is amended by adding a new subsection

19 (c) to read as follows:

20                          “(c)(1) Notwithstanding the availability of an appropriation to carry out the purposes of  
21 this act in subsections (a) and (b) of this section, effective January 1, 2012, a District resident  
22 with mental retardation who is otherwise eligible to receive supports and services from the  
23 District pursuant to this act must either pay the full cost of such supports and services directly to

1 the provider or become District Medicaid-eligible and maintain District Medicaid eligibility in  
2 order to receive supports and services under this act from a District Medicaid-eligible provider.

3 This requirement shall not apply to a person:

4 “(A) Who is a former resident of Forest Haven;

5 “(B) Whose needs cannot reasonably be met by a District Medicaid  
6 provider;

7 “(C) Who is eligible for enrollment in the D.C. Healthcare Alliance; or

8 “(D) Whose representative payee for the purposes of Social Security  
9 benefits is the Department of Disability Services or a provider agency who is contracted with the  
10 District to provide supports and services for that person, if the reason the person lost Medicaid  
11 eligibility is due to a failure by the representative payee.

12 “(2) The Department of Disability Services shall work with and support the  
13 person to become District Medicaid-eligible and to maintain District Medicaid eligibility, and the  
14 person and his or her representatives, estate, or both shall fully cooperate in such efforts.”.

15 (c) Section 504 (D.C. Official Code § 7-1305.04) is amended by adding a new subsection  
16 (d) to read as follows:

17 “(d) Notwithstanding the availability of an appropriation to carry out the purposes of this  
18 act, effective January 1, 2012, a District resident with mental retardation who is otherwise  
19 eligible to receive supports and services from the District pursuant to this act, consistent with the  
20 recommendations included in the individual habilitation plan, must either pay the full cost of  
21 such supports and services directly to the provider or become District Medicaid eligible and  
22 maintain District Medicaid eligibility in order to receive supports and services under this act  
23 from a District Medicaid-eligible provider. This requirement shall not apply to a person:

1 “(A) Who is a former resident of Forest Haven;

2 “(B) Whose needs cannot reasonably be met by a District Medicaid

3 provider;

4 “(C) Who is eligible for enrollment in the D.C. Healthcare Alliance; or

5 “(D) Whose representative payee for the purposes of Social Security

6 benefits is the Department of Disability Services or a provider agency who is contracted with the

7 District to provide supports and services for that person, if the reason the person lost Medicaid

8 eligibility is due to a failure by the representative payee.

9 “(2) The Department of Disability Services shall work with and support the

10 person to become District Medicaid-eligible and to maintain District Medicaid eligibility, and the

11 person and his or her representatives, estate, or both shall fully cooperate in such efforts.”

12 Sec. 5003. Section 105 of the Department on Disability Services Establishment Act of

13 2006, effective March 14, 2007 (D.C. Law 16-264; D.C. Official Code § 7-761.05), is amended

14 as follows:

15 (a) Paragraph (7)(I) is amended by striking the phrase “services; and” and inserting the

16 phrase “services;” in its place.

17 (b) Paragraph (8) is amended by striking the period and inserting the phrase “; and” in its

18 place.

19 (c) A new paragraph (9) is added to read as follows:

20 “(9)(A) Maximize Medicaid revenues by requiring, as of January 1, 2012, an individual

21 to obtain and maintain District Medicaid eligibility for purposes of receiving supports and

22 services from a District Medicaid-eligible provider or requiring the individual to make full

1 payment directly to the provider for such supports and services; provided, that this requirement  
2 shall not apply to a person:

3 “(i) Who is a former resident of Forest Haven;

4 “(ii) Whose needs cannot reasonably be met by a District Medicaid  
5 provider;

6 “(iii) Who is eligible for enrollment in the D.C. Healthcare  
7 Alliance; or

8 “(iv) Whose representative payee for the purposes of Social  
9 Security benefits is the Department of Disability Services or a provider agency who is contracted  
10 with the District to provide supports and services for that person, if the reason the person lost  
11 Medicaid eligibility is due to a failure by the representative payee.

12 “(B) The Department of Disability Services shall work with and support the  
13 person to become District Medicaid-eligible and to maintain District Medicaid eligibility, and the  
14 person and his or her representatives, estate, or both shall fully cooperate in such efforts.”.

15 **SUBTITLE B. OFFICE OF ASIAN AND PACIFIC ISLANDER AFFAIRS**

16 **GRANT-MAKING AUTHORITY**

17 Sec. 5011. Short title.

18 This subtitle may be cited as the “Office of Asian and Pacific Islander Affairs Grant-  
19 Making Authority Amendment Act of 2011”.

20 Sec. 5012. Section 304(c) of the Office on Asian and Pacific Islander Affairs  
21 Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 2-  
22 1373(c)), is amended as follows:



1 (a) Paragraph (7) is amended by striking the phrase “Office; and” and inserting the phrase  
2 “Office;” in its place.

3 (b) Paragraph (8) is amended by striking the period at the end and inserting the phrase “;  
4 and” in its place.

5 (c) A new paragraph (9) is added to read as follows:

6 “(9) Issue grants to organizations that provide services to Asian and Pacific Islander  
7 residents of the District in furtherance of the mission of the Office or the purposes of this act.”.

8 **SUBTITLE C. TANF REGULATIONS AMENDMENTS**

9 Sec. 5021. Short title.

10 This subtitle may be cited as the “Temporary Assistance for Needy Families Amendment  
11 Act of 2011”.

12 Sec. 5022. The District of Columbia Public Assistance Act of 1982, effective April 6,  
13 1982 (D.C. Law 4-101; D.C. Official Code § 4-201.01 *et seq.*), is amended as follows:

14 (a) A new section 519g is added to read as follows:

15 “Sec. 519g. Parental involvement in children’s education.

16 “(a) The Mayor shall, as a condition of eligibility for TANF, require applicants with  
17 children who are in or who will attend District of Columbia Public Schools to sign an agreement  
18 to have at least one parent attend a minimum of 50% of parent-teacher conferences to ensure  
19 greater participation in their children’s education.

20 “(b) The Mayor shall develop a plan to ensure that parental participation in parent-teacher  
21 conferences may be tracked for purposes of implementing the requirements of subsection (a).”.

22 (b) Section 552 (D.C. Official Code § 4-205.52) is amended by adding a new subsection  
23 (c-3) to read as follows:

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- (a) A new section 511b is added to read as follows: -  
- “Sec. 511b. Reduction in benefits for long-term TANF recipients. -  
- “An individual who has received TANF benefits for more than 60 months in the District of Columbia, whether or not consecutive, shall receive a reduction to the current benefit amount as follows: -  
“(1) 25% of the fiscal year 2011 amount on October 1, 2012; -  
“(2) 41.7% of the fiscal year 2012 amount on October 1, 2013; and -  
“(3) 100% of the fiscal year 2013 amount on October 1, 2014. -  
- (b) Section 552 (D.C. Official Code § 4-205.52) is amended by adding a new subsection (c-2) to read

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1 “(c-3) In addition to the reduction set forth in subsection (c-2), the following adjustments  
2 shall be made to the level of public assistance payment for assistance units subject to section  
3 511b:

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4 “(1) For fiscal year 2013, a reduction of 25% of the fiscal year 2012 amount;

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5 “(2) For fiscal year 2014, a reduction of 41.7% of the fiscal year 2013 amount;

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6 and

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7 “(3) For fiscal year 2015 and thereafter, no benefits shall be provided.”.

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8 (b) A new subsection (d-1) is added to read as follows

9 Sec. 5023. Subsections 7200.3 and 7200.4 of Title 29 of the District of Columbia

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10 Municipal Regulations shall be amended to comply with the changes set forth in section 5022.

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11 **SUBTITLE D. MENTAL HEALTH SERVICES ELIGIBILITY**

12 Sec. 5031. Short title.

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13 This subtitle may be cited as the “Mental Health Services Eligibility Act of 2011”.

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14 Sec. 5032. Mental health eligibility requirements.

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15 By October 1, 2011, the Department of Mental Health shall issue rules governing

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16 eligibility for locally funded mental-health-rehabilitation services. At a minimum, the rules shall

17 limit eligibility to:

18 (1) District residents;

19 (2) Individuals who are not eligible for Medicaid or Medicare or are not enrolled

20 in any other third-party insurance program; provided, that eligibility or enrollment in the D.C.

21 HealthCare Alliance shall not preclude eligibility for locally funded mental-health-rehabilitation

22 services;

1 (3) Individuals 19 years of age and older who live in households with a countable  
2 income of less than 200% of the federal poverty level and individuals under 19 years of age who  
3 live in households with a countable income of less than 300% of the federal poverty level; and

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4 (4) Individuals who meet the definition of “children and youth with mental health  
5 problems” or “persons with mental illness” as defined in section 102 of the Department of  
6 Mental Health Establishment Amendment Act of 2001, effective December 18, 2001 (D.C. Law  
7 14-56; D.C. Official Code § 7-1131.02).

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8 Sec. 503~~3~~. Conforming amendment.

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9 Section 103(e) of the Department of Mental Health Establishment Amendment Act of  
10 2001, effective December 18, 2001 (D.C. Law 14-56; D.C. Official Code § 7-1131.03(e)), is  
11 amended by striking the phrase “insurance coverage” and inserting the phrase “insurance  
12 coverage; provided, that nothing in this section shall preclude the Department from establishing  
13 by regulation a mental-health-benefit program or plan based upon eligibility or non-eligibility for  
14 Medicaid, Medicare, or private insurance coverage” in its place.

15 **SUBTITLE E. MEDICAID STATE PLAN AMENDMENT**

16 Sec. ~~504~~1. Short title.

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17 This subtitle may be cited as the “Medical Assistance Program Amendment Act of 2011”.

18 Sec. 504~~2~~. Section 1(a) of An Act to enable the District of Columbia to receive Federal  
19 financial assistance under title XIX of the Social Security Act for a medical assistance program  
20 and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-  
21 307.02(a)), is amended by adding a new paragraph (5) to read as follows:

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1 “(5) Review and approval by the Council of the Fiscal Year 2012 Budget and  
2 Financial Plan shall constitute the Council review and approval required by paragraph 2 of this  
3 subsection of:

4 “(A) Any modification or waiver to the state plan required to change the  
5 methodology used for the reimbursement for single source brand name drugs from the average  
6 wholesale price minus 10% to wholesale acquisition cost plus 3% and

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7 “(B) Any modification or waiver to the state plan required to change in  
8 whole or in part the level of personal care services offered as a state plan benefit.”.

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9 **SUBTITLE F. FAMILIES TOGETHER AMENDMENT**

10 Sec. 5051. Short title.

11 This subtitle may be cited as the “Families Together Amendment Act of 2011”.

12 Sec. 5052. An Act To provide for the Care of Dependent Children in the District of  
13 Columbia and to Create a Board of Children’s Guardians, effective September 23, 1972 (D.C.  
14 Law 2-22; D.C. Official Code § 4-1301.01 *et seq.*), is amended as follows:

15 (a) Section 104(e) (D.C. Official Code § 4-1301.04(e)) is amended as follows:

16 (1) Paragraph (1) is repealed.

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

18 (A) The lead-in language is amended by striking the phrase “October 1,  
19 2010” and inserting the phrase “December 15, 2011” in its place.

20 (B) Subparagraph (A) is amended by striking the phrase “toward full  
21 implementation of this alternative to investigation; and” and inserting the phrase “to phase in full  
22 implementation of this alternative to investigation;” in its place.

1 (C) Subparagraph (B) is amended by striking the period at the end and  
2 inserting the phrase “; and” in its place.

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

4 “(C) Whether additional funding will be needed in fiscal year 2013 for  
5 expanded implementation.”.

6 (b) Section 601(d)(1) (D.C. Official Code § 4-1306.01(d)(1)) is amended by striking the  
7 phrase “September 24, 2010” and inserting phrase “the effective date of the Families Together  
8 Amendment Act of 2011, passed on 2<sup>nd</sup> reading on June 14, 2011 (Enrolled version of Bill 19-  
9 203)” in its place.

10 **SUBTITLE G. INCREASE LOCAL CAPACITY TO SERVE DYRS**

11 **COMMITTED YOUTH**

12 Sec. 5061. Short title.

13 This subtitle may be cited as the “Increase Local Capacity to Serve DYRS Committed  
14 Youth Act of 2011”.

15 Sec. 5062. Report on Department of Youth Rehabilitation Services plans to reduce  
16 residential placements outside the District.

17 No later than December 16, 2011, the Department of Youth Rehabilitation Services  
18 (“DYRS”) shall transmit to the Council a report summarizing the results and action items from  
19 the Request for Information concerning establishing in-patient drug treatment programs within  
20 50 miles of the District.

21 Sec. 5063. Report on Department of Youth Rehabilitation Services youths in psychiatric  
22 residential treatment facilities and residential treatment centers.

1 (a) DYRS shall conduct a study of DYRS youths in psychiatric residential treatment  
2 facilities (“PRTFs”) and residential treatment centers (“RTCs”) . The study shall evaluate the  
3 following:

- 4 (1) The population based on demographic characteristics of youth;
- 5 (2) The offense history of the youths;
- 6 (3) The risk profile of the youths;
- 7 (4) The behavioral health issues;
- 8 (5) The substance abuse issues;
- 9 (6) The past community-based service provision;
- 10 (7) The reason for current placement; and
- 11 (8) Other factors that DYRS determines to be significant.

12 (b) No later than December 16, 2011, DYRS shall transmit to the Council a report  
13 summarizing the findings of the study, which shall include action items.

14 (c) DYRS shall provide to the Council a quarterly census report on DYRS youth placed  
15 in PRTFs and RTCs. The report shall include the following:

- 16 (1) The name of the centers;
- 17 (2) The location of the centers;
- 18 (3) The number of miles the centers are located outside of the District; and
- 19 (4) The daily rate that the centers are charging the District.

20 Sec. 5064. Quarterly report on status of Medicaid eligibility.

21 Beginning February 1, 2012, DYRS shall issue quarterly reports on the status of the  
22 Money Follows the Person program. The report shall include the following:

- 23 (1) The number of applications submitted for Medicaid;

1 (2) The number of applications approved for Medicaid; and

2 (3) The amount of money obtained from Medicaid.

3 **SUBTITLE H. CHILD AND FAMILY SERVICES AGENCY MEMORANDUM**

4 **OF UNDERSTANDING WITH THE DEPARTMENT OF MENTAL HEALTH**

5 Sec. 5071. Short title.

6 This subtitle may be cited as the “Child and Family Services Agency Memorandum of  
7 Understanding with the Department of Mental Health Act of 2011”.

8 Sec. 5072. [For fiscal year 2012](#), the Child and Family Services Agency (“CFSA”) shall  
9 enter into a memorandum of understanding with the Department of Mental Health in the amount  
10 of at least \$500,000 to fund services provided by the Choice Providers to children and youth  
11 under the supervision of CFSA.

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12 **SUBTITLE I. CHILD AND FAMILY SERVICES AGENCY SUPPORT OF**  
13 **FAMILY TREATMENT COURT PROGRAM**

14 Sec. 5081. Short title.

15 This subtitle may be cited as the “Child and Family Services Agency Support of the  
16 Family Treatment Court Program Act of 2011”.

17 Sec. 5082. [For fiscal year 2012](#), the Child and Family Services Agency shall use  
18 \$400,000 to support the Family Treatment Court program, a partnership between CFSA and the  
19 Family Court of the Superior Court of the District of Columbia, to provide drug treatment for  
20 women whose children are entering foster care due to either a direct or indirect result of the  
21 mother’s drug use.

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22 **SUBTITLE J. INTERIM DISABILITY ASSISTANCE AMENDMENT**

23 Sec. 5091. Short title.

This subtitle may be cited as the “Interim Disability Assistance Act of 2011”

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Sec. 5092. The Department of Human Services shall establish limitations on the number

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of appeals that may be filed by participants in the Interim Disability Assistance program.

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**SUBTITLE K. SPECIAL EVENTS EXEMPTION**

Sec. 5101. Short title.

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Deleted: ; and -  
(2) Eligibility criteria for who may receive assistance under the program.

This subtitle may be cited as the “Special Events Exemption Amendment Act of 2011”.

Sec. 5102. Section 4917 of the Department of Health Functions Clarification Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-743 *et seq.*), is amended as follows:

(a) Designate the existing text as subsection (a).

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

“(b) A hotel licensed under D.C. Official Code § 25-113 shall be exempt from the provisions of this subchapter once a year for one day for the purposes of hosting a special event which permits cigar smoking; provided, that the hotel shall:

“(1) Notify the Department of Health in writing in advance of the event;

Thomas I. Moir 6/10/11 2:57 PM  
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“(2) Pay a fee of \$2,500 to be remitted to the Regulatory Enforcement Fund as

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established under section 4903; and

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“(3) Permit employees to opt out of working the special event with no penalty”.

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**SUBTITLE L. NOT-FOR-PROFIT HOSPITAL CORPORATION**

Sec. 5111. Short title.

This subtitle may be cited as the “Not-for-Profit Hospital Corporation Establishment Amendment Act of 2011”.

**TITLE I. NOT-FOR-PROFIT HOSPITAL CORPORATION ESTABLISHMENT.**



1           Sec. 5112. Definitions.

2           For the purposes of this act, the term:

3                   (1) "Board" means the Board of Directors of the Not-for-Profit Hospital  
4 Corporation.

5                   (2) "Corporation" means the Not-for-Profit Hospital Corporation established by  
6 section 5113.

7                   (3) "Fund" means the Not-for-Profit Hospital Corporation Fund established by  
8 section 5114.

9                   (4) "Hospital" means:

10                           (A) The acute care hospital on the site;

11                           (B) The hospital building on the site;

12                           (C) All furnishings, fixtures, equipment, supplies, and related amenities  
13 located in the acute care hospital and the hospital building; and

14                           (D) Any other operations located within the hospital building or on the  
15 site, and contracts, leases, or other agreements related to those operations.

16                   (5) "Site" means the land comprised of approximately 17 acres at 1310 and 1350  
17 Southern Avenue, S.E.

18           Sec. 5113. Establishment of the Not-for-Profit Hospital Corporation.

19                   (a) There is established as an instrumentality of the District government the Not-for-  
20 Profit Hospital Corporation, which shall have a separate legal existence within the District  
21 government.

22                   (b) The primary purpose of the Corporation shall be to:

1 (1) Receive the land, improvements on the land, equipment, and other assets of  
2 the United Medical Center;

3 (2) Operate and take all actions to ensure the continued operation of the hospital;  
4 and

5 (3) Sell or otherwise transfer all or part of the hospital and site, if a qualified  
6 buyer is identified.

7 Sec. 5114. Not-for-Profit Hospital Corporation Fund.

8 (a)(1) There is established as a nonlapsing fund the Not-for-Profit Hospital Corporation  
9 Fund. The Fund shall be comprised of:

10 (A) Accounts receivable of the Corporation;

11 (B) Transferred funds of the United Medical Center;

12 (C) Funds obtained through payments from third-party payers, and other  
13 sources.

14 (2) The Mayor may direct the Chief Financial Officer to deposit in the Fund any  
15 and all other funds received by or on behalf of the Corporation or the hospital for the purpose of  
16 operating the Corporation, the hospital, and any other operations conducted by or through the  
17 Corporation on the site.

18 (3) All funds deposited into the Fund, and any interest earned on those funds,  
19 shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia  
20 at the end of a fiscal year, or at any other time, but shall be continually available for the uses and  
21 purposes set forth in subsection (b) of this section without regard to fiscal year limitation, subject  
22 to authorization by Congress.

1 (b) Disbursements from the Fund may be used for all purposes related to operating the  
2 Corporation, the hospital, and other operations on the site.

3 Sec. 5115. Board of Directors.

4 (a)(1)(A) The Corporation shall be governed by a Board of Directors, which shall consist  
5 of 14 members, 11 of whom shall be voting members and 3 of whom shall be non-voting  
6 members.

7 (B) Of the voting members, the Mayor shall appoint 6 members, with the  
8 advice and consent of the Council, and the Council shall appoint 3 members.

9 (C) The Chief Financial Officer of the District of Columbia, or his or her  
10 designee, and a representative of the entity maintaining the largest collective bargaining  
11 agreement with the Corporation, with that representative not being an employee of the  
12 Corporation, shall serve as voting ex officio members.

13 (D) The Chief Executive Officer of the Corporation and the Chief  
14 Medical Officer of the Corporation, and the President of the District of Columbia Hospital  
15 Association, or his or her designee, shall serve as non-voting ex officio members.

16 (2) Members shall have business or management expertise in health-systems  
17 management or integrated care-delivery systems or experience as a:

18 (A) Practicing physician;

19 (B) Nursing executive;

20 (C) Finance officer;

21 (D) Labor manager; or

22 (E) Contract manager.

23 (b)(1) The terms of the voting members of the initial Board shall be as follows:

1 (A) Two members appointed by the Mayor and one member appointed by  
2 the Council shall serve 3-year terms;

3 (B) Two members appointed by the Mayor and one member appointed by  
4 the Council shall serve 2-year terms; and

5 (C) Two members appointed by the Mayor and one member appointed by  
6 the Council shall serve one-year terms.

7 (2) All subsequent voting-member appointees shall serve 3-year terms.

8 (c) The Mayor shall submit the names of the Mayor's nominees to the Council within 10  
9 days of the effective date of Not-for-Profit Hospital Corporation Establishment Emergency  
10 Amendment Act of 2010, effective July 7, 2010 (D.C. Act 18-476; 57 DCR 6937), for a 45-day  
11 period of review. If the Council does not approve or disapprove the nomination, by resolution,  
12 within the 45-day review period, the nomination shall be deemed approved.

13 (d) No fewer than 90 days before the expiration of a member's term, the Mayor shall  
14 submit to the Council the name of a nominee to fill the vacancy. When a vacancy occurs for any  
15 reason other than expiration of a term, the Mayor shall submit the name of a nominee to the  
16 Council within 45 days after the vacancy occurs for a 45-day period of review. If the Council  
17 does not approve or disapprove the nomination, by resolution, within the 45-day review period,  
18 the nomination shall be deemed approved. A member appointed to fill a vacancy for an  
19 unexpired term shall serve only for the unexpired portion of the term, unless the member is  
20 reappointed for a new term.

21 (e) A Board member whose term has expired may continue to serve until a new member  
22 is appointed or for 180 days, whichever first occurs.

1 (f) The Mayor shall designate a chairperson from among the members who shall serve in  
2 that capacity at the pleasure of the Mayor.

3 (g) A Board member shall not be entitled to compensation but may be reimbursed for  
4 actual and necessary expenses incurred for performing his or her official duties. Unless  
5 prohibited by law, a Board member may engage in private employment, a profession, or a  
6 business.

7 (h) A Board member shall not be held personally liable for an action taken in the course  
8 of his or her official duties and responsibilities.

9 (i) The Mayor shall remove any Board member for misconduct or neglect of duty, as  
10 defined in the Corporation's bylaws, or for other good cause, after notice to the Board member  
11 and the Board.

12 (j) The Mayor shall immediately suspend any Board member charged with a  
13 misdemeanor or felony and shall remove the Board member if the member is found guilty of the  
14 charge.

15 (k) The Board shall maintain regular contact with the Director of the Department of  
16 Health, or successor agency, and shall meet with the Director upon the Director's request.  
17 Sec. 5116. Governance of the Corporation.

18 (a) The powers of the Corporation shall be vested in and exercised by the Board. The  
19 Board may take action at a meeting held at a time and place fixed by the bylaws. The Board  
20 shall adopt rules for conducting its meetings.

21 (b)(1) The presence of 5 voting members shall constitute a quorum of the Board. A  
22 majority vote of the members present for a quorum shall be necessary for the Board to take any  
23 official action.

1                   (2) A Board member shall be considered present for the purpose of establishing or  
2 maintaining a quorum either by being physically present at the site specified for the Board  
3 meeting or by being electronically present via a speaker telephone, web camera, or other device  
4 capable of transmitting the member's voice or voice and image to the Board members physically  
5 present and the Board members' voices or voices and images to the member employing  
6 electronic means to participate.

7                   (c) The Board shall hold an annual meeting to inform the public of its plans and  
8 programs. The Board shall provide notice of the meeting by publishing notice in the District of  
9 Columbia Register and a newspaper of general circulation in the District not less than 30 days  
10 before the date of the meeting.

11                   (d) The Board shall meet not less than once per month, at least 10 months each year.  
12 Board meetings shall comply with the requirements for open meetings pursuant to section 742 of  
13 the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 831; D.C.  
14 Official Code § 1-207.42).

15                   (e) The Corporation's fiscal year shall coincide with the fiscal year of the District  
16 government.

17                   (f) The Board shall appoint the Chief Executive Officer ("CEO") of the United Medical  
18 Center as CEO of the Corporation and to be in charge of the day-to-day affairs of the  
19 Corporation, including the hospital and other operations at the site. The Board may subsequently  
20 conduct a national search to fill the position of CEO. The CEO shall serve at the pleasure of the  
21 Board.

1 (g) The Board may engage a hospital management company to assist in hospital  
2 operations and may contract or enter into leases with third parties to operate discrete facilities  
3 within the hospital or on the site.

4 (h) The Board shall hold its first meeting no later than 7 days from the date of the  
5 appointment of 7 or more members.

6 (i) The Board shall determine the qualifications and credentialing for health care  
7 professionals to receive the privilege of practicing within a health-care facility under the  
8 Corporation's jurisdiction and make reasonable policies and procedures for the conduct of a  
9 person on the staff of a facility within the Corporation's jurisdiction, consistent with District law.

10 Sec. 5117. Powers of the Corporation.

11 The Corporation shall have the powers to:

12 (1) Sue and be sued in its corporate name;

13 (2) Adopt a corporate seal and alter the seal at its pleasure;

14 (3) Adopt, amend, and repeal bylaws governing the manner in which it may  
15 conduct business and how the powers vested in it may be exercised;

16 (4) Borrow money for any of its corporate purposes pursuant to section 5116 and  
17 as may be permitted under the District of Columbia Home Rule Act, approved December 24,  
18 1973 (87 Stat. 777; D.C. Official Code § 1-201.01 *passim*), and other laws of the District;  
19 provided, that the Corporation's debts shall not be subject to and shall not be backed by the full  
20 faith and credit of the District of Columbia;

21 (5) Provide for the payment of obligations as may be permitted under the District  
22 of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code §  
23 1-201.01 *passim*), and other laws of the District;

1                   (6) Establish polices for contracting and procurement that are consistent with the  
2 principles of competitive procurement and, subject to District law, make and execute contracts,  
3 leases, and all other agreements or instruments necessary and appropriate for the exercise of its  
4 powers and the fulfillment of its corporate purposes;

5                   (7) Subject to Council approval by resolution, acquire, construct, and dispose of  
6 real or personal property of every kind, including a health-care facility or an interest in a health-  
7 care facility for its corporate purposes;

8                   (8) Operate, manage, superintend, maintain, repair, equip, and control a health-  
9 care facility under its jurisdiction, including seeking all necessary licenses, certifications, or  
10 other permits and establishing and collecting fees, rentals, or other charges, including  
11 reimbursement allowances for the sale, lease, or sublease of any health-care facility;

12                   (9) Provide health and medical services to the public directly or by agreement  
13 with a person, firm, or private or public corporation or association;

14                   (10) Establish policies governing admissions and health and medical services and  
15 fees and other charges, including reimbursement allowances for providing health and medical  
16 services;

17                   (11) Provide and maintain resident physician and intern medical services, as  
18 appropriate, and sponsor and conduct research, development, planning, evaluation, educational,  
19 and training programs, as appropriate;

20                   (12) Provide additional services and adopt a schedule of appropriate charges for  
21 additional services consistent with its corporate purposes;

22                   (13) Employ officers, executives, and management personnel who may formulate  
23 or participate in the formulation of the plans, policies, and standards or who may administer,



1 manage, or operate the Corporation, fix their qualifications, and prescribe their duties and other  
2 terms of employment, compensation, and benefits; except, that such personnel shall be excluded  
3 from collective bargaining representation and employ other personnel as may be necessary;

4 (14) Subject to the requirements of section 115 of the District of Columbia  
5 Appropriations Act, 2003, approved February 20, 2003 (117 Stat. 123; D.C. Official Code § 1-  
6 329.01), and section 446b of the District of Columbia Home Rule Act, approved October 16,  
7 2006 (120 Stat. 2040; D.C. Official Code § 1-204.46b), apply for and receive donations, gifts,  
8 grants of money, real and personal property, services, or other aid;

9 (15) Maintain or purchase insurance, including errors and omissions insurance,  
10 for the Board and officers of the Corporation, or obtain indemnification against losses or  
11 liabilities of the Corporation;

12 (16) Enter into agreements with another organization, public or private, for goods  
13 and services as needed for its corporate purposes;

14 (17) Request and recommend that the Chief Financial Officer of the District of  
15 Columbia invest the Corporation's funds and make recommendations to the Chief Financial  
16 Officer of the District of Columbia how to administer funds;

17 (18) Retain or employ auditors, engineers, and private consultants by contract for  
18 rendering professional, management, or technical services and advice;

19 (19) Subject to District law, engage in a joint venture and participate in a  
20 network, alliance, consortium pool, or other cooperative arrangement with a public or private  
21 entity; and

22 (20) Do any and all things necessary and proper to carry out its corporate  
23 purposes.

1           Sec. 5118. Transfer of assets under Deed of Trust.

2           Upon foreclosure under the Deed of Trust, Security Agreement, Fixture Filing and  
3 Restrictive Covenants signed by CMC Realty, LLC and Capital Medical Center, LLC on  
4 November 7, 2007, or upon any other transfer of assets, the Mayor is authorized to transfer all of  
5 the assets, including cash, accounts receivable, and real and personal property, of United Medical  
6 Center to the Corporation.

7           Sec. 5119. Personnel administration.

8           (a) The District of Columbia Government Comprehensive Merit Personnel Act of 1978,  
9 effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), shall not apply  
10 to employees of the Corporation.

11           (b) Within 6 months of the first meeting of the Board, the Corporation shall promulgate  
12 policies, practices, and procedures relating to terms and conditions of employment for personnel  
13 employed by the Corporation. Until the Corporation establishes a personnel system subject to  
14 applicable laws, the personnel system of the United Medical Center existing the day prior to the  
15 effective date of this act shall continue to apply to the Corporation and its employees.

16           (c) Subject to federal and District law, the Corporation shall assume and be bound by all  
17 personnel contracts and existing collective bargaining agreements with labor organizations that  
18 represent employees transferred to the Corporation.

19           (d) This section shall not to be construed to limit the right of the Board to reorganize,  
20 restructure, reclassify, or eliminate positions.

21           (e) The Corporation shall give a hiring preference to qualified District residents.

22           (f) The Corporation shall have independent personnel authority, including the authority  
23 to establish its own personnel system, and shall not be subject to the District of Columbia

1 Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-  
2 139; D.C. Official Code § 1-601.01 *et seq.*), or its implementing regulations.

3 (g) The Corporation, with advice from the Chief Executive Officer, shall develop a  
4 personnel system that includes rules prohibiting an employee from having a direct or indirect  
5 financial interest that conflicts with, or would appear to conflict with, the fair, impartial, and  
6 objective performance of the employee's assigned duties and responsibilities.

7 (h) The Board members and the CEO shall not have any interest, direct or indirect, as  
8 principal, surety, or otherwise in contract, where the expense or consideration of the contract is  
9 payable from Corporation funds.

10 (i) The Corporation may retain an independent contractor to deliver hospital services,  
11 except for financial services provided by the Office of the Chief Financial Officer. As part of the  
12 hospital services a contractor provides, the contractor may manage, supervise, evaluate, and  
13 propose disciplinary action for government hospital employees, except for employees reporting  
14 to the Chief Financial Officer of the District of Columbia, subject to the following limitations:

15 (1) The Corporation determines, in writing, that the contractor is providing  
16 services to the Corporation and that it is necessary for the operation of the hospital, or an affected  
17 department of the Hospital, for the contractor to supervise, manage, evaluate, and propose  
18 disciplinary action for the affected employees.

19 (2) In exercising authority to supervise, manage, evaluate, and propose  
20 disciplinary action, the contractor shall comply with all Hospital human resource policies,  
21 personnel contracts, and collective-bargaining agreements.

22 (3) A contractor's proposal for disciplinary action shall not become final unless  
23 approved by the Chief Executive Officer of the Hospital.

1 (4) The Hospital shall not be responsible for the contractor's negligence or  
2 misconduct related to managing or supervising hospital employees.

3 Sec. 5120. Budget.

4 The Board shall submit its proposed fiscal year 2011 operating budget and each  
5 subsequent operating budget for the Corporation to the Mayor on the date that District  
6 departments and agencies are required to submit proposed budgets to the Mayor.

7 Sec. 5121. Transfer of employees.

8 (a) The employees of United Medical Center shall be transferred to the Corporation with  
9 the same rights and obligations they enjoyed as employees of the United Medical Center.

10 (b) The employees transferred from the United Medical Center to the Corporation shall  
11 not be governed by the District of Columbia Government Comprehensive Merit Personnel Act of  
12 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), or its  
13 implementing regulations ("CMPA") and shall not enjoy any rights, benefits, or obligations  
14 afforded by the CMPA.

15 Sec. 5122. Procurement law inapplicable.

16 (a) The Procurement Practices Reform Act of 2011, effective April 8, 2011 (D.C. Law  
17 18-371; D.C. Official Code § 2-351.01 *et seq.*) ("PPA"), and its implementing regulations shall  
18 not apply to the Corporation; except, that the Corporation shall be required to comply with the  
19 requirements regarding multiyear contracts and contracts in excess of \$1 million during a 12-  
20 month period pursuant to section 451 of the District of Columbia Home Rule Act, approved  
21 December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 202 of the PPA.

22 (b) Procurement policies employed by the United Medical Center on the day prior to the  
23 effective date of this act shall continue until the Corporation develops new procurement policies.

1           Sec. 5123. Exemption from taxation.

2           The assets and income of the Corporation shall be exempt from taxation by the District  
3 government.

4           Sec. 5124. Reports to the Mayor and the Council.

5           On or before December 29 of each year, the Corporation shall submit to the Mayor and  
6 the Council a report that sets forth for the prior fiscal year its operations and accomplishments,  
7 revenues and expenses, assets and liabilities at the end of the fiscal year, and the status of  
8 reserves, depreciation, and special, sinking, or other funds.

9           Sec. 5125. Representation and indemnification.

10          (a) The officers and employees of the Corporation shall not be considered District  
11 government employees for purposes of the District of Columbia Employee Non-liability Act,  
12 approved July 14, 1960 (74 Stat. 519; D.C. Official Code § 2-411 *et seq.*), and the District of  
13 Columbia shall not be liable for any acts or occurrences of the Corporation regardless of whether  
14 the Corporation purchases insurance or whether purchased insurance covers any act or omission  
15 of an act.

16          (b) The District of Columbia may, upon request by the Corporation and at the discretion  
17 of the Attorney General for the District of Columbia “(Attorney General”), provide  
18 representation through the Office of the Attorney General to the Corporation and its officers and  
19 employees for legal matters related to their official duties.

20          (c) The Corporation may retain outside counsel, other than the Attorney General, at its  
21 own expense to provide representation for the Corporation and its officers and employees in  
22 actual or anticipated litigation related to their official duties and functions or in any other legal

1 proceeding, lawsuit, grievance, or arbitration filed against the Corporation, its officers, or its  
2 employees.

3 (d) An action other than an action for medical negligence or malpractice may not be  
4 maintained against the Corporation for unliquidated damages to persons or property unless,  
5 within 6 months after the injury or damage was sustained, the claimant, his agent, or attorney has  
6 given notice in writing to the CEO of the approximate time, place, cause, and circumstances of  
7 the injury or damage.

8 (e) The District of Columbia and its officers and employees shall not be liable for and  
9 may not be made a party to any lawsuits or claims arising from the operation of the Corporation.

10 Sec. 5126. General Counsel.

11 (a) The Corporation may have a General Counsel who shall:

12 (1) Be appointed by the CEO;

13 (2) Be an attorney admitted in good-standing to the practice of law in the District  
14 of Columbia;

15 (3) Be qualified by experience and training to advise the Corporation with respect  
16 to legal issues related to its powers and duties;

17 (4) Have an attorney-client relationship with the Corporation; and

18 (5) Advocate vigorously for the positions of the Corporation on legal issues.

19 (b) The General Counsel, with the consent of the CEO, may employ staff attorneys and  
20 other personnel.

21 Sec. 5127. Debts and borrowing.

22 (a) The Corporation is authorized by the Council pursuant to section 490(a)(6) of the  
23 District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 809; D.C. Official

1 Code § 1-204.90(a)(6)), to incur debt, including lines of credit, to carry out the authorized  
2 purposes of the Corporation. The Corporation may, at any time, and from time to time, enter  
3 into debt obligations, by resolution of the Board. Debt of the Corporation shall be payable solely  
4 from the revenues of the Corporation from whatever source derived and shall not be issued in the  
5 form of obligations maturing longer than 5 years, including renewals. The Corporation shall  
6 have the power to incur indebtedness regardless of whether the interest payable by the  
7 Corporation or the income derived by the holders of the evidence of the indebtedness is, for the  
8 purposes of federal taxation, includable in the taxable income of the recipients of these payments  
9 or is otherwise not exempt from the imposition of taxable income on the recipients. No official,  
10 employee, or agent of the Corporation shall be held personally liable solely because a debt  
11 instrument is issued.

12 (b) Any debt created pursuant to this section shall not:

13 (1) Be considered general obligation debt of the District for any purpose,  
14 including the limitation on the annual aggregate limit on debt of the District of Columbia under  
15 section 603(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87  
16 Stat. 814; D.C. Official Code § 1-206.03(b));

17 (2) Constitute a lending of the public credit for private undertakings for purposes  
18 of section 602(a)(2) of the District of Columbia Home Rule Act, approved December 24, 1973  
19 (87 Stat. 814; D.C. Official Code § 1-206.02(a)(2));

20 (3) Be a pledge of or involve the full faith and credit of the District of Columbia,  
21 other than with respect to any dedicated taxes; or

22 (4) Constitute a debt of the District.

23 Sec. 5128. Continuation of privileges to practice.

1 (a) A health-care professional who has the privilege of practicing at the United Medical  
2 Center as of the effective date of this act shall retain practice privileges with the Corporation  
3 until the:

- 4 (1) Privilege expires;
- 5 (2) Board alters or amends the privilege; or
- 6 (3) Board revokes the privilege.

7 (b) The Board shall retain the policies regarding determining the qualifications for health-  
8 care professionals to receive the privilege of practicing that existed at United Medical Center on  
9 the day prior to the effective date of this act until the Corporation replaces the policies pursuant  
10 to section 5116(i).

11 Sec. 5129. The Chief Financial Officer of the District of Columbia shall exercise  
12 authority over the Corporation consistent with section 424 of the District of Columbia Home  
13 Rule Act, approved April 17, 1995 (109 Stat. 142; D.C. Official Code §§ 1-204.24a, 1-204.24b,  
14 and 1-204.24c).

15 TITLE II. CERTIFICATE OF NEED AMENDMENT.

16 Sec. 5130. Section 8(b) of the Health Services Planning Program Re-establishment Act of  
17 1996, effective April 9, 1997 (D.C. Law 11-191; D.C. Official Code § 44-407(b)), is amended by  
18 adding a new paragraph (15) to read as follows:

19 "(15) Changes in ownership, whether voluntary or involuntary, of the short-term,  
20 acute-care hospital known as the United Medical Center and a long-term acute care hospital and  
21 a skilled nursing facility at the same location, known as the Southern Avenue Facilities, shall be  
22 exempt from the certificate of need requirements for the purpose of:



1                   “(A) Allowing the transfer from the owner of record to another owner of  
2 all or a portion of the Southern Avenue Facilities;

3                   “(B) Notwithstanding any other provision of District law, allowing the  
4 owner of record, a subsequent owner, or caretaker, regardless of whether the transfer is voluntary  
5 or involuntary, to close or terminate a health service outside of the United Medical Center within  
6 30 days after the effective date of the Not-for-Profit Hospital Corporation Establishment  
7 Emergency Amendment Act of 2010, effective July 7, 2010 (D.C. Act 18-476; 57 DCR  
8 6937)(“Hospital Act”); or

9                   “(C) Allowing the entity acquiring the United Medical Center to establish,  
10 within 90 days of the effective date of the Hospital Act, a skilled nursing facility with no more  
11 than 120 beds in the existing buildings located in the 1300 block of Southern Avenue, S.E.”.

12                   **TITLE VI. TRANSPORTATION, PUBLIC WORKS, AND THE ENVIRONMENT**

13                   **SUBTITLE A. DEPARTMENT OF MOTOR VEHICLES FEE MODIFICATION**

14                   Sec. 6001. Short title.

15                   This subtitle may be cited as the “Department of Motor Vehicles Fee Modification  
16 Amendment Act of 2011”.

17                   Sec. 6002. Section 7(a)(4) of the District of Columbia Traffic Act, 1925, approved March  
18 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-1401.01(a)(4)), is amended by striking the figure  
19 “\$7” and inserting the figure “\$20” in its place.

20                   Sec. 6003. Section 2(d)(4)(C) of Title IV of the District of Columbia Revenue Act of  
21 1937, approved August 17, 1937 (50 Stat. 681; D.C. Official Code § 50-1501.02(d)(4)(C)), is  
22 amended by striking the figure “\$7” and inserting the figure “\$20” in its place.”.

1           Sec. 6004. Section 112.12(b) of Title 18 of the District of Columbia Municipal  
2 Regulations (18 DCMR § 112.12(b)) is amended by striking the figure “\$7” and inserting the  
3 figure “\$20” in its place.

4           Sec. 6005. This subtitle shall apply as of July 1, 2011.

5           **SUBTITLE B. STEEL PLATE FEE REDUCTION AMENDMENT**

6           Sec. 6011. Short title.

7           This subtitle may be cited as the “Steel Plate Fee Amendment Act of 2011”.

8           Sec. 6012. Section 225.1(p) of Title 24 of the District of Columbia Municipal Regulations  
9 (24 DCMR § 225.1(p)) is amended to read as follows:

| “(p) Steel Plates:   | Permit Fee   |
|--|--|
| Public space covered by 1 or more steel plate(s) at any time between and including January 1 and March 31 and between and including November 1 and December 31 | \$0 per plate for the first 5 days in public space; \$600.00 per plate for days 6 through 10 in public space; and \$900.00 per plate for all subsequent 5-day periods    |
| Public space covered by 1 or more steel plate(s) at all other times  | \$0 per plate for the first 5 days in public space; \$300.00 per plate for days 6 through 10 in public space; and \$450.00 per plate for all subsequent 5-day periods.”. |

10

11           **SUBTITLE C. DISTRICT DEPARTMENT OF TRANSPORTATION**

12           **ADVERTISEMENT AMENDMENT**

13           Sec. 6021. Short title.

14           This subtitle may be cited as the “District Department of Transportation Advertisement  
15 Amendment Act of 2011”.

1           Sec. 6022. Section 5(4)(G) of the Department of Transportation Establishment Act of  
2 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.04(4)(G)), is  
3 amended to read as follows:

4                       “(G) Enter into agreements to allow the placement of advertisements on  
5 Department property, under the control of DDOT, in public space and collect payments under the  
6 agreements, if:

7                               “(i) The placement of the advertisement is not in violation of  
8 District or federal laws, regulations, or orders;

9                               “(ii) The following provision is included in the advertisement  
10 agreement:

11                                       “‘If the Mayor or the Director of DDOT receives notice from the  
12 United States Secretary of Transportation that the future operation of the advertisement  
13 agreement may result in a reduction of the District's share of federal highway funds pursuant to  
14 section 131 of Title 23 of the United States Code, the advertiser or advertiser agency shall  
15 remove the advertisement within 30 days from the date of receipt of the notice by the District.  
16 Upon the expiration of the 30 days specified in this paragraph, if the advertiser or advertiser  
17 agency fails to cure the violation that resulted in the threatened reduction of highway funds, the  
18 Director of DDOT may terminate this agreement at no cost to the District.’”;

19                               “(iii) The requirements of section 2 of An Act to regulate the  
20 erection, hanging, placing, painting, display, and maintenance of outdoor signs and other forms  
21 of exterior advertising within the District of Columbia, approved March 3, 1931 (46 Stat. 1486;  
22 D.C. Official Code §1-303.22), and 12A DCMR 3107, pertaining to outdoor signs and other  
23 forms of exterior advertising in the District of Columbia, shall not apply; and

1                   “(iv) All proceeds collected from this the advertising agreement shall  
2 be paid into the DDOT Enterprise Fund for Transportation Initiatives, established under section  
3 9e.”.

4           **SUBTITLE D. BAG FEE COMPLIANCE**

5           Sec. 6031. Short title.

6           This subtitle may be cited as the “Bag Fee Compliance Amendment Act of 2011”.

7           Sec. 6032. The Anacostia River Clean Up and Protection Act of 2009, effective  
8 September 23, 2009 (D.C. Law 18-55; D.C. Official Code § 8-102.01 *et seq.*), is amended as  
9 follows:

10           (a) Section 4 (D.C. Official Code § 8-102.03) is amended by adding a new subsection (e)  
11 to read as follows:

12           “(e) Notwithstanding any other law, the Office of Tax and Revenue shall furnish to the  
13 District Department of the Environment, upon request, the names, addresses, and whether any  
14 fees were collected pursuant to subsection (a) of this section of retail establishments subject to  
15 the provisions of this act.”.

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16           (b) Section 5(b)(2) (D.C. Official Code § 8-102.04(b)(2)) is amended as follows:

17                   (1) Subparagraph (A) is amended by striking the phrase “in a calendar year”.

18                   (2) Subparagraph (B) is amended by striking the phrase “in a calendar year”.

19                   (3) Subparagraph (C) is amended by striking the phrase “in a calendar year”.

20           **SUBTITLE E. DEPARTMENT OF PARKS AND RECREATION REVENUE**

21           **GENERATION**

22           Sec. 6041. Short title.

1 This subtitle may be cited as the “Department of Parks and Recreation Revenue  
2 Generation Amendment Act of 2011”.

3 Sec. 6042. The Recreation Act of 2004, effective January 13, 1995 (D.C. Law 10-246;  
4 D.C. Official Code § 10-301 *et seq.*), is amended as follows:

5 (a) Section 2 (D.C. Official Code § 10-301) is amended by adding new paragraphs (1A),  
6 (1B), (1C), and (1D) to read as follows:

7 “(1A) “Designated Organizations” means entities designated by the Director pursuant to  
8 section 6a of An Act To vest in the Commissioners of the District of Columbia control of street  
9 parking in said District, effective March 16, 1995 (D.C. Law 10-226; D.C. Official Code § 10-  
10 137.01).

11 “(1B) “Friends Groups” means an organization, qualified under section 501(c)(3) of the  
12 Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2085; 26 U.S.C. §  
13 501(c)(3)), and registered under the park partner program, whose primary mission is to support  
14 an adopted park or recreation facility by advocating, fundraising, maintaining, and assisting in  
15 the planning process for the park or recreation facility adopted.

16 “(1C) “Park Partner Agreement” means the agreement between the Department and the  
17 Friends Group explaining the duties, rights, and obligations of the Friends Group.

18 “(1D) “Planned Unit Development” means a plan for the development of residential,  
19 institutional, and commercial developments, industrial parks, urban renewal projects, or a  
20 combination of these as defined in the Zoning Regulations of the District of Columbia (11  
21 DCMR § 199).”.

22 (b) Section 3 (D.C. Official Code § 10-302) is amended as follows:

23 (1) Subsection (b) is amended to read as follows:

1           “(b)(1) Department buildings and grounds may be used for fund-raising activities by the  
2 Department, Friends Groups, Designated Organizations, and for-profit organizations contracted  
3 for and supervised by the Department, Friends Groups, or Designated Organizations; provided,  
4 that Friends Groups and Designated Organizations may use Department buildings and grounds  
5 for fundraising activities no more than 12 times per year.

6           “(2) Except with regard to fundraising activities by Friends Groups and  
7 Designated Organizations, the Department shall manage received property or funds in  
8 accordance with the provisions or conditions of the donation, gift, grant, or other type of transfer,  
9 including the investment of the principal of such property or funds. The Mayor shall consider the  
10 donor’s choice of which site, program, or operation should be the recipient of the property.

11           “(3) All property or funds raised for or by the Friends Groups and Designated  
12 Organizations shall be deposited in a dedicated bank account in the name of the Friends Group or  
13 the Designated Organization and expended solely for improvements and services for the  
14 associated park or recreation facility in accordance with the Park Partner Agreement, if  
15 applicable.

16           “(4) Friends Groups and Designated Organizations shall provide semiannual  
17 accounting to the Department of all funds collected.”.

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

19           “(c) Department buildings and grounds shall not be used for any commercial, profit-  
20 making, fundraising, or other solicitation by any agency, individual, or organization, except as  
21 specifically provided in this section.”.

22           (c) Section 4 (D.C. Official Code § 10-303) is amended as follows:

23           (1) Subsection (b)(1) is amended as follows:

1 (A) Strike the phrase “and services.” and insert the phrase “and services  
2 and payments by developers seeking relief from zoning laws by way of the Planned Unit  
3 Development process considered part of the required community benefits package of the  
4 proposed Planned Unit Development.” in its place.

5 (B) Strike the phrase “provided by the Department.” and insert the phrase  
6 “provided by the Department; provided, that payments by developers seeking relief from zoning  
7 laws in accordance with the Zoning Regulations of the District of Columbia (11 DCMR § 100 *et*  
8 *seq.*) and the Planned Unit Development process shall be expended on Department property  
9 within the boundaries of the Advisory Neighborhood Commission in which the Planned Unit  
10 Development is located.” in its place.

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

12 “(e)(1) Notwithstanding any other provision of law, the Department may contract for,  
13 pursuant to all applicable contracting and procurement guidelines, advertisements and  
14 sponsorship for recreation centers, fields, pools, and play courts within the Department’s  
15 inventory.

16 “(2) The Department shall not delegate the authority to contract for  
17 advertisements or sponsorships granted to it pursuant to paragraph (1) of this subsection to any  
18 other party.

19 “(3) All proceeds received from advertisements and sponsorships shall be  
20 deposited into the Fund pursuant to this section.”.

21 (d) A new section 7a is added to read as follows:

22 “Sec. 7a. Rules.

1           “The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure  
2 Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue  
3 rules to implement the provisions of this act. The proposed rules shall be submitted to the  
4 Council for a 30-day period of review, excluding weekends, holidays, and days of Council  
5 recess. If the Council does not approve or disapprove the proposed rules, by resolution, within  
6 the 30-day review period, the proposed rules shall be deemed approved.”.

7           **SUBTITLE F. DEPARTMENT OF TRANSPORTATION ENTERPRISE FUND**  
8 **AMENDMENT**

9           Sec. 6051. Short title.

10           This subtitle may be cited as the “Department of Transportation Enterprise Fund  
11 Amendment Act of 2011”.

12           Sec. 6052. Section 9e of The Department of Transportation Establishment Act of 2002,  
13 effective April 8, 2011 (D.C. Law 18-370; 58 DCR 662), is amended to read as follows:

14           “Sec. 9e. DDOT Enterprise Fund for Transportation Initiatives.

15           “(a) There is established as a nonlapsing fund the DDOT Enterprise Fund for  
16 Transportation Initiatives (“Fund”), which shall be administered by the Director of DDOT and  
17 which shall be used by DDOT to pay for goods, services, property, capital improvements, or for  
18 any other permitted purpose as authorized by section 5 and to pay into the Highway Trust Fund.

19           “(b) All revenue from the following shall be deposited into the Fund, beginning October  
20 1, 2011:

21                   “(1) Fines from the enforcement of truck safety and size, weight, and noise  
22 regulations.

23                   “(2) Advertisements on multispace parking meter receipts.



- 1           “(3) Advertisements on bikeshare stations.
- 2           “(4) Public inconvenience fees, described in 24 DCMR § 225.1(c).
- 3           “(5) Fees related to car sharing.
- 4           “(6) Loading zone management program revenue, including:
  - 5                   “(A) The commercial permit parking pass revenue;
  - 6                   “(B) Commercial permit parking fees; and
  - 7                   “(C) Other related citations and fines; and
- 8           “(7) Any other revenues, including grants or gifts, as may from time-to-time be
- 9 dedicated to the Fund.

10           “(c) All funds deposited into the Fund, and any interest earned on those funds, shall not

11 revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end

12 of a fiscal year, or at any other time, but shall be continually available for the uses and purposes

13 set forth in subsection (a) of this section without regard to fiscal year limitation, subject to

14 authorization by Congress.”.

15           Sec. 6053. Section 102(d)(2) of the Highway Trust Fund Establishment Act of 1996,

16 effective April 9, 1997 (D.C. Law 11-184; D.C. Official Code 9-111.01(d)(2)), is repealed.

17           **SUBTITLE G. RECIPROCITY REGISTRATION AMENDMENT**

18           Sec. 6061. Short title.

19           This subtitle may be cited as the “Reciprocity Registration Amendment Act of 2011”.

20           Sec. 6062. Section 8(d) of the District of Columbia Traffic Act, 1925, approved March 3,

21 1925 (43 Stat. 1121; D.C. Official Code § 50-1401.02(d)), is amended by striking the phrase “a

22 fee of \$10, which may be increased by the Mayor to cover administrative costs,” and inserting

23 the phrase “a fee of \$50,” in its place.

1           **SUBTITLE H. CURBSIDE PARKING PROTECTION AMENDMENT**

2           Sec. 6071. Short title.

3           This subtitle may be cited as the “Curbside Parking Protection Amendment Act of 2011”.

4           Sec. 6072. Section 2601.1 of Title 18 of the District of Columbia Municipal Regulations  
5 is amended as follows:

6           For the infraction titled “Residential permit parking area, beyond consecutive two-hour  
7 period without valid permit [§ 2411.1. § 2424.12]” the fine is amended as follows:

8                   (1) In the first untitled column, strike the figure “\$ 30.00” and insert the phrase  
9 “In each calendar year: First offense \$30, Second offense \$30, Third and any subsequent offense  
10 \$60” in its place.

11                   (2) In the second column, titled “In Ballpark Zone”, strike the figure “\$ 30.00”  
12 and insert the phrase “In each calendar year: First offense \$30, Second offense \$30, Third and  
13 any subsequent offense \$60” in its place.

14                   (3) In the third column, titled “During Ballpark Events”, strike the figure “\$  
15 60.00” and insert the phrase “In each calendar year: First offense \$60, Second offense \$60, Third  
16 and any subsequent offense \$60” in its place.

17           **SUBTITLE I. PERFORMANCE PARKING PILOT ZONE AMENDMENT**

18           Sec. 6081. Short title.

19           This subtitle may be cited as the “Performance Parking Pilot Zone Amendment Act of  
20 2011”.

21           Sec. 6082. Section 11 of An Act Making appropriations for the government of the  
22 District of Columbia and other activities chargeable in whole or in part against the revenues of  
23 such District for the fiscal year ending June 30, 1939, and for other purposes, approved April 4,

1 1938 (52 Stat. 192; D.C. Official Code § 50-2633(b)), is amended by striking the phrase  
2 “Authority.” and inserting the phrase “authority, except for fees collected in performance parking  
3 pilot zones, pursuant to the Performance Parking Pilot Zone Act of 2008, effective November 25,  
4 2008 (D.C. Law 17-279; D.C. Official Code § 50-2531 *et seq.*) (“2008 act”), and dedicated in  
5 Section 5 of the 2008 act.” in its place.

6 Sec. 6083. The Performance Parking Pilot Zone Act of 2008, effective November 25,  
7 2008 (D.C. Law 17-279; D.C. Official Code § 50-2531 *et seq.*), is amended as follows:

8 (a) Section 2(i) (D.C. Official Code § 50-2531(i)) is repealed.

9 (b) A new section 2a is added to read as follows:

10 “Sec. 2a. Performance Parking Program Fund.

11 “(a) There is established as a nonlapsing fund the Performance Parking Program Fund  
12 (“Fund”). All parking meter revenue collected within the Performance Parking Pilot Zones shall  
13 be deposited in the Fund. The Fund shall be used solely for the purposes set forth in section 5  
14 and shall be administered by the Director of the District Department of Transportation.

15 “(b) All funds deposited into the Fund, and any interest earned on those funds, shall not  
16 revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end  
17 of a fiscal year, or at any other time, but shall be continually available for the uses and purposes  
18 set forth in section 5 without regard to fiscal year limitation, subject to authorization by  
19 Congress.”.

20 (c) A new section 3a is added to read as follows:

21 “Sec. 3a. H Street N.E. Performance Parking Pilot Zone

1           “(a) The H Street N.E. Performance Parking Pilot Zone is designated as the area bounded  
2 by I Street, N.E., on the north, 15th Street, N.E., on the east, 3rd Street, N.E., on the west, and G  
3 Street, N.E., on the south, including both sides of these boundary streets.

4           “(b) In addition to maintaining a sufficient number of parking control officers and traffic  
5 control officers in the existing performance parking zones, the Mayor shall assign parking  
6 control and traffic control officers for implementation of the pilot program in the H Street N.E.  
7 Performance Parking Pilot Zone and for enhanced enforcement during peak parking demand  
8 hours.

9           “(c) The Mayor shall designate existing residential parking permit zoned blocks within  
10 the performance parking zone as within a high-traffic generating corridor and provide increased  
11 residential parking protections.

12           “(d) The Mayor shall set the initial performance parking pilot zone fee equal to the  
13 existing fee.

14           “(e) Pursuant to section 2(d)(1), the Mayor shall adjust fees to achieve 10% to 20%  
15 availability of curbside parking spaces.

16           “(f) Notwithstanding any other provision of this act, the Mayor shall not charge curbside  
17 parking fees on District or federal holidays.

18           “(g) Within the first 30 days of the effective date of the Performance Parking Pilot Zone  
19 Amendment Act of 2011, passed on 2<sup>nd</sup> reading on June 14, 2011 (Enrolled version of Bill 19-  
20 203), the Mayor may issue warning citations for curbside parking violations related to the pilot  
21 program in the zone.”.

22           (d) Section 5(b) (D.C. Official Code § 50-2534(b)), is amended as follows:

23                   (1) Paragraph (2) is amended by striking the word “and” at the end.

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

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

4 “(4) Improvements, which support retail and small businesses, that enhance the  
5 pedestrian and customer experience within the zone, such as clean-up and hospitality activities,  
6 public safety initiatives, and streetscape and storefront upgrades.”.

7 **SUBTITLE J. RESIDENTIAL PARKING PERMIT AMENDMENT**

8 Sec. 6091. Short title.

9 This subtitle may be cited as the “Residential Parking Permit Amendment Act of 2011”.

10 Sec. 6092. Section 2415 of Title 18 of the District of Columbia Municipal Regulations is  
11 amended as follows:

12 (a) Section 2415.1 is amended by striking the phrase “to cover the administrative costs of  
13 the residential permit parking program”.

14 (b) Section 2415.3 is amended to read as follows:

15 “The fee for a one-year residential permit parking sticker shall be \$35 annually per  
16 vehicle per legal mailing address, except permits issued to residents 65 years of age or older shall  
17 be \$25 annually.”.

18 **TITLE VII. FINANCE AND REVENUE**

19 **SUBTITLE A. PROCEDURE FOR REMITTANCE OF HOTEL TAXES BY**  
20 **ONLINE VENDORS**

21 Sec. 7001. Short title.

22 This subtitle may be cited as the “Procedure for Remittance of Hotel Taxes by Online  
23 Vendors Act of 2011”.

1           Sec. 7002. Title 47 of the District of Columbia Official Code is amended as follows:

2           (a) Chapter 20 is amended as follows:

3                 (1) Section 47-2001 is amended as follows:

4                         (A) Subsection (n)(1)(C) is amended by striking the phrase “charge for  
5 any room” and inserting the phrase “charge, including net charges and additional charges, for  
6 any room” in its place.

7                         (B) A new subsection (a-1) is added to read as follows:

8                                 “(a-1) “Additional charges” means the excess of the gross receipts from  
9 the sale of or charges for any room or accommodations received by a room remarketer over the  
10 net charges.”.

11                         (C) A new subsection (h-1) is added to read as follows:

12                                 “(h-1) “Net charges” means the gross receipts from the sale of or charges for any  
13 room or accommodations received from a room remarketer by the operator of a hotel, inn, tourist  
14 camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are  
15 regularly furnished to transients for a consideration.”.

16                         (D) A new subsection (o-1) is added to read as follows:

17                                 “(o-1) “Room remarketer” means any person, other than the operator of a  
18 hotel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or  
19 accommodations are regularly furnished to transients for a consideration, having any right,  
20 access, ability, or authority, through an internet transaction or any other means whatsoever, to  
21 offer, reserve, book, arrange for, remarket, distribute, broker, resell, or facilitate the transfer of  
22 rooms the occupancy of which is subject to tax under this chapter and also having any right,

1 access, ability or authority to determine the sale or charge for the rooms, lodgings, or  
2 accommodations.”.

3 (2) Section 47-2002(2)(B) is amended to read as follows:

4 “(B) If the occupancy of a room or rooms, lodgings, or accommodations is  
5 reserved, booked, or otherwise arranged for by a room remarketer, the tax imposed by this  
6 paragraph shall be determined based on the net charges and additional charges received by the  
7 room remarketer.”.

8 (3) Section 47-2002.02(1)(B) is amended to read as follows:

9 “(B) If the occupancy of a room or rooms, lodgings, or accommodations is  
10 reserved, booked, or otherwise arranged for by a room remarketer, the tax imposed by this  
11 paragraph shall be determined based on the net charges and additional charges received by the  
12 room remarketer.”.

13 (4) Section 47-2015 is amended by adding a new subsection (a-1) to read as  
14 follows:

15 “(a-1) For purposes of this chapter and chapter 22, a room remarketer is a vendor  
16 only with respect to additional charges and shall file returns and remit tax with respect to such  
17 additional charges only. The room remarketer shall also collect the tax imposed by this chapter  
18 and chapter 22 with respect to net charges and shall remit the tax to the operator of the hotel, inn,  
19 tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are  
20 regularly furnished to transients for a consideration. The operator shall be deemed to be a  
21 vendor with respect to such net charges and shall file returns and remit tax with respect to such  
22 net charges.”.

23 (b) Chapter 22 is amended as follows:

1 (1) Section 47-2202(2)(B) is amended to read as follows:

2 “(B) If the occupancy of a room or rooms, lodgings, or accommodations is  
3 reserved, booked, or otherwise arranged for by a room remarketer, the tax imposed by this  
4 paragraph shall be determined based on the net charges and additional charges received by the  
5 room remarketer.”.

6 (2) Section 47-2202.01(1)(B) is amended to read as follows:

7 “(B) If the occupancy of a room or rooms, lodgings, or accommodations is  
8 reserved, booked, or otherwise arranged for by a room remarketer, the tax imposed by this  
9 paragraph shall be determined based on the net charges and additional charges received by the  
10 room remarketer.”.

11 **SUBTITLE B. PRIOR FISCAL YEAR CONFORMING BUDGET**

12 **AMENDMENTS**

13 Sec. 7011. Short title.

14 This subtitle may be cited as the “Prior Fiscal Year Conforming Budget  
15 Amendments Act of 2011”.

16 Sec. 7012. Title 47 of the District of Columbia Official Code is amended as follows:

17 (a) Chapter 3 is amended as follows:

18 (1) The table of contents for Chapter 3 is amended by striking the section  
19 designation “§ 47-305.02. Minimum funding for Office of Public Education Facilities  
20 Modernization’s capital budgets to be included in budget and financial plan.” and inserting the  
21 section designation “§ 47-305.02. Repealed.” in its place.

22 (2) Section 47-305.02 is repealed.

23 (3) Section 47-392.02(f) is amended as follows:



1 (A) Paragraph (2) is amended by striking the number “2012” and inserting  
2 the number “2013” in its place.

3 (B) Paragraph (3) is amended by striking the phrase “May 26, 2010” and  
4 inserting the phrase “May 24, 2011” in its place.

5 (b) Chapter 20 is amended as follows:

6 (1)The table of contents for Chapter 20is amended by striking the section  
7 designation “§47-2033. Dedication of sales tax revenue for the Public School Capital  
8 Improvement Fund.” and inserting the section designation “§ 47-2033. Repealed.” in its place.

9 (2) Section 47-2033 is repealed.

10 Sec. 7013. Section 116 of the Uniform Per Student Funding Formula for Public Schools

11 and Public Charter Schools and Tax Conformity Clarification Amendment Act of 1998, effective

12 September 24, 2010 (D.C. Law 18-223; D.C. Official Code § 38-2914), is amended as follows:

13 (a) Subsection(c)(1) is amended by striking the phrase “No later than January 31, 2011,  
14 the Commission shall provide to the Council” and inserting the phrase “Prior to the delivery of  
15 final recommendations, the Commission shall provide to the Mayor and Council” in its place.

16 (b) Subsection (d) is amended by striking the phrase “June 30, 2011” and inserting the  
17 phrase “November 30, 2011” in its place.

18 Sec. 7014. Section 7052(b) of the Fiscal Year 2011 Transfer of Special Purpose Funds  
19 Act of 2010, effective September 24, 2010 (D.C. Law 18-223; 57 DCR \_\_) is amended as  
20 follows:

21 (a) The column entitled “FY 2011” is amended as follows:

22 (1) Strike the “\$50,000” transfer from the Vocation Rehabilitation Service  
23 Reimbursement Fund (0610) within the Department of Disabilities Services (JM0);

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phrase “no later than September 30, 2011

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1 (2) Strike the "\$1,038" transfer from the Miscellaneous Revenue Fund (0607)  
2 within the Office of the Chief Financial Officer (AT0);

3 (3) Strike the "\$124,372" transfer from the Defined Contribution Plan  
4 Administration Fund (0614) within the Office of the Chief Financial Officer (AT0);

5 (4) Insert a "\$125,410" transfer from the Recorder of Deeds Surcharge Fund  
6 (0606) within the Office of the Chief Financial Officer (AT0);

7 (5) Strike both transfers for the Department of Human Resources (BE0);

8 (6) Strike the transfer for the Department of Mental Health (RM0);

9 (7) Strike the "\$1,057,314" transfer from the Securities Broker/Dealer Licenses  
10 Fund (2300) within the Department of Insurance, Securities, and Banking;

11 (8) Strike the "\$342,868" transfer from the Banking Trust Fund (2900) within the  
12 Department of Insurance, Securities, and Banking; and

13 (9) Insert a "\$1,400,182" transfer from the Securities and Banking Fund (2350)  
14 within the Department of Insurance, Securities, and Banking.

15 (b) The column entitled "FY 2012" is amended as follows:

16 (1) Strike the "\$50,000" transfer from the Vocation Rehabilitation Service  
17 Reimbursement Fund (0610) within the the Department of Disabilities Services (JM0);

18 (2) Strike the "\$1,038" transfer from the Miscellaneous Revenue Fund (0607)  
19 within the Office of the Chief Financial Officer (AT0);

20 (3) Strike the "\$124,372" transfer from the Defined Contribution Plan  
21 Administration Fund (0614) within the Office of the Chief Financial Officer (AT0);

22 (4) Insert a "\$125,410" transfer from the Recorder of Deeds Surcharge Fund  
23 (0606) within the Office of the Chief Financial Officer (AT0).

1 (5) Strike both transfers for the Department of Human Resources (BE0);

2 (6) Strike the transfer for the Department of Mental Health (RM0);

3 (7) Strike the "\$1,057,314" transfer from the Securities Broker/Dealer Licenses  
4 Fund (2300) within the Department of Insurance, Securities, and Banking;

5 (8) Strike the "\$342,868" transfer from the Banking Trust Fund (2900) within the  
6 Department of Insurance, Securities, and Banking; and

7 (9) Insert a \$1,400,182 transfer from the Securities and Banking Fund (2350)  
8 within the Department of Insurance, Securities, and Banking.

9 (c) The column entitled "FY 2013" is repealed.

10 (d) The column entitled "FY 2014" is repealed.

11 Sec. 7015. Section 802(a) of the Fiscal Year 2011 Transfer of Special Purpose Funds Act  
12 of 2010, enacted January 27, 2011 (D.C. Law 18-370; 57 DCR \_\_), is amended as follows:

13 (a) The column entitled "FY 2011" is amended as follows:

14 (1) Strike the "\$4,000" transfer from the Office of Professional Licensing Fund  
15 (0617) within the Department of Health (HC0);

16 (2) Strike the "\$366,000" transfer from the Board of Medicine Fund (0643) within  
17 the Department of Health (HC0) and insert the number "\$377,000" in its place;

18 (3) Strike the "\$7,000" transfer from the Civil Monetary Penalties Fund (0662)  
19 within the Department of Health (HC0);

20 (4) Strike the "\$9,600" transfer from the LUST Trust Fund (0609) within the  
21 District Department of the Environment (KG0);

22 (5) Strike the "\$600" transfer from the Wetlands Fund (0667) within the District  
23 Department of the Environment (KG0);

1 (6) Strike the "\$7,254" transfer from the Stripperwell Fund (6101) within the  
2 District Department of the Environment (KG0);

3 (7) Strike the "\$29,661" transfer from the Economy II Fund (6201) within the  
4 District Department of the Environment (KG0);

5 (8) Strike the "\$19,680" transfer from the Residential Aid Discount Fund (6202)  
6 within the District Department of the Environment (KG0);

7 (9) Strike the "\$22,080" transfer from Residential Essential Services Fund (6203)  
8 within the District Department of the Environment (KG0);

9 (10) Strike the "\$28,800" transfer from the WASA Utility Discount Program  
10 (6204) within the District Department of the Environment (KG0); and

11 (11) Strike the "\$344,259" transfer from the Renewable Energy Development  
12 Fund (0662) within the District Department of the Environment (KG0) and insert the number  
13 "\$200,000" in its place.

14 (b) The column entitled "FY 2012" is amended as follows:

15 (1) Strike the "\$4,000" transfer from the Office of Professional Licensing Fund  
16 (0617) within the Department of Health (HC0);

17 (2) Strike the "\$366,000" transfer from the Board of Medicine Fund (0643) within  
18 the Department of Health (HC0) and insert the number "\$377,000" in its place;

19 (3) Strike the "\$7,000" transfer from the Civil Monetary Penalties Fund (0662)  
20 within the Department of Health (HC0);

21 (4) Strike the "\$9,600" transfer from the LUST Trust Fund (0609) within the  
22 District Department of the Environment (KG0);

1 (5) Strike the “\$600” transfer from the Wetlands Fund (0667) within the District  
2 Department of the Environment (KG0);

3 (6) Strike the “\$7,254” transfer from the Stripperwell Fund (6101) within the  
4 District Department of the Environment (KG0);

5 (7) Strike the “\$29,661” transfer from the Economy II Fund (6201) within the  
6 District Department of the Environment (KG0);

7 (8) Strike the “\$19,680” transfer from the Residential Aid Discount Fund (6202)  
8 within the District Department of the Environment (KG0);

9 (9) Strike the “\$22,080” transfer from Residential Essential Services Fund (6203)  
10 within the District Department of the Environment (KG0) and insert the number “\$0” in its  
11 place; and

12 (10) Strike the “\$28,800” transfer from the WASA Utility Discount Program  
13 (6204) within the District Department of the Environment (KG0).”.

14 (c) The column entitled “FY 2013” is repealed.

15 (d) The column entitled “FY 2014” is repealed.

16 Sec. 7016. Section 9c(c)(2) of the Department of Transportation Establishment Act of  
17 2002, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 50-921.11(c)(2)), is  
18 amended as follows:

19 (1) Strike the phrase “\$10.2 million in all subsequent years” and insert the phrase  
20 “\$13.2 million in all subsequent years” in its place.

21 (2) Strike the phrase “in excess of \$30 million” and insert the phrase “in excess of  
22 \$33 million” in its place.

23

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1 | **SUBTITLE C. NON-DEPARTMENTAL FUND TRANSFER NOTIFICATION**

2 | Sec. 7021. Short title.

3 | This subtitle may be cited as the “Non-Departmental Fund Transfer Notification Act of  
4 | 2011”.

5 | Sec. 7022. Chapter 3 of Title 47 of the District of Columbia Official Code is amended as  
6 | follows:

7 | (a) The table of contents is amended by adding a new section designation to read as  
8 | follows:

9 | “47-366. Non-Departmental Fund Transfer Notification.”.

10 | (b) A new section 47-366 is added to read as follows:

11 | “§47- 366. The Chief Financial Officer shall notify the Budget Director of the Council of  
12 | the District of Columbia in writing whenever a reprogramming, transfer, or budget modification  
13 | of any amount is made involving the Non-Departmental account. The notice shall set forth the  
14 | amount and purpose of the reprogramming, transfer, or budget modification.”.

15 | **SUBTITLE D. LOTTERY WINNINGS REDEMPTION AMENDMENT**

16 | Sec.7031. Short title.

17 | This subtitle may be cited as the “Lottery Winnings Redemption Amendment Act of  
18 | 2011”.

19 | Sec. 7032. Section 2-2518, entitled Unclaimed prizes, of section 4 of the Law to Legalize  
20 | Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District  
21 | of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Official Code § 3-1318), is  
22 | amended to read as follows:

23 | “Sec. 2-2518. Unclaimed prizes.

1           “(a) An unclaimed prize for a winning ticket or share shall be retained by the Board for  
2 the person entitled to the prize for 180 days after the drawing in which the prize was won. If no  
3 claim is made for the prize within the 180-day period, the unclaimed prize funds shall be used as  
4 follows:

5                   “(1) The first \$150,000 in fiscal year 2012 shall be used by the Deputy Mayor for  
6 Planning and Economic Development (“Deputy Mayor”) to fund Earned Income Tax Credit  
7 outreach and marketing efforts for District residents. The Deputy Mayor is authorized to make  
8 direct grants to qualified community partners to effectuate the purpose of this paragraph, subject  
9 to terms and conditions approved by the Deputy Mayor.

10                   “(2) The next \$350,000 in fiscal year 2012 shall be deposited in the unrestricted  
11 balance of the General Fund of the District of Columbia and recognized as fiscal year 2012  
12 revenues.

13                   “(3) The next \$250,000 in fiscal year 2012 shall be used by the Deputy Mayor to  
14 fund cultural activities in the Chinatown community. The Deputy Mayor is authorized to make  
15 direct grants to qualified community partners to effectuate the purpose of this paragraph, subject  
16 to terms and conditions approved by the Deputy Mayor.

17                   “(4) The next \$15,000 in fiscal year 2012 shall be used to fund the Mayor’s  
18 Council on Physical Fitness, Health, and Nutrition.

19                   “(5) Any subsequent unclaimed prize funds shall be used by the Board as  
20 additional prizes in lottery games or promotions.

21           “(b) Nothing in this section shall be construed to prohibit the holding of bonus games or  
22 drawings with a preannounced period for claiming prizes of other than 180 days. The Board  
23 shall have the authority to establish by rule or regulation the claim periods for tickets issued by

1 electronic instant ticket vending machines, games offered via the internet, and promotional  
2 games.”.

3 **SUBTITLE E. FIRST CONGREGATIONAL UNITED CHURCH OF CHRIST**

4 **PROPERTY TAX ABATEMENT TECHNICAL AMENDMENT**

5 Sec. 7041. Short title.

6 This subtitle may be cited as the "First Congregational United Church of Christ Property  
7 Tax Abatement Technical Amendment Act of 2011".

8 Sec. 7042. Section 47-4636(b) of the District of Columbia Official Code is amended to  
9 read as follows:

10 “(b) The transfer by First Congregational United Church of Christ of Square 375, Lots  
11 834, 835, 837, 7003, 7006, 7007, 7008, 7009, 7010, 7011, 7014, and 7015 and any lots owned by  
12 First Congregational United Church of Christ and covered by subsection (a) of this section that  
13 are transferred solely to complete the transaction between First Congregational United Church of  
14 Christ and 733 10th & G LLC, as the land for such lots may be subdivided into a record lot or  
15 lots or assessment and taxation lots in the future, shall be exempt from the tax imposed by  
16 Chapter 9 of this title.”.

17 Sec. 7043. Section 7013(a) of the of the First Congregational United Church of Christ  
18 Property Tax Abatement Amendment Act of 2010, effective September 24, 2010 (D.C. Law 18-  
19 223; 57 DCR 6242) is amended to read as follows:

20 “(a) Of the deed transfer taxes imposed on the transfer by First Congregational United  
21 Church of Christ of Square 375, Lots 834, 835, 837, 7003, 7006, 7007, 7008, 7009, 7010, 7011,  
22 7014, 7015, and any other lots created from Lots 823 and 831, Square 375, and the real property  
23 taxes, interest, penalties, fees and other related charges assessed against First Congregational



1 United Church of Christ on real property located on Lots 823 and 831 (or as the land for such  
2 lots may be subdivided into a record lot or lots or assessment and taxation lots in the future),  
3 Square 375, for the period beginning February 1, 2008, \$951,000 shall be forgiven by the  
4 District and refunded to First Congregational United Church of Christ.”.

5 **SUBTITLE F. REAL PROPERTY TRANSFER TAX EXEMPTION**

6 Sec. 7051. Short title.

7 This subtitle may be cited as the “Real Property Transfer Tax Exemption Act of 2011”.

8 Sec 7052. Section 47-902 of the District of Columbia Official Code is amended by  
9 adding a new paragraph (24) to read as follows:

10 “(24) Transfer of real property to the District of Columbia, without consideration  
11 for the transfer, at the request of the District of Columbia, and conveyed as a bona fide gift to the  
12 District of Columbia.”.

13 Sec 7053. For fiscal year 2012, the Washington Metropolitan Area Transit Authority  
14 Fund, established by the Washington Metropolitan Area Transit Fund Act of 2006, effective June  
15 16, 2006 (D.C. Law 16-132; D.C. Official Code § 9-1108.01), (“Fund”) shall redirect Fund  
16 Detail 0301 budget allotment and associated budget authority of \$47,850 from the Fund project  
17 (KEO-SA311C) to the DDOT Bicycle Program project (KAO-ZUT031) to be used as payment  
18 for the Real Property Transfer Tax for land donated by PEPCO for a bike trail.

19 **SUBTITLE G. TAX REVISION COMMISSION ESTABLISHMENT**

20 Sec. 7061. Short title.

21 This subtitle may be cited as the “Tax Revision Commission Reestablishment Act of  
22 2011”.

1           Sec. 7062. Chapter 4 of Title 47 of the District of Columbia Official Code is amended as  
2 follows:

3           (a) Section 47-461(5) is amended by striking the phrase “in 1977” and inserting  
4 the phrase “in 1998” in its place.

5           (b) Section 47-462 is amended as follows:

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

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

8           “(1) Provide for fairness in apportionment of taxes;”.

9           (B) New paragraphs (4) and (5) are added to read as follows:

10           “(4) Encourage business growth and job creation; and

11           “(5) Modernize, simplify, and increase transparency in the

12 District’s tax code.”.

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

14           (A) Paragraph (2) is amended by striking the phrase “enabling the

15 possibility that general rates might be reduced” and inserting the phrase “recommending

16 potential modifications to tax rates” in its place.

17           (B) Paragraph (6) is amended to read as follows:

18           “(6) To identify unused and duplicative tax credits and tax abatements and

19 recommend policy changes to improve the way the District utilizes tax expenditures.”.

20           (3) Subsection (c) is amended by striking the phrase “December 5, 1977,

21 pursuant to Council Resolution 1-149” and inserting the phrase “June 2, 1998 and entitled

22 “Taxing Simply, Taxing Fairly” in its place.

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

1                   “(d) The commission shall submit to the Council and the Mayor its final  
2 report no later than 9 months after the Commission’s appointment.”.

3                   (c) Section 47-463 is amended to read as follows:

4                   “§ 47-463. Same – Composition; selection of Director.

5                   “(a) The Commission shall be a nonpartisan body composed of 11 members,  
6 including a Chairperson.

7                   “(b) The members of the Commission shall be appointed as follows:

8                   “ (1) The Mayor shall appoint 5 members, of whom:

9                                 “(A) Three shall be experts in the field of taxation, such as tax  
10 lawyers or public finance economists;

11                               “(B) One shall be a community representative, such as a leader of a  
12 public-interest group, labor union, civic association, or a tenant or housing association; and

13                               “(C) One shall be a representative of one or more important sectors  
14 of the business community, such as real estate, banking, retail, or high technology.

15                   “(2) The Chairman of the Council shall appoint 5 members, of whom:

16                               “(A) Three shall be experts in the field of taxation, such as tax  
17 lawyers or public finance economists;

18                               “(B) One shall be a community representative, such as a leader of a  
19 public interest group, labor union, civic association, or a tenant or housing association; and

20                               “(C) One shall be a representative of one or more important sectors  
21 of the business community, such as real estate, banking, retail, or high technology.

22                   “(3) The Chief Financial Officer, or his or her designee, shall be an ex  
23 officio member of the Commission.

1                   “(4) The Chairman of the Council shall appoint one member of the  
2 Commission as the Chairperson of the Commission.

3                   “(c) All appointments shall be made within 60 days of the effective date of the  
4 Fiscal Year 2012 Budget Support Act of 2011, passed on 2nd reading on June 7, 2011 (Enrolled  
5 version of Bill 19-203). A vacancy shall be filled in the same manner in which its initial  
6 appointment was made.

7                   “(d) The Commission, by a majority vote, shall select a Director who shall  
8 perform the duties required for the day-to-day functioning of the Commission as considered  
9 necessary by the members, including appointment of staff, selection of consultants, and the  
10 administration of meetings and report production.

11                   “(e) Each member of the Commission shall serve without compensation. Each  
12 member may be reimbursed for actual expenses pursuant to section 1108 of the District of  
13 Columbia Government Merit Personnel Act of 1978, effective March 3, 1978 (D.C. Law 2-139;  
14 D.C. Official Code § 1-611.08).

15                   “(f) Members of the Commission shall act with the utmost integrity and  
16 professionalism. Each member shall avoid conflicts of interest and may seek the advice of the  
17 Office of the Attorney General to ensure that his or her duties are being discharged ethically.”.

18                   (d) Section 47-464 is amended as follows:

19                   (1) Subsection (a) is amended by striking the phrase “Seven members”  
20 and inserting the phrase “Six members” in its place.

21                   (2) Subsection (e) is amended by striking the phrase “information  
22 deemed” and inserting the phrase “information reasonably considered” in its place.

23                   **SUBTITLE H. BEULAH BAPTIST CHURCH TAX RELIEF**

1 Sec. 7071. Short title.

2 This subtitle may be cited as the “Beulah Baptist Church Tax Relief Act of 2011”.

3 Sec. 7072. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as  
4 follows:

5 (a) The table of contents is amended by adding a new section designation to read  
6 as follows:

7 “47-4654. Beulah Baptist Church, Dix Street Corridor Senior Housing LP, ~~et al.~~  
8 equitable tax relief.”

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9 (b) A new section 47-4653 is added to read as follows:

10 “47-4654. Beulah Baptist Church, Dix Street Corridor Senior Housing LP, ~~et al.~~  
11 equitable tax relief.

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12 “(a) Beulah Baptist Church of Deanwood Heights is the owner of real property  
13 known as Lots 23, 811, 813, and 814 in Square 5253 and Lots 5, 7, 9, and 39 in Square 5263.

14 These properties shall be exempt from the list compiled pursuant to D.C. Official Code §42-  
15 3131.16(b).

16 “(b) Beulah Community Improvement Association is the owner of real property  
17 known as Lot 822 in Square 5262 and Lot 33 in Square 5264. These properties shall be exempt  
18 from the list compiled pursuant to D.C. Official Code §42-3131.16(b).

19 “(c) Dix Street Corridor Senior Housing LP is the owner of real property known  
20 as Lots 30, 45 and 54 in Square 5266. ~~These~~ properties shall be exempt from the list compiled  
21 pursuant to D.C. Official Code §42-3131.16(b).

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22 “(d) The real property known as Lot 44 in Square 5228 and Lots 3 and 4 in  
23 Square 5229 and Lots 23, 811, 813, and 814 ~~in Square 5253~~ and Lots ~~14~~ ~~and 822~~ in Square 5262

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1 and Lots 5, 6, 7, 9, 10, 39, and Lot 40 in Square 5263 and Lots 31, 33, 34 and 807 in Square  
2 5264 and Lots 28, 29, 30, 45 and 54 in Square 5266 shall be exempt from real property taxes  
3 imposed by Chapter 8 of this title effective October 1, 2006 through September 30, 2010.”.

4 **SUBTITLE I. D.C. OFFICIAL CODE TITLE 29 IMPLEMENTATION**

5 Sec. 7081. Short title.

6 This subtitle may be cited as the “District of Columbia Official Code Title 29 (Business  
7 Organizations) Implementation Amendment Act of 2011”.

8 Sec. 7082. Section 5 of the District of Columbia Official Code Title 29 (Business  
9 Organizations) Enactment Act of 2010, signed by the Mayor on February 27, 2011 (D.C. Act 18-  
10 724; 58 DCMR 1720), is amended to read as follows:

11 “Sec. 5. Applicability.

12 “This act shall apply as of January 1, 2012.”.

13 **SUBTITLE J. SOME, INC. AND AFFILIATES TRANSFER AND**  
14 **RECORDATION EXEMPTION AND EQUITABLE TAX RELIEF**

15 Sec. 7091. Short title.

16 This subtitle may be cited as the “SOME, Inc. and Affiliates Transfer and Recordation  
17 Exemption and Equitable Tax Relief Act of 2011”.

18 Sec. 7092. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as  
19 follows:

20 (a) Section 47-1078 is amended by adding a new subsection (c) to read as follows:

21 “(c) The conveyance of any of the properties described in subsection (a) of this section to  
22 SOME, Inc., Affordable Housing Opportunities, Inc. or an entity controlled, directly or  
23 indirectly, by either of them shall be exempt from the tax imposed by Chapter 11 of Title 42, and

1 the transfer of any of the properties described in subsection (a) of this section by SOME, Inc.,  
2 Affordable Housing Opportunities, Inc., or an entity controlled, directly or indirectly, by either of  
3 them shall be exempt from the tax imposed by Chapter 9 of Title 47 of the District of Columbia  
4 Official Code.”.

5 (b) Section 47-1084 is amended as follows:

6 (1) Designate the existing language as subsection (a).

7 (2) New subsections (b) and (c) are added to read as follows:

8 “(b) The conveyance of any of the properties described in subsection (a) of this  
9 section to Affordable housing Opportunities, Inc. or an entity controlled, directly or indirectly,  
10 by either of them shall be exempt from the tax imposed by Chapter 11 of Title 42 of the District  
11 of Columbia Official Code, and the transfer of any of the properties described in subsection (a)  
12 of this section by Affordable Housing Opportunities, Inc., or an entity controlled, directly or  
13 indirectly, by it shall be exempt from the tax imposed by Chapter 9 of Title 47 of the District of  
14 Columbia Official Code.”.

15 “(c) All recordation and transfer taxes, interest, penalties, fees, and other related  
16 charges assessed against Affordable Housing Opportunities, Inc., or SOME, Inc. or an entity  
17 controlled, directly or indirectly, by Affordable Housing Opportunities, Inc. or SOME, Inc. with  
18 respect to real property located at Lot 800, Square 5984, or Lot 916, Square 5730, or any of the  
19 properties described in § 47-1078(a)(2), for any conveyance or transfer prior to the effective date  
20 of this subtitle, shall be forgiven, and any payments already made shall be refunded.”.

21 **SUBTITLE K. KELSEY GARDENS REDEVELOPMENT PROJECT REAL**  
22 **PROPERTY LIMITED TAX ABATEMENT**

23 Sec. 7101. Short title.

1 This subtitle may be cited as the "Kelsey Gardens Redevelopment Project Real Property  
2 Limited Tax Abatement Assistance Amendment Act of 2011".

3 Sec. 7102.

4 (a) Section 47-4625(b) of the District of Columbia Official Code is amended by striking  
5 the phrase "or other commercial mortgage entity that provides construction and permanent  
6 financing without regard" and inserting the phrase "or in the event of other commercial financing  
7 the tax abatement commences with fiscal year 2010 and ends with the stated expiration date of  
8 the initial permanent mortgage without regard" in its place.

9 (b) Section 7032 of the Kelsey Gardens Redevelopment Project Real Property Limited  
10 Tax Abatement Assistance Amendment Act of 2010, effective September 24, 2010 (D.C. Law  
11 18-223; D.C. Official Code § 47-4625, note), is repealed.

12 **SUBTITLE L. ALLEN CHAPEL A.M.E. SENIOR RESIDENTIAL RENTAL**  
13 **PROJECT TAX RELIEF**

14 Sec. 7111. Short title.

15 This subtitle may be cited as the "Allen Chapel A.M.E. Senior Residential Rental Project  
16 Tax Relief Act of 2011".

17 Sec. 7112. Section 4 of the Allen Chapel A.M.E. Senior Residential Rental Project  
18 Property Tax Exemption and Equitable Real Property Tax Relief Act of 2010, effective March 8,  
19 2011 (D.C. Law 18-288; 57 DCMR 11497), is repealed.

20 **SUBTITLE M. WAYNE PLACE SENIOR LIVING LIMITED PARTNERSHIP**  
21 **TAX RELIEF**

22 Sec. 7121. Short title.



1 This subtitle may be cited as the “Wayne Place Senior Living Limited Partnership Tax  
2 Relief Amendment Act of 2011”.

3 Sec. 7122. Section 4 of the Wayne Place Senior Living Limited Partnership Tax  
4 Exemption Act of 2010, effective March 8, 2011 (D.C. Law 18-290; 57 DCR 11506), is  
5 repealed.

6 **SUBTITLE N. UNIVERSAL HOLINESS CHURCH REAL PROPERTY TAX**  
7 **RELIEF AND EXEMPTION**

8 Sec. 7131. Short title.

9 This subtitle may be cited as the “Universal Holiness Church Real Property Tax Relief  
10 and Exemption Act of 2011”.

11 Sec. 7132. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as  
12 follows:

13 (a) The table of contents is amended by adding a new section designation to read as  
14 follows:

15 “§ 47- 4653. Universal Holiness Church property tax relief.”.

16 (b) A new section 47-4653 is added to read as follows:

17 “§ 47-4653. Universal Holiness Church property tax relief.

18 “(a)(1) The real property located at Square 5877, Lot 0874, shall be exempt from all  
19 taxation as long as this property is owned by the Universal Holiness Church and is used for  
20 religious worship and religious education and training purposes.

21 “(2) The tax relief granted pursuant to this subsection shall be in addition to, and  
22 not in lieu of, any other tax relief or development assistance from any other source applicable to  
23 the Universal Holiness Church.”.

1           “(b) All unpaid real property taxes, interest, penalties, fees, and other related charges  
2 assessed against real property located at Square 5877, Lot 0874, since June 1, 2009, through the  
3 first day of the month following the effective date of the Universal Holiness Church Real  
4 Property Tax Relief and Exemption Act of 2011, passed on 2<sup>nd</sup> reading on June 7, 2011 (Enrolled  
5 version of Bill 19-203), are forgiven, and any payment already made for this period shall be  
6 refunded.”.

7           **SUBTITLE O. EXEMPTIONS AND ABATEMENTS INFORMATION**

8           **REQUIREMENTS**

9           Sec. 7141. Short title.

10           This subtitle may be cited as the “Exemptions and Abatements Information Requirements  
11 Act of 2011”.

12           Sec. 7142. Title 47 of the District of Columbia Code is amended as follows:

13           (a) The table of contents for the title is amended by adding the chapter designation  
14 “Chapter 47. Exemptions and Abatements Approval Requirements.”.

15           (b) A new Chapter 47 is added to read as follows:

16           “CHAPTER 47. EXEMPTIONS AND ABATEMENTS APPROVAL  
17 REQUIREMENTS.

18           “Sec. “47-4701. Exemptions and abatements approval requirements.

19           “47-4702. Annual certification of continuing eligibility from exemption for abatement  
20 from real property tax.

21           “§ 47-4701. Exemptions and abatements approval requirements.

22           “(a) Any act introduced in the Council that grants an exemption or abatement of a tax  
23 imposed by this title or by § 42-1103 shall satisfy the requirements set forth in this chapter.

1           “(b) An act described in subsection (a) of this section shall be accompanied by an  
2 analysis that includes:

3                   “(1) The terms of the exemption or abatement;

4                   “(2) The annual proposed value of the exemption or abatement;

5                   “(3) (A) A summary of the proposed community benefits to be provided by the  
6 recipient of the exemption or abatement, which shall include:

7                           “(i) The number of affordable housing units to be developed;

8                           “(ii) For what level of Area Median Income, as defined by DC Code § 47-  
9 858.01 1(A)(i), the units will be affordable;

10                           “(iii) The assessed financial value of the subsidy, which shall be measured  
11 as the difference between the market rate of a comparable unit within the same neighborhood  
12 and the rate that is being charged as affordable housing;

13                           “(iv) The number of jobs that will be created, delineated by status as to  
14 whether a job is:

- 15                                   “(I) Permanent;
- 16                                   “(II) Temporary;
- 17                                   “(III) Full-time; or
- 18                                   “(IV) Part-time;
- 19

20                           “(v) The estimated wages and benefits for each job created; and

21                           “(vi) Any District resident-hiring commitments made.

22                   “(B) The summary shall specifically state which community benefits are already  
23 required by law, such as inclusionary zoning, and the community amenities that already been  
24 negotiated as part of a planned unit development approval.

1                   “(4) A financial analysis prepared by the Office of the Chief Financial Officer,  
2 which shall consist of the following:

3                   “(A) For existing buildings, a review and analysis of the financial  
4 condition of the recipient of the proposed exemption or abatement and an advisory opinion  
5 stating whether or not it is likely that the recipient could be reasonably expected to meet its fiscal  
6 needs without the proposed exemption or abatement;

7                   “(B) (i) For development projects, a review and analysis of the financing  
8 proposal submitted by the recipient of the proposed exemption or abatement and an advisory  
9 opinion stating whether or not it is likely that the project could be financed without the proposed  
10 exemption or abatement.

11                   “(ii) If, in the opinion of the Chief Financial Officer, it is unlikely  
12 that the project could be financed without the proposed exemption or abatement, the Chief  
13 Financial Officer shall provide an estimate of the amount of exemption or abatement necessary  
14 to enable the project to be financed.

15                   “(iii) If, in the opinion of the Chief Financial Officer, it is unlikely  
16 that the project could be financed without the proposed exemption or abatement, the Chief  
17 Financial Officer shall provide an assessment of the project developer’s documentation of:

18                   “(I) Efforts to seek alternate financing; and

19                   “(II) The factors that limit the developer’s ability to obtain  
20 adequate financing.

21                   “(c) An act described in subsection (a) of this section shall not receive a Council hearing  
22 until the analysis described in subsection (b) of this section has been completed and provided to  
23 the council and made available to the public.

1           “§ 47-4702. Annual certification of continuing eligibility for exemptions and abatements  
2 from real property tax.

3           “(a) To the extent allowable by law, on or before April, 1 of each year, beginning in  
4 2012, and every year thereafter any taxpayer receiving a real property tax exemption or  
5 abatement pursuant to Chapter 10 or 46 of this title, regardless of when the exemption or  
6 abatement was received, shall be required to file an annual report with the Office of the Chief  
7 Financial Officer providing:

8                   “(1) The square and lot and certifying that the real property has been used during  
9 the preceding real property tax year for the purpose for which the exemption or abatement was  
10 granted; and

11                   “(2) An update on the progress of the community benefits identified in the  
12 associated act granting their tax exemption or abatement.

13           “(b) Failure to certify that the property was still eligible for the exemption or abatement  
14 based on the use of the property as required by subsection(a)(1)) of this section shall result in a  
15 termination of the exemption or abatement as of the beginning of the tax year in which the report  
16 is filed. This section shall not apply to taxpayers who are required to file an annual report  
17 pursuant to §47-1007.

18           “§ 47-4703. CFO Guidance.

19           “For the preparation of the fiscal analysis required by § 47-4701(b)(4) and the annual  
20 certification required by § 47-4702 the Chief Financial Officer shall set forth guidance regarding  
21 the collection of information necessary to implement these sections.”.

22           **SUBTITLE P. HOLY CHRISTIAN MISSIONARY BAPTIST CHURCH TAX**  
23 **RELIEF**

1 Sec. 7151. Short title.

2 This subtitle may be cited as the “Holy Christian Missionary Baptist Church Tax Relief  
3 Act of 2011”.

4 Sec. 7152. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as  
5 follows:

6 (a) The table of contents is amended by adding a new section designated to read as  
7 follows:

8 “47-4655. Holy Christian Missionary Baptist Church Tax Exemption.”.

9 (b) A new section 47-4655 is added to read as follows:

10 “47-4655. Holy Christian Missionary Baptist Church Tax Exemption.

11 “(a) The real property described as Square 5081, Lot 0052, intended to be used as  
12 affordable senior living units, owned by the Holy Christian Missionary Baptist Church for All  
13 People, a nonprofit organization, shall be exempt from the tax imposed by Chapter 8 of Title 47  
14 of the District of Columbia Official Code beginning October 1, 2008, until the project on this  
15 property is completed, and so long as the real property continues to be owned by Holy Christian  
16 Missionary Baptist Church for All People or by an entity controlled, directly or indirectly, by  
17 Holy Christian Missionary Baptist Church for All People, and not used for commercial purposes,  
18 subject to the provisions of §§ 47-1005, 47-1007, and 47-1009. The tax exemption pursuant to  
19 this subsection shall be in addition to, and not in lieu of, any other tax relief of assistance from  
20 any other source applicable to the Holy Christian Missionary Baptist Church for All People.

21 “(b) The real property described as Square 5179, Lots 0019 and 0020, intended to be  
22 used as a residential house for adults with intellectual disabilities, owned by the Holy Christian  
23 Missionary Baptist Church for All People, a nonprofit organization, shall be exempt from the tax

1 imposed by Chapter 8 of Title 47 of the District of Columbia Official Code beginning October 1,  
2 2008, until the project on these properties is completed, and so long as the real properties  
3 continue to be owned by Holy Christian Missionary Baptist Church for All People or by an entity  
4 controlled, directly or indirectly, by Holy Christian Missionary Baptist Church for All People,  
5 and not used for commercial purposes, subject to the provisions of §§ 47-1005, 47-1007, and 47-  
6 1009. The tax exemption pursuant to this subsection shall be in addition to, and not in lieu of,  
7 any other tax relief of assistance from any other source applicable to the Holy Christian  
8 Missionary Baptist Church for All People.

9       “(c) The real property described as Square 5196, Lot 0013 intended to be used as a  
10 laundry mat, owned by the Holy Christian Missionary Baptist Church for All People, a nonprofit  
11 organization, shall be exempt from the tax imposed by Chapter 8 of Title 47 of the District of  
12 Columbia Official Code beginning October 1, 2008, until the project on these properties is  
13 completed, and so long as the real properties continue to be owned by Holy Christian Missionary  
14 Baptist Church for All People or by an entity controlled, directly or indirectly, by Holy Christian  
15 Missionary Baptist Church for All People, and not used for commercial purposes, subject to the  
16 provisions of §§ 47-1005, 47-1007, and 47-1009. The tax exemption pursuant to this subsection  
17 shall be in addition to, and not in lieu of, any other tax relief of assistance from any other source  
18 applicable to the Holy Christian Missionary Baptist Church for All People.

19       “(d) The real property described as Square 5196, Lot 018 intended to be used as a retail  
20 and office development center, owned by the Holy Christian Missionary Baptist Church for All  
21 People, a nonprofit organization, shall be exempt from the tax imposed by Chapter 8 of Title 47  
22 of the District of Columbia Official Code beginning October 1, 2008, until the project on these  
23 properties is completed, and so long as the real properties continue to be owned by Holy

1 Christian Missionary Baptist Church for All People or by an entity controlled, directly or  
2 indirectly, by Holy Christian Missionary Baptist Church for All People, and not used for  
3 commercial purposes, subject to the provisions of §§ 47-1005, 47-1007, and 47-1009. The tax  
4 exemption pursuant to this subsection shall be in addition to, and not in lieu of, any other tax  
5 relief of assistance from any other source applicable to the Holy Christian Missionary Baptist  
6 Church for All People.

7 “(e) The real property described as Square 5196, Lot 085, currently an alleyway, owned  
8 by the Holy Christian Missionary Baptist Church for All People, a nonprofit organization, shall  
9 be exempt from the tax imposed by Chapter 8 of Title 47 of the District of Columbia Official  
10 Code beginning October 1, 2008, until the project on these properties is completed, and so long  
11 as the real properties continue to be owned by Holy Christian Missionary Baptist Church for All  
12 People or by an entity controlled, directly or indirectly, by Holy Christian Missionary Baptist  
13 Church for All People, and not used for commercial purposes, subject to the provisions of §§ 47-  
14 1005, 47-1007, and 47-1009. The tax exemption pursuant to this subsection shall be in addition  
15 to, and not in lieu of, any other tax relief or assistance from any other source applicable to the  
16 Holy Christian Missionary Baptist Church for All People.

17 “(f) All real property taxes, interest, penalties, fees, and other related charges assessed  
18 against Holy Christian Missionary Baptist Church for All People, or by an entity controlled,  
19 directly or indirectly, by Holy Christian Missionary Baptist Church for All People on real  
20 property located at Square 5081, Lot 0052; Square 5179, Lots 0019 and 0020; and Square 5196,  
21 Lots 0013, 018 and 0805, for the period beginning October 1, 2008, shall be forgiven, and any  
22 payments already made for this period, as of the effective date of Holy Christian Missionary



1 Baptist Church Tax Relief Act of 2011 act, passed on 2<sup>nd</sup> reading on June 7, 2011 (Enrolled  
2 version of Bill 19-203), shall be refunded.”.

3 **SUBTITLE Q. CONTINGENCY FOR ADDITIONAL ESTIMATED REVENUE**

4 Sec. 7161. Short title.

5 This subtitle may be cited as the “Contingency for Additional Estimated Revenue Act of  
6 2011”.

7 Sec. 7162. If, pursuant to the Fiscal Year 2012 Budget Request Act of 2011, local  
8 revenues remain that exceed the annual revenue estimate incorporated in the approved budget  
9 and financial plan for the fiscal year, the revenues shall be allocated in the following priority;

10 provided, that if the amount enumerated in paragraph (2) is not available in its entirety, no funds  
11 shall be allocated for that purpose:

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12 (1) Department of Health Care Finance - \$32,000,000; provided, that this amount  
13 shall be used to address additional costs associated with managed care contracts for the District’s  
14 publicly financed health care programs.

15 (2) Department of Health - \$12,500,000; provided, that this amount shall be used  
16 for the school nurse program.

17 (3) Metropolitan Police Department - \$10,800,000; provided, that this amount  
18 shall be used to increase the number of sworn police officers.

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19 (4) Department of Human Services - \$1,600,000; provided, that this amount shall  
20 be used for the Housing First Program and shall eliminate the filling of Rent Supplement  
21 Program project- or sponsor-based units with Housing First program participants, as set forth in  
22 section 2032(b) of the Rent Supplement Prioritization and Funding Act of 2011, passed on 2nd  
23 reading on June \_\_, 2011 (enrolled version of Bill 19-203).

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1 | (5) District of Columbia Housing Authority - \$12,000,000; provided, that this  
2 | amount shall be used for the Rent Supplement Fund and shall reduce the transfer of funds from  
3 | the Housing Production Trust Fund to the Rent Supplement Fund by an equivalent amount, as set  
4 | forth in section 2033 of the Rent Supplement Prioritization and Funding Act of 2011, passed on  
5 | 2nd reading on June \_\_, 2011 (enrolled version of Bill 19-203).

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6 | (6) Department of Mental Health - \$5,000,000; provided, that of this amount,  
7 | \$1,200,000 shall be used to provide housing vouchers for mentally ill individuals; provided  
8 | further, that \$1million shall be used to provide mental health services for children; provided  
9 | further, that \$500,000 shall be used to support payments to independent community residential  
10 | facilities.

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11 | (7) \$13,408,000 as follows;

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12 | (A) Department of Human Services - \$3,000,000; provided, that this  
13 | amount shall be used for the Interim Disability Program;

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14 | (B) Housing Production Trust Fund - \$6,000,000;

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15 | (C) Child and Family Services Agency - \$900,000; provided, that this  
16 | amount shall be used for the children's mental health program;

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17 | (D) Department of Human Services - \$2,500,000; provided, that this  
18 | amount shall be used for homeless services;

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19 | (E) Office of the Mayor - \$508,000; provided, that this amount shall be  
20 | used for the celebration of the 150<sup>th</sup> Anniversary of Emancipation Day, April 11, 2012; and

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21 | (F) Commission on the Arts and Humanities - \$500,000; provided, that this  
22 | amount shall be used to improve operations and marketing for the Lincoln Theater;

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1 | (8) District of Columbia Public Library - \$316,000; provided, that this amount  
2 | shall be used to keep Martin Luther King, Jr. Memorial Library open on Sundays

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3 | (9) Department of Small, Local, and Disadvantaged Business - \$1,800,000;  
4 | provided, that this amount shall used to fund the Commercial Revitalization Program.

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5 | (10) District of Columbia Public Library - \$1,438,000; provided, that this amount  
6 | shall be used to acquire books.

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7 | (11) Office of the State Superintendent of Education - \$2,000,000; provided, that  
8 | this amount shall be used for early childhood education.

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9 | (11) Department of Health - \$500,000; provided, that this amount be used to  
10 | support a community grant for clinical nutritional home delivery services for individuals living  
11 | with cancer and other life-threatening diseases.

12 | **TITLE VIII. REVENUE ENHANCEMENTS**

13 | **SUBTITLE A. COMBINED REPORTING**

14 | Sec. 8001. Short title.

15 | This subtitle may be cited as the “Combined Reporting Act of 2011”.

16 | Sec. 8002. Chapter 18 of Title 47 of the District of Columbia Official Code is amended  
17 | as follows:

18 | (a) The table of contents is amended by adding new section designations to read as  
19 | follows:

20 | “47-1805.02a. Combined reporting.

21 | “47-1810.04. Determination of taxable income or loss using combined report;  
22 | components of income subject to tax in the District, application of tax credits and post-

1 apportionment deductions; determination of taxpayer's share of the business income of a  
2 combine group apportionable to the District.

3 "47-1810.05. Determination of the business income of the combined group.

4 "47-1810.06. Designation of surety.

5 "47-1810.07. Water's-edge reporting; initiation and withdrawal election.".

6 (b) Section 47-1801.04 is amended to read as follows:

7 "§ 47-1801.04. General definitions.

8 For the purposes of this chapter, unless otherwise required by the context, the term:

9 "(1) "Affiliated group" means an affiliated group as defined in § 1504 of the  
10 Internal Revenue Code of 1986 (26 U.S.C.S. § 1504); provided, that the affiliated group shall not  
11 include any corporation that does not have gross income derived from sources within the  
12 District.

13 "(2) "Aggregated effective tax rate" means the sum of the effective rates of tax  
14 imposed by the District of Columbia, states, or possessions of the United States, and foreign  
15 nations that have entered into comprehensive tax treaties with the United States government,  
16 where a related member receiving a payment of interest expense or intangible expense is subject  
17 to tax and where the measure of the tax imposed included the payment.

18 "(3) "Apportioned net operating loss" means the net operating loss generated in  
19 the year of the loss multiplied by the District of Columbia's apportionment formula for the loss  
20 year.

21 "(4) "Blind" means a taxpayer whose central visual acuity does not exceed  
22 20/200 in the better eye with correcting lenses or whose visual acuity is greater than 20/200 but

1 is accompanied by a limitation in the field of vision such that the widest diameter of the visual  
2 field subtends an angle no greater than 20 degrees.

3 “(5) “Business income” means all income that is apportionable under the  
4 Constitution of the United States.

5 “(6)(A) "Capital asset" means property defined or treated as a capital asset under  
6 the Internal Revenue Code of 1986.

7 “(B) For the purpose of computing for any taxable year the tax imposed  
8 under this chapter with respect to sales or other dispositions of property referred to in  
9 subparagraph (A) of this paragraph, the provisions of the Internal Revenue Code of 1986 relating  
10 to the treatment of gains and losses (other than the alternative tax imposed by § 1201 of such  
11 Code (26 U.S.C.S. § 1201) shall apply.

12 “(7) “Combined group” means the group of all persons whose income and  
13 apportionment factors are required to be taken into account pursuant to § 47-1805.02A(1) and §  
14 47-1805.02a(2) in determining the taxpayer’s share of the net business income or loss  
15 apportionable to the District.

16 “(8) “Commercial domicile” means the principal place from which the trade or  
17 business of the taxpayer is directed or managed.

18 “(9) “Compensation” means wages, salaries, commissions, and any other form of  
19 remuneration paid to employees for personal services.

20 “(10) “Corporation” means:

21 “(A) Any entity or organization of any kind treated as a corporation for tax  
22 purposes under the laws of the District, wherever located, which, were it doing business in the  
23 District, would be subject to the tax imposed by this chapter;

1                   “(B) The business conducted by a partnership that is directly or indirectly  
2 held by a corporation, which shall be considered the business of the corporation to the extent of  
3 the corporation’s distributive share of the partnership income, inclusive of guaranteed payments  
4 to the extent prescribed by regulation; and

5                   “(C) A joint-stock company, trust, and any association or other  
6 organization that is taxable as a corporation under federal income tax law.

7                   “(11)(A) “Cost-of-living adjustment” means an amount, for any calendar year,  
8 equal to the dollar amount set forth in paragraph (45)(A) and (B) of this section or § 47-  
9 1806.02(f)(1)(A) and § 47-1806.02(i) multiplied by the percentage that the Consumer Price  
10 Index for the preceding calendar year that exceeds the Consumer Price Index for the calendar  
11 year beginning January 1, 2007.

12                   “(B) For the purposes of this paragraph, the Consumer Price Index for any  
13 calendar year is the average of the Consumer Price Index for the Washington-Baltimore  
14 Metropolitan Statistical Area for all-urban consumers published by the Department of Labor, or  
15 any successor index, as of the close of the 12-month period ending on July 31 of such calendar  
16 year.

17                   “(12) “Deficiency” with respect to any tax imposed by this chapter means:

18                   “(A) The amount or amounts by which the tax imposed by this chapter as  
19 determined by the Mayor exceeds the amount shown as the tax by the taxpayer upon his return;  
20 or

21                   “(B) The amount assessed as a tax by the Mayor if no return is filed by  
22 the taxpayer.

1                   “(13) “Dependent” means a dependent as defined in § 152 of the Internal  
2 Revenue Code of 1986.

3                   “(14) “Dividend” means any distribution made by a corporation or financial  
4 institution (domestic or foreign) to its stockholders or members, out of its earnings, profits, or  
5 surplus, other than paid-in surplus, whenever earned by the corporation or financial institution  
6 and whether made in cash or any other property (other than stock of the same class in the  
7 corporation or financial institution, if the recipient of the stock dividend has neither received nor  
8 exercised an option to receive the dividend in cash or in property other than stock instead of  
9 stock) and whether distributed prior to, during, upon, or after liquidation or dissolution of the  
10 corporation or financial institution; except, that in the case of any such distribution any part of  
11 which for purposes of the income tax imposed under the Internal Revenue Code of 1986 is  
12 deemed to constitute a capital gain, such part shall be deemed to constitute a capital gain for  
13 purposes of the tax imposed by this chapter; provided, that in the case of any dividend that is  
14 distributed other than in cash or stock in the same class in the corporation or financial institution  
15 and not exempted from tax under this chapter, the basis of tax to the recipient shall be the market  
16 value of the property at the time of the distribution; and provided, that a dividend shall not  
17 include any dividend paid by a mutual life insurance company to its shareholders.

18                   “(15) “Doing business” means any activity of a corporation or financial institution  
19 that enjoys the benefits and protection of government and laws in the District.

20                   “(16) “Domestic partners” means persons who have registered their relationship  
21 with the District pursuant to § 32-702.

22                   “(17) “Employer” means an employer as defined in § 3401(d) of the Internal  
23 Revenue Code of 1986.

1           “(18) “Employee” means an individual having a place of abode or residing or  
2 domiciled within the District at the time the tax is required to be withheld in respect to the  
3 individual's employment by another, and to every other individual who maintains a place of  
4 abode within the District for an aggregate of 183 days or more during the taxable year, whether  
5 domiciled in the District or not, including an officer of a corporation, but excluding any elective  
6 officer of the government of the United States or any officer or employee in the legislative  
7 branch of the government of the United States whose compensation is paid by the Secretary of  
8 the Senate or Clerk of the House of Representatives, any officer of the executive branch of the  
9 government of the United States whose appointment was made by the President of the United  
10 States, subject to confirmation by the Senate of the United States, and whose tenure of office is  
11 at the pleasure of the President of the United States, or any Justice of the Supreme Court of the  
12 United States, unless the officer, employee, or justice is domiciled within the District of  
13 Columbia at any time during the taxable year.

14           “(19) “Fiduciary” means a guardian, trustee, executor, committee, administrator,  
15 receiver, conservator, or any other person acting in any fiduciary capacity for any person.

16           “(20) “Financial institution” means any bank or trust company incorporated or  
17 required to be incorporated and doing business under the laws of the United States, the District  
18 of Columbia, or any state, a substantial part of the business of which consists of receiving  
19 deposits and making loans and discounts, or of exercising fiduciary powers similar to those  
20 permitted to national banks under authority of the Comptroller of the Currency, and which is  
21 subject by law to supervision and examination by the District or by any state, territorial, or  
22 federal authority having supervision over financial institutions, including:

23           “(A) Any savings and loan associations; and



1                   “(B) Any company, a substantial part of the business of which consists of  
2 receiving deposits and making loans and discounts, or of exercising fiduciary powers similar to  
3 those permitted to national banks under authority of the Comptroller of the Currency, which  
4 company is organized or created under the laws of a foreign country, and which maintains an  
5 office or branch in the District.

6                   “(21) “Fiscal year” means an accounting period of 12 months ending on any day  
7 other than the last day of December and on the basis of which the taxpayer is required to report  
8 for federal income tax purposes.

9                   “(22) “Head of household” shall have the same meaning as defined in § 2(b) of  
10 the Internal Revenue Code of 1986.

11                   “(23) “Individual” means all natural persons (other than fiduciaries), whether  
12 married, domestic partners, or unmarried.

13                   “(24) “Intangible expense” means:

14                   “(A) An expense, loss, or cost for, related to, or in connection directly or  
15 indirectly with the direct or indirect acquisition, use, maintenance, management, ownership, sale,  
16 exchange, or any other disposition of intangible property, to the extent the expense, loss, or cost  
17 is allowed as a deduction or cost in determining taxable income for the taxable year under the  
18 Internal Revenue Code of 1986;

19                   “(B) A loss related to or incurred in connection directly or indirectly with  
20 factoring transactions or discounting transactions;

21                   “(C) A royalty, patent, technical, or copyright and licensing fee; or

22                   “(D) Any other similar expense or cost.

1           “(25) “Intangible property” means patents, patent applications, trade names,  
2 trademarks, service marks, copyrights, and similar types of intangible assets.

3           “(26) “Interest expense” means an amount directly or indirectly allowed as a  
4 deduction under § 163 of the Internal Revenue Code for purposes of determining taxable income  
5 under the Internal Revenue Code of 1986.

6           “(27) “Internal Revenue Code of 1954” means the Internal Revenue Code of  
7 1954, approved April 6, 1954 (68A Stat. 3; 26 U.S.C.S. § 1 *et seq.*), as amended through May 24,  
8 1985.

9           “(28) “Internal Revenue Code of 1986” means the Internal Revenue Code of  
10 1986, approved October 22, 1986 (100 Stat. 2085; 26 U.S.C.S. 1 *et seq.*); which provisions shall  
11 apply on the same dates that they are effective for federal tax purposes.

12           “(29) “International banking facility” or “IBF” shall have the same meaning as  
13 defined in § 204.8(a)(1) of Regulation D of the Board of Governors of the Federal Reserve  
14 System, effective December 3, 1981 (12 CFR 204.8(a)(1)).

15           “(30) “International banking facility extension of credit” or “IBF loan” shall have  
16 the same meaning as defined in § 204.8(a)(3) of Regulation D of the Board of Governors of the  
17 Federal Reserve System, effective December 3, 1981 (12 CFR 204.8(a)(3)).

18           “(31) “International Banking Facility time deposit” or “IBF time deposit” shall  
19 have the same meaning as defined in § 204.8(a)(2) of Regulation D of the Board of Governors of  
20 the Federal Reserve System, effective December 3, 1981 (12 CFR 204.8(a)(2)).

21           “(32) “Net operating loss” shall have the same meaning as defined in § 172(c) of  
22 the Internal Revenue Code, subject to limitations and modifications provided in this section.

1                   “(33) “Net operating loss deduction” means the aggregate of the apportioned net  
2 operating loss carryovers to the taxable year.

3                   “(34) “Nonbusiness income” means all income other than business income.

4                   “(35) “Nonresident” means every individual other than a resident.

5                   “(36) “Ownership” In determining the ownership of stock, assets, or net profits  
6 of any person, means the constructive ownership of section 318(a) of the Internal Revenue Code  
7 of 1986, as amended, as modified by section 856(d)(5) of the Internal Revenue Code of 1986.

8                   “(37) “Partnership” means a general or limited partnership or organization of any  
9 kind that is treated as a partnership for tax purposes under the laws of the District of Columbia.

10                   “(38) “Payroll period” means a payroll period as defined in § 3401(b) of the  
11 Internal Revenue Code of 1986.

12                   “(39) “Person” means any individual, firm, partnership, general partner of a  
13 partnership, limited liability company, registered limited liability partnership, foreign limited  
14 partnership, association, corporation (whether or not the corporation is, or would be if doing  
15 business in the District, subject to this chapter), company, syndicate, estate, trust, business trust,  
16 trustee, trustee in bankruptcy, receiver, executor, administrator, assignee, fiduciary, or  
17 organization of any kind.

18                   “(40) “Related entity” means a person that under the attribution rules of section  
19 318 of the Internal Revenue Code of 1986 is:

20                   “(A) A stockholder who is an individual, or a member of the stockholder's  
21 family as enumerated in section 318 of the Internal Revenue Code of 1986, if the stockholder  
22 and the members of the stockholder's family own, directly, indirectly, beneficially, or  
23 constructively, in the aggregate, at least 50% of the value of the taxpayer's outstanding stock;

1                   “(B) A stockholder, or a stockholder's partnership, limited liability  
2 company, estate, trust, or corporation, if the stockholder and the stockholder's partnerships,  
3 limited liability companies, estates, trusts, and corporations own directly, indirectly, beneficially,  
4 or constructively, in the aggregate, at least 50% of the value of the taxpayer's outstanding stock;  
5 or

6                   “(C) A corporation, or a party related to the corporation in a manner that  
7 would require an attribution of stock from the corporation to the party or from the party to the  
8 corporation under the attribution rules of section 318 of the Internal Revenue Code of 1986  
9 (“party related to the corporation”), if the corporation or party related to the corporation owns,  
10 directly, indirectly, beneficially, or constructively, at least 50% of the value of the corporation's  
11 outstanding stock.

12                   “(41) “Related member” means:

13                   “(A) A person that, with respect to the taxpayer any time during the year,  
14 is a related entity;

15                   “(B) A component member as defined in section 1563(b) of the Internal  
16 Revenue Code of 1986;

17                   “(C) A controlled group of which the taxpayer is also a component; or

18                   “(D) A person to or from whom there is attribution of stock ownership in  
19 accordance with section 1563(e) of the Internal Revenue Code of 1986.

20                   “(42) “Resident” means every individual domiciled in the District at any time  
21 during the taxable year, and every other individual who maintains a place of abode within the  
22 District for an aggregate of 183 days or more during the taxable year, whether or not the  
23 individual is domiciled in the District, excluding any elective officer of the government of the

1 United States or any employee on the staff of an elected official in the legislative branch of the  
2 government of the United States if the employee is a bona fide resident of the state of residence  
3 of the elected officer, or any officer of the executive branch of the government of the United  
4 States whose appointment was made by the President of the United States and subject to  
5 confirmation by the Senate of the United States and whose tenure of office is at the pleasure of  
6 the President of the United States, or any Justice of the Supreme Court of the United States,  
7 unless the officer, employee, or justice is domiciled within the District at any time during the  
8 taxable year. In determining whether an individual is a resident, an individual's absence from the  
9 District for temporary or transitory purposes shall not be regarded as changing his domicile or  
10 place of abode.

11                   “(43) “Sales” means all gross receipts of the taxpayer that are business income,  
12 as that term is defined in this section.

13                   “(44) “Standard deduction” means:

14                                 “(A) The amount of \$4,000, increased annually, beginning January 1,  
15 2013, by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50,  
16 rounded to the next lowest multiple of \$50), in the case of a return filed by a single individual, by  
17 a head of household, by a surviving spouse, or jointly by husband and wife (or domestic partner);

18                                 “(B) The amount of \$2,000, increased annually, beginning January 1,  
19 2013, by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50,  
20 rounded to the next lowest multiple of \$50), in the case of a married person filing separately; or

21                                 “(C) In the case of an individual who is a resident, as defined in paragraph

1 (42) of this section, for less than a full 12-month taxable year, the amounts specified in  
2 subparagraphs (A) and (B) of this paragraph prorated by the number of months that the  
3 individual was a resident.

4 “(45) “State” means any state of the United States, the District of Columbia, the  
5 Commonwealth of Puerto Rico, any territory, or possession of the United States and any foreign  
6 country or political subdivision thereof.

7 “(46) “Subpart F income” shall have the same meaning as defined in § 952 of the  
8 Internal Revenue Code of 1986.

9 “(47) “Surviving spouse” shall have the same meaning as defined in § 2(a) of the  
10 Internal Revenue Code of 1986; except, that in applying § 2(a) of the Internal Revenue Code of  
11 1986 (26 U.S.C.S. § 2(a)), the term spouse shall be deemed to include a domestic partner.

12 “(48) “Tax” or “tax liability” includes the liability for all amounts owing by a  
13 taxpayer to the District under this chapter.

14 “(49) “Tax haven” means a jurisdiction that

15 ~~“(A) For a particular tax year in question has no, or nominal, effective tax~~  
16 ~~on the relevant income and has laws or practices that prevent effective exchange of~~  
17 ~~information for tax purposes with other governments regarding taxpayers subject to, or~~  
18 ~~benefitting from, the tax regime;~~

19 ~~“(B) That lacks transparency, which for the purposes of this definition~~  
20 ~~means that the details of legislative, legal, or administrative provisions are not open to public~~  
21 ~~scrutiny and apparent or are not consistently applied among similarly situated taxpayers;~~

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- - -“(A) Identified by the Organization for Economic Cooperation and Development as a tax haven or as having a harmful preferential tax regime; or -  
- - -“(B) A jurisdiction that has no, or nominal, effective tax on the relevant income and; -  
- - -“(i) That

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1 | “(C) Facilitates the establishment of foreign-owned entities without the  
2 | need for a local substantive presence or prohibits these entities from having any commercial  
3 | impact on the local economy;

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4 | “(D) Explicitly or implicitly excludes the jurisdiction's resident taxpayers  
5 | from taking advantage of the tax regime's benefits or prohibits enterprises that benefit from the  
6 | regime from operating in the jurisdiction's domestic market; or

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7 | “(E)(i) Has created a tax regime which is favorable for tax avoidance,  
8 | based upon an overall assessment of relevant factors, including whether the jurisdiction has a  
9 | significant untaxed offshore financial or other services sector relative to its overall economy.

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10 | “(ii) For purposes of this definition, the term “tax regime”  
11 | means a set or system of rules, laws, regulations, or practices by which taxes are imposed on any  
12 | person, corporation or entity, or on any income, property, incident, indicia or activity pursuant to  
13 | governmental authority.

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14 |           “(50) “Taxable income” means the income of a corporation as defined by the  
15 | laws of the United States for federal income-tax purposes, adjusted, as provided in this section;  
16 | provided, that in the case of a corporation having income from business activity that is taxable  
17 | outside the District, its District taxable income shall be the portion of its taxable income as  
18 | allocated or apportioned to the District under the provisions of this chapter.

19 |           “(51) “Taxable year” means the calendar year or the fiscal year, whichever is the  
20 | basis upon which the net income of the taxpayer is computed under this section; if no fiscal year  
21 | has been established by the taxpayer, it means the calendar year. The term taxable year includes,  
22 | in the case of a return made for a fractional part of a calendar or fiscal year under the provisions  
23 | of this section or under regulations prescribed by the Mayor, the period for which the return is

1 made; provided, that no taxpayer shall change from a calendar year to a fiscal year or from a  
2 fiscal year to a calendar year within any taxable year without the written authorization of the  
3 Mayor.

4 “(52) “Taxpayer” means any person required by this chapter to pay a tax, file a  
5 return, or report or apply for a license.

6 “(53) “Trade or business” means the engaging in or carrying on of any trade,  
7 business, profession, vocation, or calling, or commercial activity in the District of Columbia,  
8 including activities in the District that benefit an affiliated group of the taxpayer, the  
9 performance of functions of a public office, and the leasing of real or personal property in the  
10 District of Columbia by any person whether or not the property is leased directly by the person  
11 or through an agent, and whether or not the person or agent performs any services in connection  
12 with the property.

13 “(54) “United States” means the United States of America and includes all of the  
14 states of the United States, the District of Columbia, and United States territories and  
15 possessions.

16 “(55)(A) “Unitary business” means a single economic enterprise that is made up  
17 either of separate parts of a single business entity or of a commonly controlled group of business  
18 entities that are sufficiently interdependent, integrated, and interrelated through their activities so  
19 as to provide a synergy and mutual benefit that produces a sharing or exchange of value among  
20 them and a significant flow of value to the separate parts.

21 “(B) For purposes of this chapter, any business conducted by a partnership  
22 shall be treated as conducted by its partners, whether directly held or indirectly held through a  
23 series of partnerships, to the extent of the partner's distributive share of the partnership's income,



1 regardless of the percentage of the partner's ownership interest or its distributive or any other  
2 share of partnership income. A business conducted directly or indirectly by one corporation  
3 through its direct or indirect interest in a partnership is unitary with that portion of a business  
4 conducted by one or more other corporations through their direct or indirect interest in a  
5 partnership if there is a synergy and mutual benefit that produces a sharing or exchange of value  
6 among them and a significant flow of value to the separate parts and the corporations are  
7 members of the same commonly controlled group.

8           “(56) “Wages” means wages as defined in § 3401(a) of the Internal Revenue  
9 Code of 1986.

10           “(57) “Water’s-edge combined group” is comprised of all entities includible in  
11 the combined report, as determined pursuant to § 47-1810.07(a).

12           “(58) “Worldwide combined report” means the combination of the income and  
13 activities of all members of a unitary group irrespective of the country in which the corporations  
14 are incorporated or conduct business activity.

15           (c) A new section 47-1805.02a is added to read as follows:

16           “§ 47-1805.02a. Combined reporting.

17           “(a) For tax years beginning on and after December 31, 2010, a taxpayer engaged in a  
18 unitary business with one or more corporations that are part of a water’s-edge combined group  
19 reporting pursuant to §47-1810.07(a) shall file a combined report, which includes the income,  
20 determined under § 47-1810.04 and § 47-1810.05 and the allocation and apportionment factors  
21 determined under § 47-1810.02 of all such corporations, and other information as required by the  
22 Mayor. If a worldwide combined reporting election has been made, the taxpayer shall file a

1 combined report that includes such income and factors of all the corporations that are members  
2 of the unitary business, and any other information as required by the Mayor.

3 “(b) The Mayor may, by regulation, require a combined report to include the income and  
4 associated apportionment factors of any persons that are not included pursuant to subsection (a)  
5 of this section but that are members of a unitary business in order to reflect proper apportionment  
6 of income of the entire unitary business. If the Mayor determines that the reported income or  
7 loss of a taxpayer engaged in a unitary business with any person not included represents an  
8 avoidance or evasion of tax by the taxpayer, the Mayor may, on a case-by-case basis, require that  
9 all or any part of the income and associated apportionment factors be included in the taxpayer's  
10 combined report.

11 “(c) With respect to inclusion of associated apportionment factors pursuant to this  
12 section, the Mayor may require the exclusion of any one or more of the factors, the inclusion of  
13 one or more additional factors, which will fairly represent the taxpayer's business activity in the  
14 District, or the employment of any other method to effectuate a proper reflection of the total  
15 amount of income subject to apportionment and an equitable allocation and apportionment of the  
16 taxpayer's income.

17 “(d) The Mayor shall adopt regulations as necessary to ensure that the tax liability or net  
18 income of any taxpayer whose income derived from or attributable to sources within the District  
19 that is required to be determined by a combined report pursuant to § 47-1810.02 or § 47-1810.07  
20 and of each entity included in the combined report, both during and after the period of inclusion  
21 in the combined report, is properly reported, determined, computed, assessed, collected, or  
22 adjusted.”.

1 (d) New sections 47-1810.04, 47-1810.05, 47-1810.06, and 47-1810.07 are added to read  
2 as follows:

3 “§ 47-1810.04. Determination of taxable income or loss using combined report; components of  
4 income subject to tax in the District, application of tax credits and post-apportionment  
5 deductions; determination of taxpayer’s share of the business income of a combine group  
6 apportionable to the District.

7 “(a) The use of a combined report does not disregard the separate identities of the  
8 taxpayer members of the combined group. Each taxpayer member is responsible for tax based on  
9 its taxable income or loss apportioned or allocated to the District, which shall include, in addition  
10 to other types of income, the taxpayer member's apportioned share of business income of the  
11 combined group, where business income of the combined group is calculated as a summation of  
12 the individual net business incomes of all members of the combined group. A member's net  
13 business income is determined by removing all but business income, expense, and loss from that  
14 member's total income, as provided in this section and § 47-1810.05.

15 “(b)(1) Each taxpayer member is responsible for tax based on its taxable income or loss  
16 apportioned or allocated to the District, which shall include its:

17 “(A) Share of any business income apportionable to the District of each of  
18 the combined groups of which it is a member, as determined under subsection (c) of this section;

19 “(B) Share of any business income apportionable to the District of a  
20 distinct business activity conducted within and outside the District wholly by the taxpayer  
21 member, as determined under the provisions for apportionment of business income set forth in  
22 this chapter;

1                   “(C) Income from a business conducted wholly by the taxpayer member  
2 entirely within the District;

3                   “(D) Income sourced to the District from the sale or exchange of capital or  
4 assets, and from involuntary conversions, as determined under § 47-1810.05(b)(8);

5                   “(E) Nonbusiness income or loss allocable to the District as determined  
6 under the provisions for allocation of nonbusiness income set forth in this chapter;

7                   “(F) Income or loss allocated or apportioned in an earlier year required to  
8 be taken into account as District source income during the income year, other than a net  
9 operating loss; and

10                   “(G) Net operating loss carryover. If the taxable income computed  
11 pursuant to this section and § 47-1810.05, results in a loss for a taxpayer member of the  
12 combined group, that taxpayer member has a District net operating loss, subject to the net  
13 operating loss limitations and carryover provisions of this chapter. The District net operating  
14 loss shall be applied as a deduction in a prior or subsequent year only if that taxpayer has District  
15 source positive net income, whether or not the taxpayer is or was a member of a combined  
16 reporting group in the prior or subsequent year.

17                   “(2) Except where otherwise provided, no tax credit or post-apportionment  
18 deduction earned by one member of the group, but not fully used by or allowed to that member,  
19 may be used, in whole or in part, by another member of the group or applied, in whole or in part,  
20 against the total income of the combined group. A post-apportionment deduction carried over  
21 into a subsequent year as to the member that incurred it, and available as a deduction to that  
22 member in a subsequent year, will be considered in the computation of the income of that

1 member in the subsequent year regardless of the composition of that income as apportioned,  
2 allocated, or wholly within the District.

3 “(c)(1) The taxpayer's share of the business income apportionable to the District of each  
4 combined group of which it is a member shall be the product of the:

5 “(A) Business income of the combined group, determined under § 47-  
6 1810.05; and

7 “(B) Taxpayer member's apportionment percentage, determined in  
8 accordance with this chapter, including in the property, payroll, and sales factor numerators of  
9 the taxpayer's property, payroll and sales, respectively, associated with the combined group's  
10 unitary business in the District and including in the denominator the property, payroll, and sales  
11 of all members of the combined group, including the taxpayer, which property, payroll, and sales  
12 are associated with the combined group's unitary business wherever located.

13 “(2) The property, payroll, and sales of a partnership shall be included in the  
14 determination of the partner's apportionment percentage in proportion to a ratio the numerator of  
15 which is the amount of the partner's distributive share of partnership's unitary income included in  
16 the income of the combined group in accordance with § 47-1810.05 and the denominator of  
17 which is the amount of the partnership's total unitary income.

18 “§ 47-1810.05. Determination of the business income of the combined group.

19 “(a) The business income of a combined group is determined as follows:

20 “(1) From the total income of the combined group as determined under paragraph  
21 (2) of this subsection and subsection (b) of this section, subtract any income and add any expense  
22 or loss, other than the business income, expense, or loss of the combined group.

1                   “(2)(A) Except as otherwise provided, the total income of the combined group is  
2 the sum of the income of each member of the combined group determined under federal income  
3 tax laws, as adjusted for District purposes, as if the member were not consolidated for federal  
4 purposes.

5                   “(3) Notwithstanding any other provision of this Chapter, if the combined group includes  
6 or owns an unincorporated business which would be subject to the tax imposed under § 47-  
7 1808.03, the income or loss of such unincorporated business shall be apportioned to the District  
8 using apportionment factors of the unincorporated business, and the combined group member’s  
9 distributive share of such post-apportionment income shall be added to the combined group  
10 member’s District taxable income, which shall be computed without regard to any income or loss  
11 or apportionment factors of an unincorporated business subject to this section. A combined group  
12 member’s distributive share of an unincorporated business’s pre-apportionment income or loss  
13 shall be exempt from the tax imposed under § 47-1808.03.

14                   “(b) The income of each member of the combined group shall be determined as follows:

15                   “(1) For any member incorporated in the United States, or included  
16 in a consolidated federal corporate income tax return, the income to be included in the total  
17 income of the combined group shall be the taxable income for the corporation after making  
18 appropriate adjustments under this chapter.

19                   “(2) For any member not included in paragraph (1) of this subsection, the income  
20 to be included in the total income of the combined group shall be determined as follows:

21                   “(A) A profit and loss statement shall be prepared for each foreign branch  
22 or corporation in the currency in which the books of account of the branch or corporation are  
23 regularly maintained.

1                   “(B) Adjustments shall be made to the profit and loss statement to  
2 conform it to the accounting principles generally accepted in the United States for the  
3 preparation of such statements, except as modified by regulation.

4                   “(C) Adjustments shall be made to the profit and loss statement to  
5 conform it to the tax accounting standards required by this chapter.

6                   “(D) Except as otherwise provided by regulation, the profit and loss  
7 statement of each member of the combined group, and the apportionment factors related thereto,  
8 whether United States or foreign, shall be translated into the currency in which the parent  
9 company maintains its books and records.

10                  “(E) Income apportioned to the District shall be expressed in United States  
11 dollars.

12                  “(3)(A) In lieu of the procedures set forth in paragraph (2) of this subsection, and  
13 subject to the determination of the Mayor that it reasonably approximates income as determined  
14 under this chapter, any member not subject to paragraph (1) of this subsection may determine its  
15 income on the basis of the consolidated profit and loss statement that includes the member and  
16 which is prepared for filing with the Securities and Exchange Commission by related  
17 corporations.

18                  “(B) If the member is not required to file with the Securities and  
19 Exchange Commission, the Mayor may allow the use of the consolidated profit and loss  
20 statement prepared for reporting to shareholders and subject to review by an independent auditor.

21                  “(C) If the statements described in subparagraphs (A) or (B) of this  
22 paragraph do not reasonably approximate income as determined under this chapter, the Mayor  
23 may accept those statements with appropriate adjustments to approximate that income.

1                   “(4) If a unitary business includes income from a partnership, the income to be  
2 included in the total income of the combined group shall be the member of the combined group's  
3 direct and indirect distributive share of the partnership's unitary business income.

4                   “(5)(A) All dividends paid by one to another of the members of the combined  
5 group shall, to the extent those dividends are paid out of the earnings and profits of the unitary  
6 business included in the combined report, in the current or an earlier year, be eliminated from the  
7 income of the recipient.

8                   “(B) Except as otherwise provided, this paragraph shall not apply to  
9 dividends received from members of the unitary business that are not a part of the combined  
10 group. Except when specifically required by the Mayor to be included, all dividends paid by an  
11 insurance company directly or indirectly to a corporation that is part of a unitary business with  
12 the insurance company shall be deducted or eliminated from the income of the recipient of the  
13 dividend.

14                   “(6)(A) Except as otherwise provided by regulation, business income from an  
15 inter-company transaction between members of the same combined group shall be deferred in a  
16 manner similar to 26 C. F. R. 1.1502-13.

17                   “(B) Upon the occurrence of any of the following events, deferred  
18 business income resulting from an inter-company transaction between members of a combined  
19 group shall be restored to the income of the seller and shall be apportioned as business income  
20 earned immediately before the event:

21                                   “(i) The object of a deferred inter-company transaction is:

22   “(I) Resold by the buyer to an entity that is not a member of  
23 the combined group;



1                                   “(II) Resold by the buyer to an entity that is a member of  
2 the combined group for use outside the unitary business in which the buyer and seller are  
3 engaged; or

4                                   “(III) Converted by the buyer to a use outside the unitary  
5 business in which the buyer and seller are engaged; or

6                                   “(ii) The buyer and seller are no longer members of the same  
7 combined group, regardless of whether the members remain unitary.

8                                   “(7)(A) A charitable expense incurred by a member of a combined group shall, to  
9 the extent allowable as a deduction pursuant to Internal Revenue Code § 170, be subtracted first  
10 from the business income of the combined group, subject to the income limitations of that  
11 section applied to the entire business income of the group and any remaining amount shall then  
12 be treated as a nonbusiness expense allocable to the member that incurred the expense, subject to  
13 the income limitations of that section applied to the nonbusiness income of that specific member.

14                                   “(B) Any charitable deduction disallowed under subparagraph (A) of this  
15 paragraph, but allowed as a carryover deduction in a subsequent year, shall be treated as  
16 originally incurred in the subsequent year by the same member and as set forth in this section  
17 shall apply in the subsequent year in determining the allowable deduction in that year.

18                                   “(8) Gain or loss from the sale or exchange of capital assets, property described  
19 by Internal Revenue Code § 1231(a)(3), and property subject to an involuntary conversion shall  
20 be removed from the total separate net income of each member of a combined group and shall be  
21 apportioned and allocated as follows:

22                                   “(A) For each class of gain or loss (short-term capital, long-term capital,  
23 Internal Revenue Code § 1231, and involuntary conversions) all members' business gain and loss

1 for the class shall be combined without netting between classes and each class of net business  
2 gain or loss separately apportioned to each member using the member's apportionment  
3 percentage determined under § 47-1810.04.

4                   “(B) Each taxpayer member shall then net its apportioned business gain or  
5 loss for all classes, including any such apportioned business gain and loss from other combined  
6 groups, against the taxpayer member's nonbusiness gain and loss for all classes allocated to the  
7 District, using the rules of Internal Revenue Code §§ 1222 and 1231, without regard to any of the  
8 taxpayer member's gains or losses from the sale or exchange of capital assets, Internal Revenue  
9 Code §1231 property, and involuntary conversions that are nonbusiness items allocated to  
10 another state.

11                   “(C) Any resulting District source income or loss, if the loss is not subject  
12 to the limitations of Internal Revenue Code § 1211, of a taxpayer member produced by the  
13 application of the preceding subsections shall then be applied to all other District source income  
14 or loss of that member.

15                   “(D) Any resulting District source loss of a member that is subject to the  
16 limitations of Internal Revenue Code § 1211 shall be carried over by that member and shall be  
17 treated as District source short-term capital loss incurred by that member for the year for which  
18 the carryover applies.

19                   “(9) Any expense of one member of the unitary group that is directly or indirectly  
20 attributable to the nonbusiness or exempt income of another member of the unitary group shall  
21 be allocated to that other member as corresponding nonbusiness or exempt expense, as  
22 appropriate.

1           “§ 47-1810.06. Designation of surety.

2           “As a filing convenience, and without changing the respective liability of group  
3 members, members of a combined reporting group may annually elect to designate one taxpayer  
4 member of the combined group to file a single return, in the form and manner prescribed by the  
5 department, in lieu of filing their own respective returns; provided, that the taxpayer designated  
6 to file the single return consents to act as surety with respect to the tax liability of all other  
7 taxpayers properly included in the combined report and agrees to act as agent on behalf of those  
8 taxpayers for the year of the election for tax matters relating to the combined report for that year.  
9 If for any reason the surety is unwilling or unable to perform its responsibilities, tax liability may  
10 be assessed against the taxpayer members.

11           “§ 47-1810.07. Water's-edge reporting; initiation and withdrawal election.

12           “(a)(1) Absent an election under subsection (b) of this section to report based upon a  
13 worldwide unitary combined reporting basis, taxpayer members of a unitary group shall  
14 determine each of their apportioned shares of the net business income or loss of the combined  
15 group on a water's-edge unitary combined reporting basis.

16           “(2) In determining tax under this chapter on a water's-edge unitary combined  
17 reporting basis, taxpayer members shall take into account all or a portion of the income and  
18 apportionment factors of only the following members otherwise included in the combined group  
19 pursuant to § 47-1805.02a:

20                   “(A) The entire income and apportionment factors of any member  
21 incorporated in the United States or formed under the laws of any state, the District, or any  
22 territory or possession of the United States;

23                   “(B) The entire income and apportionment factors of any member,

1 regardless of the place incorporated or formed, if the average of its property, payroll, and sales  
2 factors within the United States is 20% or more;

3 “(C) The entire income and apportionment factors of any member that is a  
4 domestic international sales corporation, as described in Internal Revenue Code §§ 991 to 994,  
5 inclusive, a foreign sales corporation, as described in Internal Revenue Code §§ 921 to 927,  
6 inclusive, or any member that is an export trade corporation, as described in Internal Revenue  
7 Code §§ 970 to 971, inclusive;

8 “(D) Any member not described in subparagraphs (A), (B), or (C) of this  
9 paragraph shall include its income ~~derived from or attributable to sources within the United~~  
10 ~~States, as determined under~~ the Internal Revenue Code, ~~without regard to federal treaties, and~~  
11 ~~apportionment factors related thereto~~;

12 “(E) Any member that is a controlled foreign corporation, as defined in  
13 Internal Revenue Code § 957, to the extent of the income of that member that is defined in § 952  
14 of Subpart F of the Internal Revenue Code not excluding lower-tier subsidiaries’ distributions of  
15 such income that were previously taxed, determined without regard to federal treaties, and the  
16 apportionment factors related to that income; any item of income received by a controlled  
17 foreign corporation shall be excluded if such income was subject to an effective rate of income  
18 tax imposed by a foreign country greater than 90% of the maximum rate of tax specified in  
19 Internal Revenue Code § 11;

20 “(F) Any member that ~~is a resident of a country that does not have a~~  
21 ~~comprehensive income tax treaty with the United States and~~ earns more than 20% of its income,  
22 directly or indirectly, from intangible property or service-related activities that are deductible  
23 against the business income of other members of the water's-edge group, to the extent of that

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1 income and the apportionment factors related thereto; and

2 | “(F)(i) The entire income and apportionment factors of any member that is  
3 doing business in a tax haven defined as being engaged in activity sufficient for that tax haven  
4 jurisdiction to impose a tax under United States constitutional standards.

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5 “(ii) If the member's business activity within a tax haven is  
6 entirely outside the scope of the laws, provisions, and practices that cause the jurisdiction to meet  
7 the criteria of a tax haven, as defined in § 47-1801.04(49), the activity of the member shall be  
8 treated as not having been conducted in a tax haven.

9 “(b) An election to report District tax based on worldwide unitary combined reporting is  
10 effective only if made on a timely filed original return for a tax year by every member of the  
11 unitary business subject to tax under this chapter.

12 “(c) At the discretion of the Mayor:

13 “(1) A worldwide unitary combined reporting election may be disregarded, in part  
14 or in whole, and the income and apportionment factors of any member of the taxpayer's unitary  
15 group may be included in or excluded from the combined report without regard to the provisions  
16 of this section, if any member of the unitary group fails to comply with any provision of this  
17 chapter; and

18 “(2) Worldwide unitary combined reporting may be mandated, in part or in whole,  
19 and the income and apportionment factors of any member of the taxpayer's unitary group may be  
20 included in or excluded from the combined report without regard to the provisions of this  
21 section, if any member of the unitary group fails to comply with any provision of this chapter, or  
22 if a person otherwise not included in the water's-edge combined group was availed of with a  
23 substantial objective of avoiding state income tax.

1           “(d)(1) A worldwide unitary combined reporting election is binding for and applicable to  
2 the tax year it is made and all tax years thereafter for a period of 10 years. It may be withdrawn  
3 or reinstated after withdrawal, prior to the expiration of the 10-year period, only upon written  
4 request for reasonable cause based on extraordinary hardship due to unforeseen changes in state  
5 tax statutes, law, or policy, and only with the written authorization of the Mayor.

6           “(2) An election shall constitute consent to the reasonable production of  
7 documents and taking of depositions in accordance with District law.

8           “(3) If the Mayor grants a withdrawal of election pursuant to paragraph (1) of this  
9 subsection, he or she shall impose reasonable conditions necessary to prevent the evasion of tax  
10 or to clearly reflect income for the election period prior to or after the withdrawal.

11           “(4) Upon the expiration of the 10-year period, a taxpayer may withdraw from  
12 the worldwide unitary combined reporting election. Withdrawal must be made in writing within  
13 one year of the expiration of the election and is binding for a period of 10 years, subject to the  
14 same conditions as applied to the original election. If no withdrawal is properly made, the  
15 worldwide unitary combined reporting election shall be in place for an additional 10-year period,  
16 subject to the same conditions as applied to the original election.

17           “(e) The Mayor shall develop rules governing the impact, if any, on the scope or  
18 application of a worldwide unitary combined reporting election, including termination or deemed  
19 election, resulting from a change in the composition of the unitary group, the combined group,  
20 the taxpayer members and any other similar change.”.

21 |           [Sec. 8003. Review of impact of combined reporting.](#)

1 After 2 full years of tax reporting have occurred under the combined reporting  
2 requirements imposed by section 8002, the Chief Financial Officer shall determine the economic  
3 effects of these requirements on affected taxpayers.

4 Sec. 8004. Applicability.

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5 This act shall apply for the taxable years beginning after December 31, 2010.

6 **SUBTITLE B. ITEMIZED DEDUCTION LIMITATION AMENDMENT ACT**

7 Sec. 8011. Short title.

8 This subtitle may be cited as the "Itemized Deduction Limitation Act of 2011".

9 Sec. 8012. Section 47-1803.03 is amended by adding a new subsection (b-4) to read as  
10 follows:

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11 "(b-4) Limitation on itemized deductions –

12 "(1) In the case of an individual whose District adjusted gross income exceeds the  
13 applicable amount, the amount of the itemized deductions otherwise allowable for the taxable  
14 year shall be reduced by 5% of the excess of the District adjusted gross income over the  
15 applicable amount.

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

17 "(A) "Applicable amount" means \$200,000 ( \$100,000, married, filing  
18 separately).

19 "(B) "Itemized deductions" does not include the deduction:

20 "(i) Under 26 U.S.C. § 213 relating to expenses such as, for  
21 example, medical or dental;

22 "(ii) For investment interest, as defined in 26 U.S.C. 163(d); and

1                                   “(iii) Under 26 U.S.C. § 165(a), for casualty or theft losses  
2 described in 26 U.S.C. § 165(c)(2) and (3) or for losses described in 26 U.S.C. 165(d).

3                                   “(3) This subsection shall be applied after the application of any other limitation  
4 on the allowance of any itemized deduction.

5                                   “(4) This subsection shall not apply to any estate or trust.”.

6                                   **SUBTITLE C. APPORTIONMENT OF BUSINESS INCOME**

7                                   Sec. 8021. Short title.

8                                   This subtitle may be cited as the “Apportionment of Business Income Act of 2011”.

9                                   Sec. 8022. Section 47-1810.02 of the District of Columbia Official Code is amended as  
10 follows:

11                                   (1) Subsection (d) is amended by striking the phrase “All business” and  
12 inserting the phrase “Except as provided in subsection (d-1), all business” in its place.

13                                   (2) A new subsection (d-1) to read as follows:

14                                   “(d-1)(1) Apportionment of business income.--All business income shall  
15 be apportioned to the District by multiplying the income by a fraction, the numerator of which is  
16 the property factor plus the payroll factor plus the sales factor twice, and the denominator of  
17 which is 4.

18                                   “(2) This subsection shall be applicable for the tax years beginning after  
19 December 31, 2010.”.

20                                   **SUBTITLE D. SALES TAX AMENDMENTS**

21                                   Sec. 8031. Short title.

22                                   This subtitle may be cited as the “Sales Tax Act of 2011”.

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1           Sec. 8032. Chapter 20 of Title 47 of the District of Columbia Official Code is amended  
2 as follows:

3           (a) Section 47-2001 is amended as follows:

4                 (1) A new subsection (a-1) is added to read as follows:

5                 “(a-1) “Armored car service” means picking up and delivering money, receipts, or other  
6 valuable items with personnel and equipment to protect the properties while in transit. The term  
7 “armored car service” shall not include coin rolling or change room services; provided, that these  
8 charges are separately stated.”.

9                 (2) A new subsection (i-2) is added to read as follows:

10                 “(i-2)(1) “Private investigation service” means an investigation being conducted for  
11 purposes of providing information related to:

12                         “(A) A crime or wrong committed, assumed to have been committed, or  
13 threatened to be committed;

14                         “(B) The identity, habits, conduct, movement, location, affiliations,  
15 associations, transactions, reputation, or character of any person;

16                         “(C) The credibility of a witness or of any other individual;

17                         “(D) The location of a missing individual;

18                         “(E) The location or recovery of lost or stolen property;

19                         “(F) The origin, cause of, or responsibility for a fire, accident, damage to  
20 or loss of property, or injury to an individual, regardless of who conducts the investigation;

21                         “(G) The affiliation, connection, or relation of any person with an  
22 organization or other person;

1                   “(H) The activities, conduct, efficiency, loyalty, or honesty of any  
2 employee, agent, contractor, or subcontractor;

3                   “(I) The financial standing, creditworthiness, or financial responsibility of  
4 any person;

5                   “(J) Securing evidence for use before any investigating committee, board  
6 of award, or board of arbitration, or for use in a trial of any civil or criminal cause;

7                   “(K) Providing uniformed or non-uniformed personal protection;

8                   “(L) Conducting polygraph testing;

9                   “(M) Conducting background checks on prospective employees or tenants;

10 or

11                   “(N) Conducting background checks on individuals by or at the request of  
12 an insurance company for worker's compensation purposes.

13                   “(2) The term “private investigation service” shall not include private process  
14 service unless the service goes beyond service of process to a missing person investigation.”.

15                   (3) Subsection (n)(1) is amended by adding a new subparagraph (U) to read as  
16 follows:

17                   “(U) The sale of or charges for armored car service, private investigation  
18 service, and security service; provided, that an armored-car-services vendor may reasonably  
19 apportion any charges for any out-of-state delivery component, including the apportionment of  
20 distance, time, or number of stops within and outside of the District; provided further, that  
21 application of the sales and use tax to charges for security services is controlled by the delivery  
22 point of the services; provided further, that the reimbursement of incidental expenses paid to a

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1 [third party and incurred in connection with providing a taxable private detective service shall not](#)  
2 [be included.](#)”.

3 (4) A new subsection (q-1) is added to read as follows:

4 “(q-1)(1) “Security service” shall include any activity that is performed for compensation  
5 as a security guard to protect any individual or property and provided on the premises of a  
6 person’s residential or commercial property, the service of monitoring an electronically  
7 controlled burglar or fire alarm system for any residential or commercial property located in the  
8 District, or responding to a distress call or an alarm sounding from a security system.”.

9 “(2) The term “security service” shall not include:

10 “(A) Installing a burglar or fire alarm system in commercial or residential  
11 property;

12 “(B) Maintaining or repairing a security system for a customer;

13 “(C) Monitoring property located entirely outside of the District even if  
14 the equipment used to perform the monitoring service is located in the District; or

15 “(D) Providing a medical response system used by individuals to summon  
16 medical aid.”.

17 (b) Section 47-2002 is amended by striking the phrase “5.75%, except for the period  
18 beginning October 1, 2009, and ending September 30, 2012, the rate shall be 6%,” and inserting  
19 the figure “6%” in its place.

20 Sec. 8033. This subtitle shall apply as of [October 1, 2011](#).

21 **SUBTITLE E. PARKING TAX**

22 Sec. 8041. Short title.

23 This subtitle may be cited as the “Parking Tax Enhancement Act of 2011”.

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1           Sec. 8042. Section 47-2002(1) of the District of Columbia Official Code is amended by  
2 striking the figure “12%” and inserting the figure “18%” in its place.

3           Sec. 8043. This subtitle shall apply as of July 1, 2011.

4           **SUBTITLE F. CIGARETTE SALES TAX**

5           Sec. 8051. Short title.

6           This subtitle may be cited as the “Cigarette Sales Tax Enhancement Act of 2011”.

7           Sec. 8052. Title 47 of the District of Columbia Official Code is amended as follows:

8           (a) Section 47-2001(n)(2) is amended as follows:

9                   (1) Subparagraph (H) is amended by striking the word “or” at the end.

10                   (2) Subparagraph (I) is amended by striking the period at the end and inserting the  
11 phrase “; or” in its place.

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

13                           “(J) Sales of cigarettes, as defined in § 47-2401(1A).”

14           (b) Section 47-2402(a) is amended to read as follows:

15                   “(a)(1) Except as otherwise provided in § 47-2403, a tax is levied and imposed on the  
16 sale or possession on all cigarettes in the District of Columbia at the rate of \$0.125 for each  
17 cigarette.

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18                   “(2) Subject to paragraph (3) of this subsection, a surtax is levied and imposed on  
19 the sale or possession of all cigarettes in the District at the rate of \$0.36 per package of 20 or  
20 fewer cigarettes. If there are more than 20 cigarettes in the package, the surtax per pack will be  
21 incrementally increased by \$.018 per each cigarette above 20.

22                   “(3) Beginning as of March 31, 2012, and on March 31 of each year thereafter,  
23 the Mayor shall calculate the average retail price of a package of cigarettes from the best

1 information available and shall recompute the surtax on the basis of the then applicable sales and  
2 use tax rate applicable to the sale of cigarettes. The Mayor shall provide notice of any change in  
3 the amount of the surtax on or before September 1 of that year, and the change shall be effective  
4 as of the following October 1.”.

5 **SUBTITLE G. TAX PENALTY SAFE HARBOR**

6 Sec. 8061. Short title.

7 This subtitle may be cited as the “Tax Penalty Safe Harbor Act of 2011”.

8 Sec. 8062. Chapter 42 of Title 47 of the District of Columbia Official Code is amended  
9 as follows:

10 (a) Section 47-4214(b)(1)(B) is amended as follows:

11 (1) Sub-subparagraph (ii) is amended to read as follows:

12 “(ii)(I) Except as provided in sub-sub-subparagraph (II), 100% of the tax shown  
13 on the return of the individual for the preceding taxable year if the individual filed a return for  
14 the preceding taxable year consisting of 12 months;

15 “(II) For tax years beginning after December 31, 2011, 110% of the tax  
16 shown on the return of the individual for the preceding taxable year if the individual filed a  
17 return for the preceding taxable year consisting of 12 months; or”.

18 (2) Sub-subparagraph (iii) is amended to read as follows:

19 “(iii)(I) Except as provided in sub-sub-subparagraph (II), 100% of the tax  
20 computed on the basis of the facts shown on his return for the preceding taxable year if the  
21 individual filed a return for the preceding taxable year consisting of 12 months.

1                   “(II) For tax years beginning after December 31, 2011, 110% of the tax  
2 computed on the basis of the facts shown on his return for the preceding taxable year if the  
3 individual filed a return for the preceding taxable year consisting of 12 months.”.

4           (b) Section 47-4215(b)(1)(B)(ii) is amended to read as follows:

5           “(ii)(I) Except as provided in sub-sub-subparagraph (II), 100% of the tax shown on the  
6 return of the entity for the preceding taxable year if the individual filed a return for the preceding  
7 taxable year consisting of 12 months.

8                   “(II) For tax years beginning after December 31, 2011, 110% of the tax shown on  
9 the return of the entity for the preceding taxable year if the individual filed a return for the  
10 preceding taxable year consisting of 12 months.”.

11           **SUBTITLE H. MINIMUM CORPORATE AND UNINCORPORATED**  
12 **FRANCHISE TAX**

13           Sec. 8071. Short title.

14           This subtitle may be cited as the “Minimum Corporate and Unincorporated Franchise Tax  
15 Payable Act of 2011”.

16           Sec. 8072. Chapter 18 of Title 47 of the District of Columbia Official Code is amended  
17 as follows:

18           (a) Section 47-1807.02(b) is amended by striking the phrase “shall be \$100.” and  
19 inserting the phrase “shall be \$250. If District gross receipts are greater than \$1 million, the  
20 minimum tax payable shall be \$1,000.” in its place.

21           (b) Section 47-1808.03(b) is amended by striking the phrase “shall be \$100.” and  
22 inserting the phrase “shall be \$250. If District gross receipts are greater than \$1 million, the  
23 minimum tax payable shall be \$1,000.” in its place.

1 Sec. 8073. Rules and regulations.

2 The Mayor is authorized to promulgate rules and regulations to implement this subtitle.

3 Sec. 8074. Applicability.

4 This subtitle shall apply as of December 31, 2010.

5 **SUBTITLE I. BANK ACCOUNT TAX OFFSET**

6 Sec. 8081. Short title.

7 This subtitle may be cited as the “Bank Account Tax Offset Act of 2011”.

8 Sec. 8082. Chapter 44 of Title 47 of the District of Columbia Official Code is amended as  
9 follows:

10 (a) The table of contents is amended by adding a new section designation to read  
11 as follows:

12 “47-4481. Financial institutions, requests for information.”.

13 (b) A new section 47-4481 is added to read as follows:

14 “§ 47-4481. Financial institutions, requests for information.

15 “(a)(1) The CFO may request, up to 4 times per year, information and assistance from a  
16 financial institution concerning any obligor who is delinquent in the payment of taxes to aid in  
17 the enforcement of District tax laws.

18 “(2) The CFO’s request shall contain:

19 “(A) The full name of the obligor and any other names known to be used  
20 by the obligor;

21 “(B) The social security number, or other taxpayer identification number,  
22 of the obligor; and

1                   “(C) Shall be transmitted to the financial institution in an electronic  
2 format, unless the financial institution asks the CFO to submit the request in hard-copy form.

3                   “(b)(1) Within 30 days of receipt of a request from the CFO, the financial institution  
4 shall, with respect to each obligor whose name the CFO submitted to the financial institution,  
5 submit a report, in machine-readable form, to the CFO in compliance with paragraph (3) of this  
6 subsection.

7                   “(2) A financial institution submitting a report to the CFO pursuant to this section  
8 is prohibited from disclosing to an obligor that his or her name has been received in a request for  
9 information or furnished to the CFO.

10                   “(3) (A) Except as provided in subparagraph (B) of this paragraph, the report  
11 required pursuant to paragraph (1) of this subsection shall contain, to the extent reflected in the  
12 records of the financial institution:

13                                   “(i) The full name of the obligor;

14                                   “(ii) The address of the obligor;

15                                   “(iii) The social security number, or other taxpayer identification  
16 number, of the obligor;

17                                   “(iv) Any other identifying information needed to ensure positive  
18 identification of the obligor; and

19                                   “(v) For each account of the obligor, the obligor's account number  
20 and balance.

21                   “(B) For a financial institution that submits reports through the Federal  
22 Parent Locator Service under 42 U.S.C. § 666(a)(17), a report that contains the information that



1 meets the specifications required for financial data match reports under the Federal Parent  
2 Locator Service shall meet the requirements of this subsection.

3 “(c) A financial institution that submits a report in compliance with this section is not  
4 liable to any person for:

5 “(1) Disclosure of any information submitted to the CFO in accordance with this  
6 section; or

7 “(2) Any other action taken in good faith to comply with the requirements of this  
8 section.

9 “(d) The Mayor may institute civil proceedings to enforce this section through the Office  
10 of Attorney General for the District of Columbia.

11 “(e) For the purposes of this section, the term:

12 (1) "Account" means any funds from a demand deposit account, checking  
13 account, negotiable order of withdrawal account, savings account, time deposit account, money  
14 market mutual fund account, or certificate of deposit account, any funds paid towards the  
15 purchase of shares or other interest in a financial institution, and any funds or property held by a  
16 financial institution, and does not include an account or portion of an account to which an  
17 obligor does not have access due to the pledge of the funds as security for a loan or other  
18 obligation, funds on property deposited to an account after the time that the financial institution  
19 initially attaches the account, an account or portion of an account to which the financial  
20 institution has a present right to exercise a right of setoff, an account or portion of an account  
21 that has an account holder of interest named as an owner on the account, or an account or portion  
22 of an account to which the obligor does not have an unconditional right of access.

1                   “(2) "Account holder of interest" means any person, other than the obligor, who  
2 asserts an ownership interest in an account.

3                   “(3) “CFO” means the Chief Financial Officer of the District of Columbia.

4                   “(4) "Financial institution" means a:

5                                 “(A) Depository institution, as defined in the Federal Deposit Insurance  
6 Act under 12 U.S.C. § 1813(c);

7                                 “(B) Federal credit union or State credit union, as defined in the Federal  
8 Credit Union Act under 12 U.S.C. § 1752;

9                                 “(C) Benefit association, insurance company, safe deposit company,  
10 money market mutual fund, or similar entity doing business in the state that holds property or  
11 maintains accounts reflecting property belonging to others.

12                   “(5) "Obligor" means a person, whose property is subject to a tax lien.”.

13                   **SUBTITLE J. STANDARD DEDUCTION WITHHOLDING EXCLUSION ACT**

14                   Sec. 8091. Short title.

15                   This subtitle may be cited as the “Standard Deduction Withholding Exclusion Act of  
16 2011”.

17                   Sec. 8092. Section 47-1812.08(e) of the District of Columbia Official Code is amended  
18 as follows:

19                   (a) Paragraph (8) is amended as follows:

20                                 (1) Strike the phrase “An employee” and insert the phrase “Except as provided in  
21 paragraph (8A), an employee” in its place.

22                                 (2) Strike the phrase “the excess of:” and insert the phrase “his or her estimated  
23 itemized deductions.” in its place.

1 (3) Subparagraphs (A) and (B) are repealed.

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

3 “(8A) Beginning for periods after December 31, 2011, an employee shall be entitled to  
4 additional withholding exemptions under this subsection with respect to payment of wages equal  
5 to a number determined by dividing by \$1,370 for taxable years beginning after December 31,  
6 1990, his or her estimated itemized deductions.”.

7 **SUBTITLE K. DETERMINATION OF CALCULATED RATE FOR FISCAL**  
8 **YEAR 2012**

9 Sec. 8101. Short title.

10 This subtitle may be cited as the “Determination of Calculated Rate for Fiscal Year 2012  
11 Act of 2011”.

12 Sec. 8102. Section 47-812(b-9)(2)(A)(i) of the District of Columbia Official Code is  
13 amended by striking the phrase “subparagraph (B) of this paragraph; and” and inserting  
14 “subparagraph (B) of this paragraph; provided, that for the tax year beginning October 1, 2011,  
15 the tax rate shall be \$1.65 of each \$100 of assessed value; and” in its place.

16 **SUBTITLE L. WITHHOLDING TAX ON DISTRIBUTION FROM**  
17 **RETIREMENT ACCOUNTS**

18 Sec. 8111. Short title.

19 This subtitle may be cited as the “Withholding Tax on Distributions from Retirement  
20 Accounts Act of 2011”.

21 Sec. 8112. Section 47-1812.08 is amended by adding a new subsection (m) to read as  
22 follows:

1           “(m)(1) If a resident payee receives an early distribution from a retirement plan or  
2 account retirement account or retirement plan or pursuant to § 3405 of the Internal Revenue  
3 Code and the payment is subject to mandatory withholding of federal income tax, District tax  
4 shall be withheld by the payor of that distribution at the highest District income tax rate as exists  
5 at the time of receipt of that distribution.

6           “(2) For the purposes of this subsection, the terms “retirement account” or  
7 “retirement plan” mean:

8                   “(A) A qualified employee plan;

9                   “(B) A qualified employee annuity plan;

10                  “(C) A defined contribution plan;

11                  “(D) A tax sheltered annuity plan;

12                  “(E) A individual retirement account;

13                  “(F) Any combination of the plans and account listed in subparagraphs (A)

14 through (E); or

15                  “(G) Any similarly situated plan as defined by the Internal Revenue Code.

16           “(3) This subsection shall be applicable for periods beginning after December 31,  
17 2011.”.

18           **SUBTITLE M. OFF-PREMISE ALCOHOL AMENDMENTS**

19           Sec. 8121. Short title.

20           This subtitle may be cited as the “Off-premise Alcohol Act of 2011”.

21           Sec. 8122. Section 25-722 of the District of Columbia Official Code is amended as

22 follows:

23           (a) Subsection (a) is amended by striking the phrase “10:00 p.m.” and inserting the word

1 “midnight” in its place.

2 (b) Subsection (b) is amended by striking the phrase “10:00 p.m.” and inserting the word  
3 “midnight” in its place.

4 Sec. 8123. Section 47-2002(3A) is amended by striking the figure “9%” and inserting the  
5 figure “10%” in its place.

6 Sec. 8124. This subtitle shall apply as of July 1, 2011.

7 **SUBTITLE N. COMMUNITY BENEFITS FUND AMENDMENT**

8 Sec. 8131. Short title.

9 This subtitle may be cited as the “Community Benefits Fund Amendment Act of 2011”.

10 Sec. 8132. Section 202 of the Ballpark Omnibus Financing and Revenue Act of 2004,  
11 effective April 8, 2005 (D.C. Law 15-320; D.C. Official Code § 10-1602.02), is amended by  
12 adding a new subsection (c) to read as follows:

13 “(c) This section shall be subject to the inclusion of its fiscal effect in an approved budget  
14 and financial plan.”.

15 **SUBTITLE O. OPENING HOURS AMENDMENT**

16 Sec. 8141. Short title.

17 This subtitle may be cited as the “Opening Hours Act of 2012”.

18 Sec. 8142. Section 25-723(b)(3) of the District of Columbia Official Code is amended to  
19 read as follows:

20 “(3) 3:00 a.m. and 8:00 a.m. on Sunday.”.

21 [Sec. 8143. Of the sales and excise tax revenue certified by the Chief Financial Officer as](#)  
22 [being generated each year by this subtitle, \\$460,000 shall be used to fund the Reimbursable](#)  
23 [Detail Subsidy Program in the Alcoholic Beverage Regulation Administration.](#)

1       **SUBTITLE P. INTEREST EARNED ON OUT-OF-STATE BONDS**

2       Sec. 8151. Short title.

3       This subtitle may be cited as the “Interest Earned on Out-of-State Bonds Act of 2011”.

4       Sec. 8152. Section 47-1803.02(a) of the District of Columbia Official Code is amended  
5 as follows:

6       (a) Paragraph (1) is amended to read as follows:

7               “(1)(A) For taxpayers other than individuals, estates, and trusts, interest upon the  
8 obligations of a state, territory of the United States, or any political subdivision thereof, but not  
9 including the District, shall be included in the computation of District gross income.

10               “(B) For individuals, estates, and trusts, interest upon the obligations of a  
11 state, territory of the United States, or any political subdivision thereof, but not including the  
12 District, acquired by the taxpayer after October 1, 2011, shall be included in the computation of  
13 District gross income.”.

14       (b) A new paragraph (1A) is added to read as follows:

15               “(1A)(A) For individuals, estates, and trusts, interest upon the obligations of a  
16 state, territory of the United States, or any political subdivision thereof, but not including the  
17 District, acquired by the taxpayer before October 1, 2011, shall be included in the computation of  
18 District gross income.

19               “(B) This paragraph shall not apply if, for fiscal year 2012, the Chief  
20 Financial Officer certifies that annual revenue will exceed the annual revenue estimate  
21 incorporated in the approved financial plan and budget for the fiscal year by an amount sufficient  
22 to offset the loss of revenue proceeding from the inapplicability of this paragraph as set forth in

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**Deleted:** acquired by the taxpayer after October 1, 2011,

1 the Contingency for Additional Estimated Revenue Act of 2011, passed on 2nd reading on June  
2 7, 2011 (Enrolled version of Bill 19-203).”.

3 Sec. 8153. Applicability.

4 This subtitle shall apply for tax years beginning January 1, 2011.

5 **SUBTITLE Q. INTERNET SALES TAX**

6 Sec. 8161. Short title.

7 This subtitle may be cited as the “Internet Sales Tax Act of 2011”.

8 Sec. 8162. Section 47-2001 of the District of Columbia Official Code is amended as  
9 follows:

10 (a) A new subsection (h-2) is added to read as follows:

11 “(h-2) “Nexus-vendor” means a vendor that has a physical presence within the District of  
12 Columbia, such as property or retail outlets, selling via the internet property or rendering services  
13 to a purchaser in the District.”.

14 (b) Subsection (n) is amended as follows:

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

16 (A) Strike the phrase “means the sale in any quantity or quantities of any  
17 tangible personal property or service taxable” and insert the phrase “mean the sale in any  
18 quantity or quantities of any tangible personal property or service, including any such sales  
19 effected via the internet by a nexus-vendor, taxable” in its place.

20 (B) Strike the phrase “Said term shall mean” and insert the phrase “These  
21 terms mean” in its place.

1 (2) Paragraph (2)(C) is amended by striking the phrase “is not in the District at the  
2 time of such execution;” and inserting the phrase “is not in the District at the time of the  
3 execution and is not sold by a nexus-vendor;” in its place.

4 (c) Subsection (w) is amended by striking the phrase “retailer selling” and inserting the  
5 phrase “retailer, including a nexus-vendor, selling” in its place.

6 **SUBTITLE R. MAIN STREET TAX FAIRNESS**

7 Sec. 8171. Short title.

8 This subtitle may be cited as the “District of Columbia Main Street Tax Fairness Act of  
9 2011”.

10 Sec. 8172. Title 47 of the District of Columbia Official Code is amended as follows:

11 (a) The table of contents for the title is amended by adding a new chapter designation  
12 “39A. Internet Tax.” after the chapter designation “39. Toll Telecommunication Service Tax.”.

13 (b) A new Chapter 39A is added to read as follows:

14 “Chapter 39A. Internet Tax

15 “Sec.

16 “47-3931. Definitions.

17 “47-3932. Imposition of tax.

18 “47-3933. Scope.

19 “§ 47-3931. Definitions.

20 “For the purposes of this chapter, the term:

21 “(1) “Exempted vendor” means a remote-vendor that in accordance with local law  
22 has a specified level of cumulative gross receipts from internet sales to purchasers in the District  
23 that exempt it from the requirement to collect remote sales taxes pursuant to this chapter.



1                   “(2) “Person” means an individual, trust, estate, fiduciary, partnership,  
2 corporation, limited liability company, or any other legal entity.

3                   “(3) “Remote-vendor” means a seller, whether or not it has a physical presence or  
4 other nexus within the District of Columbia selling via the internet property or rendering a  
5 service to a purchaser in the District.

6                   “(4) “Remote sales taxes” means District sales and use taxes when applied to a  
7 property or service sold by a vendor via the internet to a purchaser in the District

8                   “(5) “Vendor” means a person or retailer, including a remote-vendor, selling  
9 property or rendering a service to a purchaser in the District of Columbia, the receipts from  
10 which a sales and use tax may be imposed pursuant to District law or this chapter.

11 “47-3932. Imposition of tax.

12                   “(a) Within 120 days of the effective date of this chapter, the District government shall  
13 require every remote-vendor not qualifying as an exempted vendor to collect and remit to the  
14 District remote sales taxes on sales made via the internet to a purchaser in the District of  
15 Columbia; provided, that the District government has established pursuant to local law:

16                   “(1) A registry, with privacy and confidentiality controls so that it cannot be used  
17 for any purpose other than the administration of remote sales taxes, where each remote-vendor,  
18 not qualifying as an exempted vendor, shall be required to register;

19                   “(2) Appropriate protections for consumer privacy;

20                   “(3) A means for a remote-vendor to determine the current District sales and use  
21 tax rate and taxability;

22                   “(4)(A) A formula and procedure that permits a remote-vendor to deduct  
23 reasonable compensation for expenses incurred in the administration, collection, and remittance

1 of remote sales taxes, other than remote sales taxes paid by the remote-vendor for goods or  
2 services purchased for its own consumption.

3 “(B) The compensation authorized by subparagraph (A) of this paragraph  
4 may be claimed by a third-party service provider that the remote-vendor has contracted with to  
5 perform the responsibilities related to the administration, collection, and remittance of remote  
6 sales taxes;

7 “(5) The date that the collection of remote sales taxes shall commence;

8 “(6) A small-vendor exemption, including a process for an exempted vendor to  
9 apply for a certificate of exemption;

10 “(7) Subject to “§ 47-3933, the products and types of products that shall be  
11 exempt from the remote sales taxes; and

12 “(8) Rules:

13 “(A) For accounting for bad debts and rounding;

14 “(B) That address refunds and credits for remote sales taxes

15 relating to:

16 “ (i) Customer returns;

17 “(ii) Restocking fees;

18 “(iii) Discounts; and

19 “(iv) Coupons;

20 “(C) For allocating shipping and handling and discounts that apply  
21 to multiple items;

22 “(D) Regarding notice and procedural requirements for registry  
23 enrollment by remote-vendors; and

1                   “(E) That the Mayor determines are necessary or appropriate to  
2 further the purposes of this chapter; and

3                   “(9) A plan to substantially reduce the administrative burdens associated with  
4 sales and use taxes, including remote sales taxes.

5                   “(b) Every remote-vendor that does not qualify as an exempted vendor shall register with  
6 the District pursuant to subsection (a)(1) of this section, in accordance with local law or rules  
7 issued pursuant to local law or this chapter.

8 “§ 47-3933. Scope.

9                   “(a) Nothing in this chapter shall require the District to exempt or to impose a tax on any  
10 product or to adopt any particular type of tax, or to impose the same rate of tax as any other  
11 taxing jurisdiction that collects remote sales taxes.

12                   “(b) Nothing in this chapter permits or prohibits the District from:

13                   “(1) Licensing or regulating a person;

14                   “(2) Requiring a person to qualify to transact remote selling;

15                   “(3) Subjecting a person to District taxes not related to the sale of goods or  
16 services;

17                   “(4) Exercising authority over matters of interstate commerce.”.

18                   Sec. 8173. This subtitle shall apply upon enactment by Congress.

19                   **SUBTITLE S. HOSPITAL ASSESSMENT AMENDMENT**

20                   Sec. 8181. Short title.

21                   This subtitle may be cited as the “Hospital Assessment Amendment Act of 2011”.

22                   Sec. 8182. Section 5014(a)(2) of the Hospital Assessment Act of 2010, effective

23 September 24, 2010 (D.C. Law 18-223; D.C. Official Code § 44-633(a)(2)), is amended by

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1 [striking the phrase “For fiscal years 2011 through 2014, \\$1,500 per licensed bed,” and inserting](#)  
2 [the phrase “For fiscal year 2011, \\$2,529 per licensed bed and for fiscal years 2012 through 2014,](#)  
3 [\\$3,788 per licensed bed,” in its place.](#)

4 **TITLE IX. SPECIAL PURPOSE AND DEDICATED REVENUE FUND**

5 **TRANSFERS**

6 Sec. 9001. Short title.

7 This title may be cited as the “Fiscal Year 2012 Transfer of Special Purpose Funds Act of  
8 2011”.

9 Sec. 9002. DUI Fund.

10 Section 10(b)(3) of District of Columbia Traffic Act of 1925, approved March 3, 1925  
11 (43 Stat. 1119; D.C. Official Code § 50-2201.05(b)(3)), is amended by striking the phrase “,  
12 shall be used by the District of Columbia exclusively for the enforcement and prosecution of the  
13 District traffic alcohol laws, and shall remain available until expended”.

14 Sec. 9003. Anti-Trust Fund and Consumer Protection Fund.

15 Title 28 of the District of Columbia Official Code is amended as follows:

16 (a) Section 28-3911 is repealed.

17 (b) Section 28-4516 is repealed.

18 Sec. 9004. Antifraud Fund.

19 The District of Columbia Procurement Practices Act of 1985, effective February 21, 1986  
20 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*), is amended as follows:

21 (a) Section 815(f)(1) (D.C. Official Code § 2-308.15(f)(1)), is amended by striking the  
22 second sentence.

23 (b) Section 816 (D.C. Official Code § 2-308.20) is repealed.

1           Sec. 9005. Utilities Payment for Non-DC Agencies.

2           Notwithstanding any other law, the fund which is designated for accounting purposes by  
3 the Office of the Chief Financial Officer as fund 1150 within the Office of Finance and Resource  
4 Management shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal  
5 year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia.

6           Sec. 9006. Payroll Service Fees.

7           Notwithstanding any other law, the fund which is designated for accounting purposes by  
8 the Office of the Chief Financial Officer as fund 0602 within the Office of the Chief Financial  
9 Officer shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal year  
10 shall revert to the unrestricted fund balance of the General Fund of the District of Columbia.

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11          Sec. 9007. Service Contracts.

12          Notwithstanding any other law, the fund which is designated for accounting purposes by  
13 the Office of the Chief Financial Officer as fund 0603 within the Office of the Chief Financial  
14 Officer shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal year  
15 shall revert to the unrestricted fund balance of the General Fund of the District of Columbia.

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**Deleted:** Section 1707 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2-139; D.C. Official Code § 1-617.07), is amended by striking the phrase "agreement." and inserting the phrase "agreement. The fees collected pursuant to this section shall be deposited into the unrestricted General Fund of the District of Columbia." in its place.

16          Sec. 9008. Dishonored Check Fees.

17          Section 1g of an Act To authorize the Commissioners of the District of Columbia to  
18 prescribe penalties for the handling and collection of dishonored checks, approved September 28,  
19 1965 (79 Stat. 844; D.C. Official Code § 1-333.11(g)), is amended by striking the phrase  
20 "nonlapsing fund to be known as the Dishonored Check Fee Collection Fund ("Fund"); provided,  
21 that any funds deposited in the Fund in the year prior to a current year and the interest earned on  
22 that money remaining in the Fund after the payment of the costs accrued in the prior year, less  
23 10% of the remainder amount that shall be retained as a reserve operating balance, shall be

1 transferred or revert to the General Fund of the District of Columbia. All funds obtained from the  
2 fees authorized by this section, shall be deposited into the Fund and shall be used, subject to  
3 authorization by Congress in an appropriations act, to pay the costs of operating and maintaining  
4 the office or offices responsible for processing the fees authorized by this section” and inserting  
5 the phrase “lapsing fund to be known as the Dishonored Check Fee Collection Fund (“Fund”).  
6 Any monies deposited in the Fund shall be used exclusively for the purposes set forth in this  
7 section. Any unexpended funds in the Fund at the end of a fiscal year shall revert to the  
8 unrestricted fund balance of the General Fund of the District of Columbia” in its place.

9 Sec. 9009. Miscellaneous Revenue.

10 Notwithstanding any other law, the fund which is designated for accounting purposes by  
11 the Office of the Chief Financial Officer as fund 0607 within the Office of the Chief Financial  
12 Officer shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal year  
13 shall revert to the unrestricted fund balance of the General Fund of the District of Columbia.

14 Sec. 9010. Bank Fees.

15 Notwithstanding any other law, the fund which is designated for accounting purposes by  
16 the Office of the Chief Financial Officer as fund 0610 within the Office of the Chief Financial  
17 Officer shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal year  
18 shall revert to the unrestricted fund balance of the General Fund of the District of Columbia.

19 Sec. 9011. Tax Collection Fees.

20 Notwithstanding any other law, the fund which is designated for accounting purposes by  
21 the Office of the Chief Financial Officer as fund 0611 within the Office of the Chief Financial  
22 Officer shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal year

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1 | [shall revert to the unrestricted fund balance of the General Fund of the District of Columbia.](#)

2 | Sec. 9012. Unclaimed Property Contingency Fund.

3 | Section 123(b)(1) of the Uniform Disposition of Unclaimed Property Act of 1980,  
4 | effective March 5, 1981 (D.C. Law 3-160; D.C. Official Code § 41-123(b)(1)), is amended by  
5 | adding a new sentence at the end to read as follows:

6 | “Any monies unexpended at the end of a fiscal year shall revert to the unrestricted fund  
7 | balance of the General Fund of the District of Columbia.”.

8 | Sec. 9013. Defined Contribution Plan Administration.

9 | Notwithstanding any other law, the fund which is designated for accounting purposes by  
10 | the Office of the Chief Financial Officer as fund 0614 within the Office of the Chief Financial  
11 | Officer shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal year  
12 | shall revert to the unrestricted fund balance of the General Fund of the District of Columbia.

13 | Sec. 9014. Compliance and Real Property Tax Administration Fund.

14 | Section 47-317.08 of the District of Columbia Official Code is repealed.

15 | Sec. 9015. DC Lottery Reimbursement Fund.

16 | Notwithstanding any other law, the fund which is designated for accounting purposes by  
17 | the Office of the Chief Financial Officer as fund 0619 within the Office of the Chief Financial  
18 | Officer shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal year  
19 | shall revert to the unrestricted fund balance of the General Fund of the District of Columbia.

20 | Sec. 9016. OPEB Trust Administration

21 | Notwithstanding any other law, the funds which are deposited in the fund designated for  
22 | accounting purposes by the Office of the Chief Financial Officer as fund 0623 within the Office  
23 | of the Chief Financial Officer shall be deposited in the General Fund of the District of Columbia

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**Deleted:** Title 47 of the D.C. Official Code is amended as follows: -  
Section 47-4405 is amended by striking the phrase “month.” and inserting the phrase “month. The funds collected pursuant to this paragraph shall be deposited into the unrestricted fund balance of the General Fund of the District of Columbia.” in its place. -

1 and shall not be accounted for by a separate fund or account within the General Fund of the  
2 District of Columbia. Any unexpended funds in the fund on the effective date of this subtitle  
3 shall be transferred to the unrestricted fund balance of the General Fund of the District of  
4 Columbia.

5 Sec. 9017. Parking Fees.

6 Section 1806k of the Fiscal Year 1999 Budget Support Act of 1998, effective March 26,  
7 1999, (D.C. Law 12-175; D.C. Official Code § 10-1016) is repealed.

8 Sec. 9018. Rent.

9 Section 5 of the District of Columbia Appropriations Act, 1955, approved July 1, 1954  
10 (68 Stat. 393; D.C. Official Code § 10-701) is repealed.

11 Sec. 9019. Distribution Fees.

12 (a) Section (i)(1) of An Act To grant additional powers to the Commissioners of the  
13 District of Columbia, and for other purposes, approved December 20, 1944 (58 Stat. 819; D.C.  
14 Official Code § 1-301.01), is amended by striking the phrase “General Fund” and inserting the  
15 phrase “unrestricted fund balance of the General Fund of the District of Columbia” in its place.

16 (b) Section 558(b) of An Act To establish a code of law for the District of Columbia,  
17 approved March 3, 1901 (31 Stat. 1279), is amended by adding a new sentence at the end of  
18 subsection (b) to read as follows: “All proceeds collected pursuant to this section shall be  
19 deposited into the unrestricted fund balance of the General Fund of the District of Columbia.”

20 Sec. 9020. Defined Benefits Retirement Program Fund.

21 Notwithstanding any other law, the fund which is designated for accounting purposes by  
22 the Office of the Chief Financial Officer as fund 0615 within the Department of Human



1 Resources shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal  
2 year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia.

3 Sec. 9021. Reimbursables from Other Governments Fund.

4 Notwithstanding any other law, the fund which is designated for accounting purposes by  
5 the Office of the Chief Financial Officer as fund 1555 within the Department of Human

6 Resources shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal  
7 year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia.

8 Sec. 9022. District of Columbia Surplus Property Sales Revolving Fund.

9 Section 804 of the Procurement Practices Reform Act of 2010, effective April 8, 2011  
10 (D.C. Law 18-371; D.C. Official Code \_\_\_\_\_) is repealed.

11 Sec. 9023. DC Supply Schedule, Purchase Card, and Training Fund.

12 Section 1103(d) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C.  
13 Law 18-371; D.C. Official Code \_\_\_\_\_), is amended to read as follows:

14 “(d) All funds received pursuant to this section shall be deposited in the unrestricted fund  
15 balance of the General Fund of the District of Columbia.”

16 Sec. [9024](#). Fixed Cost Payments for Non-DC Agencies.

17 Notwithstanding any other law, the fund which is designated for accounting purposes by  
18 the Office of the Chief Financial Officer as fund 1150 within the Fixed Cost – Department of  
19 Real Estate Services shall be a lapsing fund and any unexpended funds in the fund at the end of a  
20 fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of  
21 Columbia.

22 Sec. [9025](#). ABC – Keg Registration Fees.

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**Deleted:** -  
- Sec. 9024. SERV US Program Fund. -  
- Section 1004 of The Fiscal Year 2008 Budget Support Act of 2007, effective September 18, 2007 (D.C. Law 17-20; D.C. Official Code § 1-1433), is amended as follows: -  
- (a) Section 1004(a) is amended by striking the word “nonlapsing” and inserting the word “lapsing”.  
- (b) Section 1004(b) is amended by striking the phrase “not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (a) of this section without regard to fiscal year limitation, subject to authorization by Congress” and inserting the phrase “be used exclusively for the purposes set forth in subsection (a) of this section. Any unexpended funds in the Technology Infrastructure Services Support Fund at the end of a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia” in its place.

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1 Notwithstanding any other law, the funds which are deposited in the fund designated for  
2 accounting purposes by the Office of the Chief Financial Officer as fund 6018 within the  
3 Alcoholic Beverage Regulation Administration shall be deposited in the Alcoholic Beverage  
4 Regulation Administration Fund, established by D.C. Official Code § 25-210(a), and shall not be  
5 accounted for by a separate fund or account. Any unexpended funds in fund 6018 on the  
6 effective date of this subtitle shall be transferred to the Alcoholic Beverage Regulation  
7 Administration Fund.

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8 Sec. 9026. Funds for AWC NEDCO EDFC and Funds from AWC & NCRC  
9 Development.

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10 The National Capital Revitalization Corporation and Anacostia Waterfront Corporation  
11 Reorganization Act of 2008, effective March 26, 2008 (D.C. Law 17-138; D.C. Official Code §  
12 2-1225.01 *et. seq.*), is amended as follows:

13 (a) Section 102(g)(3) (D.C. Official Code § 2-1225.02(g)(3)) is amended by striking the  
14 phrase “Economic Development Special Account established by § 2-1225.21” and inserting the  
15 phrase “General Fund of the District of Columbia”.

16 (b) Section 301 (D.C. Official Code § 2-1225.21) is repealed.

17 Sec. 9027. Commercial Trust Fund.

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18 Notwithstanding any other law, the funds which are deposited in the fund designated for  
19 accounting purposes by the Office of the Chief Financial Officer as fund 0622 within the  
20 Department of Small and Local Business Development shall be deposited in the General Fund of  
21 the District of Columbia and shall not be accounted for by a separate fund or account within the  
22 General Fund of the District of Columbia. Any unexpended funds in the fund on the effective

1 date of this subtitle shall be transferred to the unrestricted fund balance of the General Fund of  
2 the District of Columbia.

3 | Sec. 9028. Film DC Economic Incentive/Production Support.

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4 | Section 2e(a) of the Film DC Economic Incentive Act of 2006, effective March 14, 2007  
5 (D.C. Law 16-290; D.C. Official Code § 39-501.05(a), is amended to read as follows:

6 | “(a) There is established as a lapsing fund the Film DC Special Account Fund (“Fund”),  
7 which shall be used exclusively for the purposes set forth in subsection (b)(3) of this section.  
8 Any unexpended funds in the Film DC Special Account Fund at the end of a fiscal year shall  
9 revert to the unrestricted fund balance of the General Fund of the District of Columbia.”.

10 | Sec. 9029. Low-Income Housing Tax Credit Fund.

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11 | Section 3 of The Low-Income Housing Tax Credit Fund Act of 2004, effective  
12 September (D.C. Law 15-299; D.C. Official Code § 42-2853.02(a)), is amended by striking the  
13 phrase “nonlapsing fund separate from the General Fund of the District of Columbia, to be  
14 known as the Low-Income Housing Tax Credit Fund (“Fund”). All user fees collected under this  
15 chapter, and all interest earned on those user fees, shall be deposited into the Fund, shall be  
16 available without regard to fiscal year limitation, and shall not revert to the General Fund of the  
17 District of Columbia at the end of any fiscal year or at any other time. The money in the Fund  
18 shall be continually available to the Department for the uses and purposes set forth in this  
19 chapter, subject to authorization by the Council and Congress” and inserting the phrase “lapsing  
20 fund known as the Low-Income Housing Tax Credit Fund (“Fund”). All monies received shall  
21 be used for the uses and purposes set forth in this chapter, subject to authorization by the Council  
22 and Congress. Any unexpended monies in the Fund shall revert to the unrestricted fund balance  
23 of the General Fund of the District of Columbia”.

1 | Sec. 9030. DHCD Nuisance Abatement.

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2 | Notwithstanding any other law, the funds which are deposited in the fund designated for  
3 | accounting purposes by the Office of the Chief Financial Officer as fund 0608 within the  
4 | Department of Housing and Community Development shall be deposited in the General Fund of  
5 | the District of Columbia and shall not be accounted for by a separate fund or account within the  
6 | General Fund of the District of Columbia. Any unexpended funds in the fund on the effective  
7 | date of this subtitle shall be transferred to the unrestricted fund balance of the General Fund of  
8 | the District of Columbia.

9 | Sec. 9031. Condo Conversion Fees.

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10 | Section 307 of The Rental Housing Conversion and Sale Act of 1980, effective  
11 | September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3403.07), is repealed.

12 | Sec. 9032. Rental Accommodation Fees.

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13 | Section 401(b) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-  
14 | 10; D.C. Official Code § 42-3504.01(b)), is repealed.

15 | Sec. 9033. Special Events Revolving.

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16 | Section 47-2826(b) of the District of Columbia Official Code is amended by adding a  
17 | new sentence at the end to read as follows:

18 | “All funds received but not expended in a fiscal year shall revert to the unrestricted fund  
19 | balance of the General Fund of the District of Columbia.”

20 | Sec. 9034. Boxing Commission Revolving Account.

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21 | Section 7 of the District of Columbia Boxing and Wrestling Commission Act, effective  
22 | October 8, 1975 (D.C. Law 1-20; D.C. Official Code § 3-606(c)), is amended by adding a new  
23 | sentence at the end of subsection (c) to read as follows: “Any monies received but not expended

1 at the end of a fiscal year shall lapse into the unrestricted fund balance of the General Fund of the  
2 District of Columbia.”

3 | Sec. [9035](#). Fire Protection Special Revolving Fund.

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4 Subsection (a) of An Act of July 11, 1919, approved July 11, 1919 (41 Stat. 69; D.C.  
5 Official Code § 6-703.01), is amended by striking the phrase “Treasury of the United States to  
6 the credit of the”.

7 | Sec. [9036](#). Construction/Zoning Compliance Management Fund.

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8 Section 7a of the Construction Codes Approval and Amendments Act of 1986, effective March  
9 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1406.01) is repealed.

10 | Sec. [9037](#). Enhanced Surveyor Fund.

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11 Section 1593(e) of an Act To establish a code of law for the District of Columbia, approved  
12 March 3, 1901 (31 Stat. 1426; D.C. Official Code § 1-1329), is repealed.

13 | Sec. [9038](#). Securities Broker/Dealer Licenses/Investment Advisor’s Licenses/Captive  
14 Insurance/Banking Trust Fund.

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15 Section 8(b-2) of the Department of Insurance and Securities Regulation Establishment  
16 Act of 1996, effective May 21, 1997 (D.C. Law 11-268; D.C. Official Code § 31-107(b-2)), is  
17 amended by striking the word “all funds” and inserting the phrase “all proceeds from licensure  
18 and any funds” in its place.

19 | Sec. [9039](#). Data Processing Fund.

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20 Notwithstanding any other law, the funds which are deposited in the fund designated for  
21 accounting purposes by the Office of the Chief Financial Officer as fund 1431 within the  
22 Metropolitan Police Department shall be deposited in the General Fund of the District of  
23 Columbia and shall not be accounted for by a separate fund or account within the General Fund

1 of the District of Columbia. Any unexpended funds in the fund on the effective date of this  
2 subtitle shall be transferred to the unrestricted fund balance of the General Fund of the District of  
3 Columbia.

4 | Sec. 9040. Reimbursable from Other Governments (Police and Fire Clinic  
5 Reimbursement Fund).

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6 Notwithstanding any other law, the fund which is designated for accounting purposes by  
7 the Office of the Chief Financial Officer as fund 1555 within the Metropolitan Police  
8 Department shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal  
9 year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia.

10 | Sec. 9041. Sale of Unclaimed Property.

Thomas I. Moir 6/9/11 4:34 PM  
Deleted: 9042

11 Notwithstanding any other law, the funds which are deposited in the fund designated for  
12 accounting purposes by the Office of the Chief Financial Officer as fund 1607 within the  
13 Metropolitan Police Department shall be deposited in the General Fund of the District of  
14 Columbia and shall not be accounted for by a separate fund or account within the General Fund  
15 of the District of Columbia. Any unexpended funds in the fund on the effective date of this  
16 subtitle shall be transferred to the unrestricted fund balance of the General Fund of the District of  
17 Columbia.

18 | Sec. 9042. MPD Miscellaneous Fund.

Thomas I. Moir 6/9/11 4:34 PM  
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19 Notwithstanding any other law, the fund which is designated for accounting purposes by  
20 the Office of the Chief Financial Officer as fund 1614 within the Metropolitan Police  
21 Department shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal  
22 year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia.

23 | Sec. 9043. Automated Traffic Enforcement Fund.

Thomas I. Moir 6/9/11 4:34 PM  
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1 Notwithstanding any other law, the funds which are deposited in the fund designated for  
2 accounting purposes by the Office of the Chief Financial Officer as fund 1660 within the  
3 Metropolitan Police Department shall be deposited in the General Fund of the District of  
4 Columbia and shall not be accounted for by a separate fund or account within the General Fund  
5 of the District of Columbia. Any unexpended funds in the fund on the effective date of this  
6 subtitle shall be transferred to the unrestricted fund balance of the General Fund of the District of  
7 Columbia.

8 Sec. [9044](#). Gambling Proceeds.

Thomas I. Moir 6/9/11 4:34 PM  
Deleted: 9045

9 Section 866(c) of An Act To establish a code of law for the District of Columbia,  
10 approved March. 3, 1901 (31 Stat. 1331; D.C. Official Code § 22-1705(c)), is amended by  
11 striking the phrase “Treasury of the United States to the credit” and inserting the phrase “General  
12 Fund”.

13 Sec. [9045](#). (Other Revenue) Fire and Medical Emergency Training Fund.

Thomas I. Moir 6/9/11 4:34 PM  
Deleted: 9046

14 Section 703 of the Fiscal Year 2004 Budget Support Act of 2003, effective November 13,  
15 2003 (D.C. Law 15-39; D.C. Official Code § 5-432), is amended as follows:

16 (a) Subsection (a) is amended [by striking the phrase “nonlapsing, revolving” and](#)  
17 [inserting the phrase “lapsing” in its place.”](#).

Thomas I. Moir 6/9/11 4:06 PM  
Deleted: to read a sentence at the end to read as follows: “There is established as a lapsing fund, the Fire and Emergency Medical Services Training Fund (“Fund”).

18 (b) Subsection (c) is repealed.

19 Sec. [9046](#). Special Events.

Thomas I. Moir 6/9/11 4:36 PM  
Deleted: 9047

20 Section 47-2826 of the District of Columbia Official Code is amended by adding a new  
21 subsection (d) to read as follows:

22 “(d) All funds received under this section but not expended in a fiscal year shall revert to  
23 the unrestricted fund balance of the General Fund of the District of Columbia.”.

1 | Sec. 9047. Shelter and Transitional Housing for Victims of Domestic Violence Fund.

Thomas I. Moir 6/9/11 4:36 PM  
Deleted: 9048

2 | Section 3013(c) of the Fiscal Year 2008 Budget Support Act of 2007, effective October

3 | 1, 2002 (D.C. Law 17-20; D.C. Official Code § 4-521(c)) is amended by striking the phrase

Thomas I. Moir 6/9/11 4:31 PM  
Deleted: repealed

4 | “Office of Victim Services” and inserting the phrase “Deputy Mayor for Public Safety and the

5 | Judiciary” in its place.

6 | Sec. 9048. Adjudication fees and fines.

Thomas I. Moir 6/9/11 4:36 PM  
Deleted: 9049

7 | Section 8(b)(9) of the Office of Administrative Hearings Establishment Act of 2001,

8 | effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.05(b)(9)), is amended

9 | by striking the phrase “a portion of revenue” and inserting the word “revenues” in its place;

10 | striking the phrase “, such revenue to be maintained by the Chief Financial Officer in a non-

11 | lapsing account to fund the administrative adjudication services provided by the Office, except

12 | that such funds shall only be collected and maintained in a manner consistent with safeguarding

13 | the integrity and independence of the decisional process in matters pending before the Office;”

14 | and inserting the phrase “shall be deposited into the unrestricted fund balance of the General

15 | Fund of the District of Columbia.” in its place.

16 | Sec. 9049. Motor Vehicle Theft Prevention Fund.

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17 | (a) The Motor Vehicle Theft Prevention Act of 2008, effective July 18, 1008 (D.C. Law

Thomas I. Moir 6/9/11 4:26 PM  
Deleted: Insurance Violation Fines

18 | 17-197; D.C. Official Code § 3-1351 *et. seq.*), is amended as follows:

19 | (1) Section 2 (D.C. Official Code § 3-1351) is amended by striking the phrase

20 | “Motor Vehicle Theft Prevention Fund established by § 3-1356” and inserting the phrase

21 | “General Fund of the District of Columbia” in its place.

22 | (2) Section 7 (D.C. Official Code § 3-1356) is repealed.



1 (b) Section 15 of the Compulsory/No-Fault Motor Vehicle Insurance Act of 1982,  
2 effective September 18, 1982 (D.C. Law 4-155; D.C. Official Code § 31-2413(d)), is amended  
3 by striking the phrase “Motor Vehicle Theft Prevention Fund established by § 3-1356” and  
4 inserting the phrase “General Fund of the District of Columbia” in its place.

5 | Sec. [9050](#). Medical Examiner Fees.

Thomas I. Moir 6/9/11 4:36 PM

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6 | Section 2918a of the Establishment of the Office of the Chief Medical Examiner Act of  
7 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 5-1418), is repealed.

8 | Sec. [9051](#). E-911 Amendments.

Thomas I. Moir 6/9/11 4:36 PM

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9 (a) The Emergency and Non-Emergency Number Telephone Calling Systems Fund Act  
10 of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 34-1801 *et seq.*), is  
11 amended as follows:

12 (1) Section 603 (D.C. Official Code § 34-1802) is amended by striking the phrase  
13 “and from sources identified in section 604a”.

14 (2) Section 604a (D.C. Official Code § 34-1803.01) is repealed.

15 (b) Section 28-3911(a)(1) is amended by striking the phrase “with assets not to exceed \$  
16 3.4 million at any time. Any balance at any time in excess of \$ 3.4 million shall be deposited in  
17 the Emergency and Non-Emergency Number Telephone Calling Systems Fund, established by §  
18 34-1802”.

19 | Sec. [9052](#). Bookstore DC Public Libraries.

Thomas I. Moir 6/9/11 4:36 PM

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20 | Section 7 of the Public Library Accessory Sales Act of 1981, approved June 3, 1896  
21 (D.C. Law 4-38; D.C. Official Code § 39-107), is amended by striking the phrase “shall be used  
22 to purchase books and other publications” and inserting the phrase “or proceeds collected shall

1 be deposited into the unrestricted fund balance of the General Fund of the District of Columbia”  
2 in its place.

3 | Sec. [9053](#). Library Restricted Fines and miscellaneous funds.

Thomas I. Moir 6/9/11 4:36 PM  
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4 (a) Section 5(b) of an Act To establish and provide for the maintenance of a free public  
5 library and reading room in the District of Columbia, approved June 3, 1896 (29 Stat. 244; D.C.  
6 Official Code § 39–105(b)), is amended by striking the phrase “District of Columbia Treasurer  
7 for credit to the public library's Book Purchase Fund” and inserting the phrase “unrestricted fund  
8 balance of the General Fund of the District of Columbia” in its place.

9 (b) Notwithstanding any other law, the funds which are deposited in the fund designated  
10 for accounting purposes by the Office of the Chief Financial Officer as fund 6109 within the  
11 District of Columbia Public Library shall be deposited in the General Fund of the District of  
12 Columbia and shall not be accounted for by a separate fund or account within the General Fund  
13 of the District of Columbia. Any unexpended funds in the fund on the effective date of this  
14 subtitle shall be transferred to the unrestricted fund balance of the General Fund of the District of  
15 Columbia.

16 (c) Notwithstanding any other law, the funds which are deposited in the fund designated  
17 for accounting purposes by the Office of the Chief Financial Officer as fund 6110 within the  
18 District of Columbia Public Library shall be deposited in the General Fund of the District of  
19 Columbia and shall not be accounted for by a separate fund or account within the General Fund  
20 of the District of Columbia. Any unexpended funds in the fund on the effective date of this  
21 subtitle shall be transferred to the unrestricted fund balance of the General Fund of the District of  
22 Columbia.

23 | Sec. [9054](#). Nonresident Tuition Fees.

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1 Section 2(c) of the Nonresident Tuition Act, approved September 8, 1960 (74 Stat. 853;  
2 D.C. Official Code § 38-302(c)), is amended by striking the phrase “be reserved as a restricted  
3 fund balance and used to provide authority to expend for subsequent years subject to the  
4 direction of the State Education Office; provided, that the base of the budget of the State  
5 Education Office shall be reduced by an amount equal to the estimated revenue from nonresident  
6 tuition for fiscal year 1981” and inserting the phrase “revert to the unrestricted fund balance of  
7 the General Fund of the District of Columbia” in its place.

8 | Sec. [9055](#). Cafeteria/Vending machine sales.

Thomas I. Moir 6/9/11 4:36 PM

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9 Section 5 of the District of Columbia Food Services Act, approved October 8, 1951 (65  
10 Stat. 369; D.C. Official Code § 38-804), is amended by striking the phrase “the fiscal year 1981  
11 or each succeeding year thereafter shall be reserved as a restricted fund balance and used to  
12 provide authorization to expend for subsequent years subject to the direction of the Board of  
13 Education” and inserting the phrase “the fiscal year shall revert to the unrestricted fund balance  
14 of the General Fund of the District of Columbia” in its place.

15 | Sec. [9056](#). State Superintendent of Education Fees.

Thomas I. Moir 6/9/11 4:36 PM

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16 Section 3 of the State Education Office Establishment Act of 2000, effective October 21,  
17 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602), is amended by striking the phrase “not  
18 revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end  
19 of the fiscal year, or at any other time, but shall be continually available for the uses and  
20 purposes set forth in paragraph (3) of this subsection without regard to fiscal year limitation,  
21 subject to authorization by Congress.” and inserting the phrase “be used for the purposes set  
22 forth in paragraph (3) of this subsection. Any unexpended funds in the Academic Certification

1 and Testing Fund at the end of a fiscal year shall revert to the unrestricted fund balance of the  
2 General Fund of the District of Columbia” in its place.

3 | Sec. 9057. GED Testing Fees.

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Deleted: 9058

4 Section 2320.17 of Subtitle E of Title 5 of the District of Columbia Municipal  
5 Regulations (5-E DCMR § 2320.17) is amended by striking the phrase “GED testing” and  
6 inserting the phrase “GED testing and shall be directed to the unrestricted fund balance of the  
7 General Fund of the District of Columbia” in its place.

8 | Sec. 9058. Education Licensure Commission Site Evaluation Fund.

Thomas I. Moir 6/9/11 4:37 PM  
Deleted: 9059

9 Section 7a of the State Education Office Establishment Act of 2000, effective October  
10 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2607), is amended as follows:

11 (a) Subsection (a) is amended by striking the word “nonlapsing” and inserting the word  
12 “lapsing” in its place.

13 (b) Subsection (c) is amended by striking the phrase “not revert to the fund balance of the  
14 General Fund of the District of Columbia at the end of any fiscal year or at any other time, but  
15 shall be continually available for the uses and purposes set forth in subsection (b) of this section,  
16 subject to authorization by Congress” and inserting the phrase “be used for the purposes set forth  
17 in subsection (b) of this section. Any unexpended funds in the Fund at the end of a fiscal year  
18 shall revert to the unrestricted fund balance of the General Fund of the District of Columbia.” in  
19 its place.

20 | Sec. 9059. Office of Professional Licensure Special Account (Office of the State  
21 Superintendent).

Thomas I. Moir 6/9/11 4:37 PM  
Deleted: 9060

22 Notwithstanding any other law, the funds which are deposited in the fund designated for  
23 accounting purposes by the Office of the Chief Financial Officer as fund 6010 within the Office

1 of the State Superintendent shall be deposited in the General Fund of the District of Columbia  
2 and shall not be accounted for by a separate fund or account within the General Fund of the  
3 District of Columbia. Any unexpended funds in the fund on the effective date of this subtitle  
4 shall be transferred to the unrestricted fund balance of the General Fund of the District of  
5 Columbia.

6 | Sec. [9060](#). Pre-K Enhancement Fund.

Thomas I. Moir 6/9/11 4:37 PM  
Deleted: 9061

7 The Pre-k Enhancement and Expansion Amendment Act of 2008, effective July 18, 2008  
8 (D.C. Law 17-202; D.C. Official Code § 38-271.01 *et. seq.*), is amended as follows:

9 (a) Section 101(2) (D.C. Official Code § 38-271.01(2)) is repealed.

10 (b) Section 204 (D.C. Official Code § 38-272.04) is repealed.

11 | Sec. [9061](#). Lease Income - Office of Public Education Facilities.

Thomas I. Moir 6/9/11 4:37 PM  
Deleted: 9062

12 Section 1(c-1) of An Act to regulate the use of public school buildings and grounds in the  
13 District of Columbia, approved March 4, 1915 (38 Stat. 1190; D.C. Official Code § 38-401(c-1)),  
14 is amended by striking the phrase “Board of Education Real Property Improvement and  
15 Maintenance Fund established by the Board of Education Real Property Disposal Act of 1990”  
16 and inserting the phrase “unrestricted fund balance of the General Fund of the District of  
17 Columbia”.

18 | Sec. [9062](#). Board of Education Real Property Maintenance Improvement Fund.

Thomas I. Moir 6/9/11 4:37 PM  
Deleted: 9063

19 An Act Authorizing the sale of certain real estate in the District of Columbia no longer  
20 required for public purposes, approved Aug. 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-  
21 802), is amended as follows:

22 (a) Subsection (a) is amended by striking the phrase “with the exception of the property  
23 mentioned in subsection (b) of this section”.

1 (b) Subsection (b) is repealed.

2 | Sec. [9063](#). DPR Enterprise Fund Account.

Thomas I. Moir 6/9/11 4:37 PM  
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3 A new subsection (c)(1) to Section 4 of the Recreation Act of 1994, effective March 23,  
4 1995 (D.C. Law 10-246; D.C. Official Code § 10-303) is added to read as follows:

5 “(c)(1) All funds received but not expended in a fiscal year shall revert to the unrestricted  
6 fund balance of the General Fund of the District of Columbia.”

7 | Sec. [9064](#). Child and Family Services Transportation Fund.

Thomas I. Moir 6/9/11 4:37 PM  
Deleted: 9065

8 Section 303c of the Prevention of Child Abuse and Neglect Act of 1977, effective  
9 September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1303.03c), is repealed.

10 | Sec. [9065](#). Vital Records.

Thomas I. Moir 6/9/11 4:37 PM  
Deleted: 9066

11 Notwithstanding any other law, the funds which are deposited in the fund designated for  
12 accounting purposes by the Office of the Chief Financial Officer as fund 0606 within the  
13 Department of Health shall be deposited in the General Fund of the District of Columbia and  
14 shall not be accounted for by a separate fund or account within the General Fund of the District  
15 of Columbia. Any unexpended funds in the fund on the effective date of this subtitle shall be  
16 transferred to the unrestricted fund balance of the General Fund of the District of Columbia.

17 | Sec. [9066](#). Drug Interdiction Fund.

Thomas I. Moir 6/9/11 4:37 PM  
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18 The District of Columbia Uniform Controlled Substances Act of 1981, effective August  
19 5, 1981 (D.C. Law 4-29; D.C. Official Code, § 48-901.02 *et seq.*), is amended as follows:

20 (a) Subparagraph 502(b)(3)(B) of D.C. Official Code § 48-905.02 is amended by striking  
21 the phrase “Drug Interdiction and Demand Reduction Fund (“Fund”) created by subchapter VII  
22 of this chapter. The Fund shall remain available until expended regardless of the expiration of the

1 fiscal year in which the proceeds were collected. The Fund shall be distributed in the following  
2 descending order of priority:

3 (i) To fund law enforcement activities of the Metropolitan Police Department of  
4 the District of Columbia, except that, beginning October 1, 1990, not more than 49% of the total  
5 amount deposited to the Fund in the immediately preceding quarter-year period shall be used for  
6 this purpose in the next succeeding quarter-year period; and

7 (ii) To provide grants to fund community-based drug education, prevention, and  
8 demand reduction programs;” and inserting the phrase “unrestricted fund balance of the General  
9 Fund of the District of Columbia” in its place.

10 (b) Section 701 (D.C. Official Code § 48-907.01) is repealed.

11 | Sec. 9067. Methadone Fees.

Thomas I. Moir 6/9/11 4:37 PM  
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12 Notwithstanding any other law, the funds which are deposited in the fund designated for  
13 accounting purposes by the Office of the Chief Financial Officer as fund 0610 within the  
14 Department of Health shall be deposited in the General Fund of the District of Columbia and  
15 shall not be accounted for by a separate fund or account within the General Fund of the District  
16 of Columbia. Any unexpended funds in the fund on the effective date of this subtitle shall be  
17 transferred to the unrestricted fund balance of the General Fund of the District of Columbia.

18 | Sec. 9068. Radioactive Waste Fees.

Thomas I. Moir 6/9/11 4:37 PM  
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19 Section 5a of the District of Columbia Low-level Radioactive Waste Generator  
20 Regulatory Policy Act of 1990, effective March 7, 1991 (D.C. Law 8-226; D.C. Official Code §  
21 8-1504) is repealed.

22 | Sec. 9069. Food Handlers Certification.

Thomas I. Moir 6/9/11 4:37 PM  
Deleted: 9070

1 Notwithstanding any other law, the funds which are deposited in the fund designated for  
2 accounting purposes by the Office of the Chief Financial Officer as fund 0612 within the  
3 Department of Health shall be deposited in the General Fund of the District of Columbia and  
4 shall not be accounted for by a separate fund or account within the General Fund of the District  
5 of Columbia. Any unexpended funds in the fund on the effective date of this subtitle shall be  
6 transferred to the unrestricted fund balance of the General Fund of the District of Columbia.

7 | Sec. [9070](#). Office of Professional Licensing.

Thomas I. Moir 6/9/11 4:37 PM  
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8 Notwithstanding any other law, the funds which are deposited in the fund designated for  
9 accounting purposes by the Office of the Chief Financial Officer as fund 0617 within the  
10 Department of Health shall be deposited in the General Fund of the District of Columbia and  
11 shall not be accounted for by a separate fund or account within the General Fund of the District  
12 of Columbia. Any unexpended funds in the fund on the effective date of this subtitle shall be  
13 transferred to the unrestricted fund balance of the General Fund of the District of Columbia.

14 | Sec. [9071](#). Radiation Protection.

Thomas I. Moir 6/9/11 4:37 PM  
Deleted: 9072

15 Section 5 of the District of Columbia Low-level Radioactive Waste Generator Regulatory  
16 Policy Act of 1990, effective March 7, 1991 (D.C. Law 8-226; D.C. Official Code § 8-1504(a)),  
17 is amended by adding a sentence at the end to read as follows:

18 “Any monies not expended at the end of a fiscal year shall revert to the unrestricted fund  
19 balance of the General Fund of the District of Columbia.”.

20 | Sec. [9072](#). Animal Control License Fees Fund.

Thomas I. Moir 6/9/11 4:38 PM  
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21 Section 5 of the Animal Control Act of 1979, effective October 18, 1979, (D.C. Law 3-  
22 30; D.C. Official Code § 8-1804), is amended by adding a new subsection (e) to read as follows:



1           “(e) All the fees collected pursuant to subsection (e) of this section shall be deposited in  
2 the General Fund of the District of Columbia.”.

3           Sec. 9073. Other Medical Licenses and Fees Fund.

Thomas I. Moir 6/9/11 4:38 PM

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4           Notwithstanding any other law, the funds which are deposited in the fund designated for  
5 accounting purposes by the Office of the Chief Financial Officer as fund 0641 within the  
6 Department of Health shall be deposited in the General Fund of the District of Columbia and  
7 shall not be accounted for by a separate fund or account within the General Fund of the District  
8 of Columbia. Any unexpended funds in the fund on the effective date of this subtitle shall be  
9 transferred to the unrestricted fund balance of the General Fund of the District of Columbia.

10          Sec. 9074. Health Facility Fee Fund.

Thomas I. Moir 6/9/11 4:38 PM

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11          Notwithstanding any other law, the funds which are deposited in the fund designated for  
12 accounting purposes by the Office of the Chief Financial Officer as fund 0649 within the  
13 Department of Health shall be deposited in the General Fund of the District of Columbia and  
14 shall not be accounted for by a separate fund or account within the General Fund of the District  
15 of Columbia. Any unexpended funds in the fund on the effective date of this subtitle shall be  
16 transferred to the unrestricted fund balance of the General Fund of the District of Columbia.

17          Sec. 9075. DC General Collections Fund.

Thomas I. Moir 6/9/11 4:38 PM

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18          Notwithstanding any other law, the funds which are deposited in the fund designated for  
19 accounting purposes by the Office of the Chief Financial Officer as fund 0653 within the  
20 Department of Health shall be deposited in the General Fund of the District of Columbia and  
21 shall not be accounted for by a separate fund or account within the General Fund of the District  
22 of Columbia. Any unexpended funds in the fund on the effective date of this subtitle shall be  
23 transferred to the unrestricted fund balance of the General Fund of the District of Columbia.

1 | Sec. [9076](#). EMS Fees.

Thomas I. Moir 6/9/11 4:38 PM

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2 | Notwithstanding any other law, the fund which is designated for accounting purposes by  
3 | the Office of the Chief Financial Officer as fund 0656 within the Department of Health shall be a  
4 | lapsing fund and any unexpended funds in the fund at the end of a fiscal year shall revert to the  
5 | unrestricted fund balance of the General Fund of the District of Columbia.

6 | Sec. [9077](#). Fees for Public Health Laboratory.

Thomas I. Moir 6/9/11 4:38 PM

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7 | The Department of Health Functions Clarification Act of 2001, effective October 3, 2001  
8 | (D.C. Law 14-28; D.C. Official Code § 7-701.01 *et seq.*), is amended as follows:

9 | (a) Section 4906 (D.C. Official Code § 7-735) is repealed.

10 | (b) Section 4907 (D.C. Official Code § 7-736) is repealed.

11 | Sec. [9078](#). Regulatory Enforcement Fund.

Thomas I. Moir 6/9/11 4:38 PM

Deleted: 9079

12 | Section 4903 of the Department of Health Functions Clarification Act of 2001, effective  
13 | October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731), is repealed.

14 | Sec. [9079](#). Health Care Safety Net Revolving Fund.

Thomas I. Moir 6/9/11 4:38 PM

Deleted: 9080

15 | Section 6 of the Health Care Privatization Amendment Act of 2001, effective July 12,  
16 | 2001 (D.C. Law 14-18; D.C. Official Code § 7-1404), is repealed.

17 | Sec. [9080](#). Justice Department Fingerprinting Fund.

Thomas I. Moir 6/9/11 4:38 PM

Deleted: 9081

18 | Section 20d(a) of The District of Columbia Taxicab Commission Establishment Act of  
19 | 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-323(a)), is amended to  
20 | read as follows:

21 | “(a) There is established the Taxicab Commission Fingerprinting Fund which shall be a  
22 | lapsing fund, into which shall be deposited funds from appropriations and from fees from  
23 | applicants for hacker and limousine licenses to obtain fingerprint records through the

1 Metropolitan Police Department; which funds shall be used to make payment to the Metropolitan  
2 Police Department for the cost of obtaining the fingerprint records. The funds deposited in the  
3 Taxicab Commission Fingerprinting Fund shall be used exclusively for the purposes set forth in  
4 subsection (b) of this section. All funds received but not expended in a fiscal year shall revert to  
5 the unrestricted fund balance of General Fund of the District of Columbia.”.

6 |       Sec. [9081](#). General Enforcement Fines and Fees Fund (DDOE).  
7 |       Section 113 of the District Department of the Environment Establishment Act of 2005,  
8 | effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.13), is repealed.

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9 |       Sec. [9082](#). Underground Storage Tank Trust Fund.  
10 |       Section 6 of the “District of Columbia Underground Storage Tank, Management Act of  
11 | 1990 effective March 8, 1991 (D.C. Law 8-242; D.C. Official Code § 8-113.05), is repealed.

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12 |       Sec. [9083](#). Pesticide Product Registration Fund.  
13 |       Notwithstanding any other law, the fund which is designated for accounting purposes by  
14 | the Office of the Chief Financial Officer as fund 0645 within the Department of the Environment  
15 | shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal year shall  
16 | revert to the unrestricted fund balance of the General Fund of the District of Columbia.

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17 |       Sec. [9084](#). Storm Water Fees Control Fund.  
18 |       Notwithstanding any other law, the fund which is designated for accounting purposes by  
19 | the Office of the Chief Financial Officer as fund 0646 within the Department of the Environment  
20 | shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal year shall  
21 | revert to the unrestricted fund balance of the General Fund of the District of Columbia.

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22 |       Sec. [9085](#). Asbestos Certification and Abatement Fee Fund.

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Deleted: 9086

1 Notwithstanding any other law, the funds which are deposited in the fund designated for  
2 accounting purposes by the Office of the Chief Financial Officer as fund 0648 within the District  
3 Department of the Environment shall be deposited in the General Fund of the District of  
4 Columbia and shall not be accounted for by a separate fund or account within the General Fund  
5 of the District of Columbia. Any unexpended funds in the fund on the effective date of this  
6 subtitle shall be transferred to the unrestricted fund balance of the General Fund of the District of  
7 Columbia.

8 | Sec. 9086. Adjudication Hearings (Air Quality) Fund.

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9 Notwithstanding any other law, the funds which are deposited in the fund designated for  
10 accounting purposes by the Office of the Chief Financial Officer as fund 0664 within the District  
11 Department of the Environment pursuant to the Water Pollution Control Act of 1984, effective  
12 March 16, 1985 (D.C. Law 5-188; D.C. Official Code § 8-103.01 et seq.), shall be deposited in  
13 the General Fund of the District of Columbia and shall not be accounted for by a separate fund or  
14 account within the General Fund of the District of Columbia. Any unexpended funds in the fund  
15 on the effective date of this subtitle shall be transferred to the unrestricted fund balance of the  
16 General Fund of the District of Columbia.

17 | Sec. 9087. Adjudication Hearings (Water Quality) Fund.

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18 Notwithstanding any other law, the funds which are deposited in the fund designated for  
19 accounting purposes by the Office of the Chief Financial Officer as fund 0665 within the District  
20 Department of the Environment pursuant to the Water Pollution Control Act of 1984, effective  
21 March 16, 1985 (D.C. Law 5-188; D.C. Official Code § 8-103.01 et seq.), shall be deposited in  
22 the General Fund of the District of Columbia and shall not be accounted for by a separate fund or  
23 account within the General Fund of the District of Columbia. Any unexpended funds in the fund

1 on the effective date of this subtitle shall be transferred to the unrestricted fund balance of the  
2 General Fund of the District of Columbia.

3 | Sec. 9088. Wells Fund.

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4 Section 10a of the Water Pollution Control Act of 1984, effective March 16, 1985 (D.C.  
5 Law 5-188; D.C. Official Code § 8-103.09a), is repealed.

6 | Sec. 9089. Lead Poisoning Prevention Fund.

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7 Section 10 of the Lead-Hazard Prevention and Elimination Act of 2008, effective March  
8 31, 2009 (D.C. Law 17-381; D.C. Official Code § 8-231.09), is repealed.

9 | Sec. 9090. Hazardous Generator Fees.

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10 Section 21a of The District of Columbia Hazardous Waste Management Act of 1977,  
11 effective March 16, 1978 (D.C. Law 2-64; D.C. Official Code § 8-1319), is repealed.

12 | Sec. 9091. DDOT General O-type Revenue.

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13 | Notwithstanding any other law, the fund which is designated for accounting purposes by  
14 the Office of the Chief Financial Officer as fund 6000 within the Department of Transportation  
15 shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal year shall  
16 revert to the unrestricted fund balance of the General Fund of the District of Columbia.

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17 | Sec. 9092. D.C. Circulator Bus System.

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18 Subsection (a) of Section 11c of the Department of Transportation Establishment Act of  
19 2002, effective March 6, 2007 (D.C. Law 14-137; D.C. Official Code § 50-921.33), is amended  
20 by striking the phrase “nonlapsing, revolving” and inserting the word “lapsing” in its place.

21 | Sec. 9093. Federal Transit Grant Match.

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22 Notwithstanding any other law, the fund which is designated for accounting purposes by  
23 the Office of the Chief Financial Officer as fund 6425 within the Department of Transportation

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1 and into which funds are deposited to provide the required match by the District of Columbia for  
2 Federal Transit Administration capital grants under 49 U.S.C. § 5310 shall be a lapsing fund and  
3 any unexpended funds in the fund at the end of a fiscal year shall revert to the unrestricted fund  
4 balance of the General Fund of the District of Columbia.

5 | Sec. [9094](#). Child Safety Seat Program.

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6 Section 4b of the Child Restraint Amendment Act of 2002, effective March 10, 1983  
7 (D.C. Law 4-194; D.C. Official Code § 50-1703.02), is repealed.

8 | Sec. [9095](#). Citizen Street Light.

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9 Section 7 of An Act Making appropriations to provide for the expenses of the  
10 government of the District of Columbia for the fiscal year ending June thirtieth, nineteen  
11 hundred and twelve, and for other purposes, approved March 2, 1911 (36 Stat. 1008; D.C.  
12 Official Code § 9-501), is amended by adding a new paragraph at the end to read as follows:

13 “The funds received under this section and section 8 shall be deposited in the General  
14 Fund of the District of Columbia and shall not be accounted for by a separate fund or account  
15 within the General Fund of the District of Columbia.”.

16 | Sec. [9096](#). General Revenues (Department of Public Works).

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17 Notwithstanding any other law, the fund which is designated for accounting purposes by  
18 the Office of the Chief Financial Officer as fund [6000](#) within the Department of Public Works,  
19 shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal year shall  
20 revert to the unrestricted fund balance of the General Fund of the District of Columbia.

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21 | Sec. [9097](#). District Recycle Program.

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22 Section 16 of the District of Columbia Solid Waste Management and Multi-Material  
23 Recycling Act of 1988, effective March 16, 1989 (D.C. Law 7-226, D.C. Official Code § 8-

1 1015(f)), is amended by striking the phrase “to fund recycling activities in the District, no more  
2 than 25% of which shall go to fund the recycling educational and promotional activities of the  
3 Environmental Planning Commission” and inserting the phrase “for the purposes set forth in  
4 subsection (a)(1). Any monies not expended at the end of a fiscal year shall revert to the  
5 unrestricted fund balance of the General Fund of the District of Columbia”.

6 Sec. 9098. Solid Waste Disposal Fee Fund.

7 Section 6013 of the Solid Waste Disposal Cost Recovery Act of 2007, effective  
8 September 18, 2007 (D.C. Law 17-20; D.C. Official Code § 1-325.91), is amended as follows:

9 (a) Subsection (a) is amended by striking the word “nonlapsing” and inserting the word  
10 “lapsing” in its place.

11 (b) Subsection (b) is amended by striking the phrase “not revert to the unrestricted fund  
12 balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any  
13 other time, but shall be continually available for the uses and purposes set forth in subsection (c)  
14 of this section without regard to fiscal year limitation, subject to authorization by Congress.” and  
15 inserting the phrase “be used for the purposes set forth in subsection (c) of this section. Any  
16 monies not expended at the end of a fiscal year shall revert to the unrestricted fund balance of the  
17 General Fund of the District of Columbia.”.

18 Sec. 9099. Clean City Fund/Brownfield Development.

19 Notwithstanding any other law, the fund which is designated for accounting purposes by  
20 the Office of the Chief Financial Officer as fund 6591 within the Department of Public Works,  
21 shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal year shall  
22 revert to the unrestricted fund balance of the General Fund of the District of Columbia.

23 Sec. 9100. Abandoned Vehicle Reimbursement Fund.

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Deleted: Section 2(c) of the Litter Control Administration Amendment Act of 2001, effective March 6, 2002 (D.C. Law 14-78; D.C. Official Code § 8-807.01), is amended as follows -  
- (a) Subsection (a) is amended by striking the phrase “not revert to the General Fund at the end of any fiscal year or at any other time, but shall be continually available to the Department of Public works for the uses and purposes set forth in this chapter, subject to authorization by Congress.” and inserting the phrase “be used for the purposes set forth in this chapter. Any monies not expended at the end of a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia.” in its place. -  
- (b) Subsection (b) is amended by striking the phrase “Excess monies may be used to fund recycling activities in accordance with § 8-1015.”. -

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1 Section 10(c) of the Removal and Disposition of Abandoned and Other Unlawfully  
2 Parked Vehicles Reform Act of 2003, effective October 28, 2003, (D.C. Law 15-35; D.C.  
3 Official Code § 50-2421.10) is amended as follows:

4 (a) Subsection (c) is amended by striking the phrase “from”.

5 (b) Subsection (e) is amended by striking the phrase “the remainder” and inserting the  
6 phrase “all proceeds in this subsection”.

7 | Sec. [9101](#). General O-type Revenue Fund (Department of Motor Vehicles).

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8 Section 7(b) of the International Registration Plan Agreement Act of 1997, effective September  
9 5, 1997 (D.C. Law 12–14; D.C. Official Code § 50-1507.06(b)), is amended as follows:

10 (a) Paragraph (b)(2) is amended by striking the phrase “may be used by the Department  
11 of Motor Vehicles to defray operating costs” and inserting the phrase “shall be deposited into the  
12 unrestricted fund balance of the District of Columbia”.

13 (b) Paragraph (b)(3) is amended by striking the phrase “All monies collected under this  
14 subsection and all interest earned on those monies shall be deposited into the IRP Fund without  
15 regard to fiscal year limitation, shall not revert to the fund balance of the General Fund at the end  
16 of any fiscal year or at any other time, but shall be continually available for the uses and  
17 purposes set forth in this subsection, subject to authorization by Congress ”and inserting the  
18 phrase “All funds received but not expended in a fiscal year shall revert to the unrestricted fund  
19 balance of the General Fund of the District of Columbia”.

20 | Sec. [9102](#). FEMS Special Events Fee Fund.

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21 Section 3052 of the FEMS Special Events Fee Fund Establishment Act of 2007, effective  
22 September 18, 2007 (D.C. Law 17-20; D.C. Official Code § 1-325.81), is amended as follows:



1 (a) Subsection (a) is amended by striking the word “nonlapsing” and inserting the word  
2 “lapsing” in its place.

3 (b) Subsection (c) is amended by striking the phrase “shall not revert to the unrestricted  
4 fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any  
5 other time, but shall be continually available for the uses and purposes set forth in subsection (b)  
6 of this section without regard to fiscal year limitation, subject to authorization by Congress” and  
7 inserting the phrase “be used exclusively for the purposes set forth in subsection (b) of this  
8 section. Any unexpended monies in the Fund at the end of a fiscal year shall revert to the  
9 unrestricted fund balance of the General Fund of the District of Columbia” in its place.

10 Sec. [9103](#). Driver Education Program Fund.

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11 Section 9 of the Motor Vehicles Services Fees and Driver Education Support Act of  
12 1982, effective April 3, 1982 (D.C. Law 4-97; D.C. Official Code § 50-1405.01), is repealed.

13 Sec. [9104](#). Commercial Driver’s License Program.

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14 Section 9 of the Uniform Classification and Commercial Driver's License Act of 1990,  
15 effective September 20, 1990 (D.C. Law 8-161; D.C. Official Code § 50-408), is amended by  
16 striking the phrase “a designated account” and inserting the phrase “General Fund of the District  
17 of Columbia” in its place.

18 Sec. [9105](#). DHCD Housing Production Trust Fund.

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19 Notwithstanding any other law, the funds which are deposited in the fund designated for  
20 accounting purposes by the Office of the Chief Financial Officer as fund 1261 within the  
21 Department of Housing and Community Development shall be deposited in the General Fund of  
22 the District of Columbia and shall not be accounted for by a separate fund or account within the  
23 General Fund of the District of Columbia. Any unexpended funds in the fund on the effective

1 date of this subtitle shall be transferred to the unrestricted fund balance of the General Fund of  
2 the District of Columbia.

3 | Sec. 9106. DOH Special Purpose Revenue.

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4 Notwithstanding any other law, the funds which are deposited in the fund designated for  
5 accounting purposes by the Office of the Chief Financial Officer as fund 0600 within the  
6 Department of Health shall be deposited in the General Fund of the District of Columbia and  
7 shall not be accounted for by a separate fund or account within the General Fund of the District  
8 of Columbia. Any unexpended funds in the fund on the effective date of this subtitle shall be  
9 transferred to the unrestricted fund balance of the General Fund of the District of Columbia.

10 | Sec. 9107. RETF – Pepco.

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11 Notwithstanding any other law, the funds which are deposited in the fund designated for  
12 accounting purposes by the Office of the Chief Financial Officer as fund 0661 within the District  
13 Department of the Environment shall be deposited in the General Fund of the District of  
14 Columbia and shall not be accounted for by a separate fund or account within the General Fund  
15 of the District of Columbia. Any unexpended funds in the fund on the effective date of this  
16 subtitle shall be transferred to the unrestricted fund balance of the General Fund of the District of  
17 Columbia.

18 | Sec. 9108. Applicability.

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19 This title shall apply as of October 1, 2011.

20 **TITLE X. BUDGET AND FINANCIAL PLAN FUND CHANGES**

21 **SUBTITLE A. FISCAL YEAR 2011 UNDESIGNATIONS**

22 Sec. 10001. Short title.

23 This subtitle may be cited as the “Fund Balance Undesignation Act of 2011”.

**ENGROSSED ORIGINAL**

1           Sec. 10002. Local funds.  
 2   Notwithstanding any provision of law limiting the use of funds in the accounts listed in the  
 3   following chart, the Chief Financial Officer shall undesignate the full remaining balance at the  
 4   end of FY 2011 in those accounts to the unrestricted fund balance of the General Fund the  
 5   estimated local fund dollar amounts in the following chart (FY11 Undesignation).

| Agency Code | Reserve or Fund Title   | FY11 Undesignation  |
|-------------|---|---------------------|
| GD0         | STUDENT ENROLLMENT FUND RESERVE                                 | \$3,675,510         |
| AT0         | FY06 CAFR: \$2.4M ALLOCATED FOR ASMP IN FY05 NOT SPENT          | \$3,186,000         |
| AT0         | FY02 MEDICAID REFORM  | \$808,000           |
| AT0         | FY02 BUDGET RESERVE - ORIGINALLY PBC TRANSITION, CRAIG LAWSUIT  | \$171,000           |
| UP0         | FY02 WORKFORCE INVESTMENT                                       | \$2,517,000         |
| RM0         | FY06 CAFR - FY03 DESIGNATED BUT UNUSED BUDGET RESERVE           | \$1,128,000         |
| RM0         | \$27M APPROPRIATED FOR DMH (\$13M) AND EDUCATION (14M) FOR FY07 | \$710,000           |
| RM0         | FY06 CAFR - FY02 UNEMPLOYMENT COMP FUND                         | \$118,000           |
| BA0         | FY06 CAFR: FY01 REVENUE SHORTFALL NOT ALLOCATED                 | \$48,000            |
| CF0         | SUMMER YOUTH EMPLOYMENT PROGRAM FUND                            | \$3,158,059         |
| CF0         | YOUTH JOBS FUND   | \$8,824,000         |
| CB0         | VERIZON LITIGATION  | \$454,000           |
| HC0         | EFFIE SLAUGHTER BARRY INITIATIVE FUND                           | \$51,705            |
| HM0         | LANGUAGE ACCESS PROGRAM   | \$36,852            |
| GD0         | FY10 STUDENT ENROLL AUDIT (EXPIRES 6/30/11)                     | \$4,674             |
| -           | INTEGRATED SERVICE FUND   | \$12,408,000        |
| -           | FIXED COST COMMODITY RESERVE                                    | \$7,646,000         |
| -           | OPERATING CASH RESERVE  | \$2,648,000         |
| RJ0         | FREE STANDING CLINICS/INSURANCE                                 | \$3,177,607         |
| TK0         | FILM DC   | \$16,394            |
| DL0         | ELECTION REFORM FUND  | \$300,000           |
| -           | HEALTHCARE FORFEITURE   | \$1,590,426         |
| -           | INTEGRATED SERVICE FUND   | \$5,194,830         |
| -           | FIXED COST COMMODITY RESERVE                                    | \$10,762,094        |
|             | <b>LOCAL FUNDS TOTAL</b>  | <b>\$68,634,151</b> |

6  
 7           Sec. 10003. Dedicated taxes.  
 8   Notwithstanding any provision of law limiting the use of funds in the accounts listed in  
 9   the following chart, the Chief Financial Officer shall undesignate the full remaining balance at

**ENGROSSED ORIGINAL**

1 the end of FY 2011 in those accounts to the unrestricted fund balance of the General Fund the  
 2 estimated dedicated tax fund dollar amounts in the following chart (FY11 Undesignation).

| <b>Reserve or Fund Title</b>      | <b>FY11 Undesignation</b> |
|-----------------------------------|---------------------------|
| NEIGHBORHOOD INVESTMENT FUND      | \$3,025,722               |
| NURSING HOME QUALITY OF CARE FUND | \$3,052,309               |
| HEALTHY DC FUND                   | \$5,729,854               |
| PAYGO AND DEDICATED TAXES         | \$300,086                 |
| <b>DEDICATED TAX TOTAL</b>        | <b>\$12,107,971</b>       |

3  
 4 Sec. 10004. Special purpose revenue.

5 Notwithstanding any provision of law limiting the use of funds in the accounts listed in  
 6 the following chart, the Chief Financial Officer shall undesignate the full remaining balance at  
 7 the end of FY 2011 in those accounts to the unrestricted fund balance of the General Fund the  
 8 estimated dollar amounts in the following chart (FY11 Undesignation). Additionally, local  
 9 revenue shall be deposited in the accounts of the following agencies for FY12 based upon the  
 10 estimated dollar amounts in the following chart (FY12 Deposit):

| <b>Fund</b> | <b>Agency Title</b>                | <b>Agency Fund Title</b>             | <b>FY11 Undesignation</b> | <b>FY12 Deposit</b> |
|-------------|------------------------------------|--------------------------------------|---------------------------|---------------------|
| 1459        | DEPARTMENT OF REAL ESTATE SERVICES | RENT                                 | \$2,015,371               | \$0                 |
| 618         | OFFICE OF CHIEF FINANCIAL OFFICER  | COMPLIANCE & REAL PROP TX ADMIN FUND | \$1,542,073               | \$0                 |
| 601         | OFFICE OF THE ATTORNEY GENERAL     | DUI                                  | \$21,453                  | \$0                 |
| 612         | OFFICE OF THE ATTORNEY GENERAL     | ANTIFRAUD FUND                       | \$173,379                 | \$0                 |
| 602         | OFFICE OF THE ATTORNEY GENERAL     | ANTI-TRUST FUND                      | \$265,131                 | \$0                 |
| 611         | OFFICE OF THE ATTORNEY GENERAL     | CONSUMER PROTECTION FUND             | \$1,403,000               | \$0                 |
| 6109        | DC PUBLIC LIBRARY                  | Miscellaneous Customer Service       | \$292                     | \$0                 |
| 6102        | DC PUBLIC LIBRARY                  | BOOKSTORE - DCPL                     | \$86,377                  | \$0                 |
| 6110        | DC PUBLIC LIBRARY                  | MISCELLANEOUS                        | \$93,499                  | \$0                 |
| 6103        | DC PUBLIC LIBRARY                  | RESTRICTED FINES                     | \$442,444                 | \$0                 |
| 623         | DEPARTMENT OF EMPLOYMENT SERVICES  | PROCEEDS - 500 C STREET, N.E.        | \$100,000                 | \$0                 |
| 6015        | OFFICE OF TENANT ADVOCATE          | RENTAL ACCOMMODATION FEES            | \$795,375                 | \$0                 |
| 6005        | OFFICE OF TENANT ADVOCATE          | CONDO CONVERSION                     | \$1,160,676               | \$0                 |

**ENGROSSED ORIGINAL**

|      |  |  |             |     |
|------|--|--|-------------|-----|
| 6025 | DEPT. OF CONSUMER AND REGULATORY AFFAIRS           | CONSTRUCTION/ZONING COMPLIANCE MGMT FUND | \$24,488    | \$0 |
| 6035 | DEPT. OF CONSUMER AND REGULATORY AFFAIRS           | ENHANCED SURVEYOR FUNCTION               | \$692,566   | \$0 |
| 622  | Department of Small and Local Business Development | COMMERCIAL TRUST FUND                    | \$98,230    | \$0 |
| 1607 | METROPOLITAN POLICE DEPARTMENT                     | SALE OF UNCLAIMED PROPERTY               | \$715,057   | \$0 |
| 614  | OFFICE OF ADMINISTRATIVE HEARINGS                  | ADJUDICATION FINES                       | \$794       | \$0 |
| 601  | OFFICE OF THE CHIEF MEDICAL EXAMINER               | MEDICAL EXAMINER FEES                    | \$56,228    | \$0 |
| 6011 | STATE SUPERINTENDENT OF EDUCATION (OSSE)           | PRE-K PROGRAM ASSISTANCE FUND            | \$97,999    | \$0 |
| 6010 | STATE SUPERINTENDENT OF EDUCATION (OSSE)           | OPLA - SPECIAL ACCOUNT                   | \$125,952   | \$0 |
| 627  | OFF PUBLIC ED FACILITIES MODERNIZATION             | BOE-REAL PROPERTY IMPROV/MAINT FUND      | \$206,376   | \$0 |
| 603  | OFF PUBLIC ED FACILITIES MODERNIZATION             | LEASE INCOME                             | \$1,356,678 | \$0 |
| 641  | DEPARTMENT OF HEALTH                               | OTHER MEDICAL LICENSES AND FEES          | \$5,619     | \$0 |
| 649  | DEPARTMENT OF HEALTH                               | HEALTH FACILITY FEE                      | \$5,860     | \$0 |
| 638  | DEPARTMENT OF HEALTH                               | ANIMAL CONTROL DOG LICENSE FEES          | \$23,982    | \$0 |
| 612  | DEPARTMENT OF HEALTH                               | FOOD HANDLERS CERTIFICATION              | \$85,259    | \$0 |
| 606  | DEPARTMENT OF HEALTH                               | VITAL RECORDS REVENUE                    | \$174,564   | \$0 |
| 670  | DEPARTMENT OF HEALTH CARE FINANCE                  | HCSN REVOLVING FUND                      | \$1,973     | \$0 |
| 664  | DISTRICT DEPARTMENT OF THE ENVIRONMENT             | ADJUDICATION HEARINGS (AIR QUALITY)      | \$28,481    | \$0 |
| 607  | DISTRICT DEPARTMENT OF THE ENVIRONMENT             | UNDERGROUND STORAGE TANK FINES AND FEES  | \$92,922    | \$0 |
| 600  | DISTRICT DEPARTMENT OF THE ENVIRONMENT             | GENERAL ENFORCEMENT FINES AND FEES       | \$119,251   | \$0 |
| 669  | DISTRICT DEPARTMENT OF THE ENVIRONMENT             | LEAD BASED CERTIFICATION FEES            | \$156,124   | \$0 |
| 645  | DISTRICT DEPARTMENT OF THE ENVIRONMENT             | PESTICIDE PRODUCT REGISTRATION           | \$638,269   | \$0 |
| 668  | DISTRICT DEPARTMENT OF THE ENVIRONMENT             | LEAD POISONING PREVENTION FUND           | \$162,476   | \$0 |
| 674  | DISTRICT DEPARTMENT OF THE ENVIRONMENT             | HAZARDOUS GENERATOR FEES                 | \$220,931   | \$0 |
| 6967 | DEPARTMENT OF PUBLIC WORKS                         | ABANDONED VEHICLE PROGRAM                | \$111,522   | \$0 |
| 6221 | DEPARTMENT OF MOTOR VEHICLES                       | DRIVERS EDUCATION PROGRAM                | \$683,570   | \$0 |
| 4010 | OFFICE OF CONTRACTING AND PROCUREMENT              | DC SURPLUS PERSONAL PROPERTY SALES OPER. | \$393,061   | \$0 |
| 6900 | DEPARTMENT OF TRANSPORTATION                       | DDOT OPERATING FUND                      | \$1,649,485 | \$0 |
| 1261 | DEPT. OF HOUSING AND COMM. DEVELOPMENT             | HOUSING PRODUCTION TRUST FUND            | \$163,444   | \$0 |

**ENGROSSED ORIGINAL**

|      |  |   |             |             |
|------|--|---|-------------|-------------|
| 1011 | DEPUTY MAYOR FOR ECONOMIC DEVELOPMENT    | NEIGHBORHOOD INVESTMENT FUND            | \$38        | \$0         |
| 600  | DEPARTMENT OF HEALTH                     | SPECIAL PURPOSE REVENUE FUND            | \$345       | \$0         |
| 665  | DEPARTMENT OF HEALTH                     | ADJUDICATION HEARINGS (WATER QUALITY)   | \$4,000     | \$0         |
| 661  | DISTRICT DEPARTMENT OF THE ENVIRONMENT   | RETF - PEPCO                            | \$8,736     | \$0         |
| 615  | DEPT OF INSURANCE, SECURITIES & BANKING  | JUNIOR SUPERSAVERS CLUB                 | \$9,000     | \$0         |
| 8014 | John A. Wilson Building Fund             | WILSON BUILDING NOTES PAYABLE           | \$912,587   | \$0         |
| 633  | DISTRICT OF COLUMBIA PUBLIC SCHOOLS      | DHHS AFTERSCHOOL PROG-COPAYMENT         | \$132,890   | \$0         |
| 1440 | DEPARTMENT OF REAL ESTATE SERVICES       | RFK & DC ARMORY MAINTENANCE FUND        | \$169,988   | \$0         |
| 609  | DEPUTY MAYOR FOR ECONOMIC DEVELOPMENT    | INDUSTRIAL REVENUE BOND PROGRAM         | \$2,390,415 | \$0         |
| 607  | DISTRICT OF COLUMBIA PUBLIC SCHOOLS      | CUSTODIAL                               | \$1,355     | \$0         |
| 603  | STATE SUPERINTENDENT OF EDUCATION (OSSE) | STATE SUPERINTENDENT OF EDUCATION FEES  | \$226,486   | \$0         |
| 604  | STATE SUPERINTENDENT OF EDUCATION (OSSE) | GED TESTING FEES                        | \$64,747    | \$0         |
| 602  | DEPARTMENT OF PARKS AND RECREATION       | ENTERPRISE FUND ACCOUNT                 | \$134,639   | \$0         |
| 656  | DEPARTMENT OF HEALTH                     | EMS FEES                                | \$27,339    | \$0         |
| 6203 | DISTRICT DEPARTMENT OF THE ENVIRONMENT   | RESIDENTIAL ESSENTIAL SERVICES (RES)    | \$3,940     | \$0         |
| 6201 | DISTRICT DEPARTMENT OF THE ENVIRONMENT   | ECONOMY II                              | \$11,986    | \$0         |
| 6202 | DISTRICT DEPARTMENT OF THE ENVIRONMENT   | RESIDENTIAL AID DISCOUNT (RAD)          | \$56,994    | \$0         |
| 6100 | DEPARTMENT OF MOTOR VEHICLES             | FEE - OUT-OF-STATE VEHICLE REGISTRATION | \$96,219    | \$0         |
| 6000 | DEPARTMENT OF MOTOR VEHICLES             | GENERAL "O" TYPE REVENUE SOURCES        | \$596,137   | \$0         |
| 2100 | TAXI CAB COMMISSION                      | JUSTICE DEPARTMENT FINGERPRINTS         | \$13,768    | \$0         |
| 610  | OFFICE OF MOTION PICTURES & TELEVISION   | PRODUCTION SUPPORT                      | \$32,090    | \$0         |
| 6008 | DEPT. OF CONSUMER AND REGULATORY AFFAIRS | R-E GUAR. & EDUC. FUND                  | \$274,782   | \$273,780   |
| 606  | OFFICE OF CHIEF FINANCIAL OFFICER        | RECORDER OF DEEDS SURCHARGE             | \$1,749,845 | \$1,749,845 |
| 6108 | DC PUBLIC LIBRARY                        | COPIES AND PRINTING                     | \$66,008    | \$0         |
| 6020 | DEPT. OF CONSUMER AND REGULATORY AFFAIRS | BOARD OF ENGINEERS FUND                 | \$396,838   | \$396,838   |
| 6013 | DEPT. OF CONSUMER AND REGULATORY AFFAIRS | BASIC BUSINESS LICENSE FUND             | \$652,761   | \$652,761   |
| 6010 | DEPT. OF CONSUMER AND REGULATORY AFFAIRS | OPLA - SPECIAL ACCOUNT                  | \$777,765   | \$587,019   |

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|      |  |  |             |             |
|------|--|--|-------------|-------------|
| 6030 | DEPT. OF CONSUMER AND REGULATORY AFFAIRS | GREEN BUILDING FUND                      | \$963,214   | (\$0)       |
| 610  | DEPT. OF HOUSING AND COMM. DEVELOPMENT   | DHCD UNIFIED FUND                        | \$1,866,116 | \$0         |
| 602  | DEPT. OF HOUSING AND COMM. DEVELOPMENT   | HPAP - REPAY                             | \$1,953,359 | \$573,937   |
| 604  | DEPT. OF HOUSING AND COMM. DEVELOPMENT   | SR CITIZENS HOME REPAIR                  | \$77,258    | \$0         |
| 600  | DEPARTMENT OF CORRECTIONS                | CORRECTIONS TRUSTEE REIMBURSEMENT        | \$554,645   | \$0         |
| 632  | DEPARTMENT OF HEALTH                     | PHARMACY PROTECTION                      | \$815,788   | \$0         |
| 643  | DEPARTMENT OF HEALTH                     | BOARD OF MEDICINE                        | \$3,084,486 | \$0         |
| 631  | DEPARTMENT OF HEALTH CARE FINANCE        | MEDICAID COLLECTIONS-3RD PARTY LIABILITY | \$75        | \$0         |
| 632  | DEPARTMENT OF HEALTH CARE FINANCE        | BILL OF RIGHTS-(GRIEVANCE & APPEALS)     | \$77,713    | \$0         |
| 634  | DISTRICT DEPARTMENT OF THE ENVIRONMENT   | SOIL EROSION/SEDIMENT CONTROL            | \$1,324,043 | \$0         |
| 6700 | DISTRICT DEPARTMENT OF THE ENVIRONMENT   | SUSTAINABLE ENERGY TRUST FUND            | \$9,636,217 | \$6,833,843 |
| 6072 | DEPARTMENT OF PUBLIC WORKS               | DISTRICT RECYCLE PROGRAM                 | \$90,612    | \$0         |
| 6082 | DEPARTMENT OF PUBLIC WORKS               | SOLID WASTE DISPOSAL FEE FUND            | \$309,809   | \$0         |
| 6591 | DEPARTMENT OF PUBLIC WORKS               | CLEAN CITY FUND                          | \$440,574   | \$0         |
| 6018 | ALCOHOLIC BEVERAGE REGULATION ADMIN.     | ABC Keg Registration Fees                | \$32,318    | \$0         |
| 2100 | DEPT. OF INSURANCE, SECURITIES & BANKING | HMO ASSESSMENT                           | \$237,358   | \$237,358   |
| 2200 | DEPT. OF INSURANCE, SECURITIES & BANKING | INSURANCE ASSESSMENT                     | \$890,263   | \$619,581   |
| 2200 | TAXI CAB COMMISSION                      | TAXICAB ASSESSMENT ACT                   | \$53,592    | \$8,224     |
| 605  | OFFICE OF THE ATTORNEY GENERAL           | Child Support - Interest Income          | \$1,496     | \$1,496     |
| 604  | OFFICE OF THE ATTORNEY GENERAL           | Child Support - Reimbursements & Fees    | \$21,960    | \$21,960    |
| 603  | OFFICE OF THE ATTORNEY GENERAL           | CHILD SPT - TANF/AFDC COLLECTIONS        | \$2,323,131 | \$446,908   |
| 611  | DEPARTMENT OF EMPLOYMENT SERVICES        | WORKERS' COMPENSATION ADMIN.             | \$3,819,914 | \$3,819,914 |
| 631  | OFFICE OF PEOPLE'S COUNSEL               | ADVOCATE FOR CONSUMERS                   | \$100,870   | \$0         |
| 632  | DEPUTY MAYOR FOR ECONOMIC DEVELOPMENT    | AWC & NCRC DEVELOPMENT (ED SPECIAL ACCT) | \$1,750,000 | \$0         |
| 7278 | METROPOLITAN POLICE DEPARTMENT           | ASSET FORFEITURE                         | \$753,088   | \$753,088   |
| 603  | DEPARTMENT OF HUMAN SERVICES             | SSI PAYBACK                              | \$2,417,706 | \$0         |
| 1460 | DEPARTMENT OF REAL ESTATE SERVICES       | EASTERN MARKET ENTERPRISE FUND           | \$111,745   | \$111,745   |
| 2001 | OFFICE OF MUNICIPAL PLANNING             | HIST. LANDMARK & HIST. DIST. FILING FEES | \$27,100    | \$17,100    |

**ENGROSSED ORIGINAL**

|      |  |  |                     |                     |
|------|--|--|---------------------|---------------------|
| 612  | DEPARTMENT OF EMPLOYMENT SERVICES        | U. I. INTEREST/PENALTIES               | \$521,030           | \$521,030           |
| 624  | DEPARTMENT OF EMPLOYMENT SERVICES        | UI ADMINISTRATIVE ASSESSMENT           | \$1,116,780         | \$0                 |
| 600  | OFFICE OF CABLE TV                       | CABLE FRANCHISE FEES                   | \$2,343,752         | \$500,000           |
| 610  | STATE SUPERINTENDENT OF EDUCATION (OSSE) | CHARTER SCHOOL CREDIT ENHANCEMENT FUND | \$5,651,166         | \$5,651,166         |
| 6140 | DEPARTMENT OF TRANSPORTATION             | TREE FUND (EST DC ACT 14-614)          | \$68,499            | \$68,499            |
| 6400 | DISTRICT DEPARTMENT OF THE ENVIRONMENT   | DC MUNICIPAL AGGREGATION PROGRAM       | \$135,569           | \$0                 |
| 670  | DISTRICT DEPARTMENT OF THE ENVIRONMENT   | ANACOSTIA RIVER CLEAN UP FUND          | \$291,197           | \$0                 |
| 662  | DISTRICT DEPARTMENT OF THE ENVIRONMENT   | RENEWABLE ENERGY DEVELOPMENT FUND      | \$457,601           | \$0                 |
| 6800 | DISTRICT DEPARTMENT OF THE ENVIRONMENT   | ENERGY ASSISTANCE TRUST FUND           | \$3,538,629         | \$0                 |
| 6017 | ALCOHOLIC BEVERAGE REGULATION ADMIN.     | ABC - IMPORT AND CLASS LICENSE FEES    | \$2,470,286         | \$2,190,973         |
| 1240 | MEDICAL LIABILITY CAPTIVE INS AGENCY     | CAPTIVE INSURANCE FUND                 | \$2,340,449         | \$0                 |
|      | <b>TOTAL</b>                             |  | <b>\$77,671,338</b> | <b>\$26,037,064</b> |

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1           Sec. 10005. This subtitle shall apply as of July 1, 2011.

2           **SUBTITLE B. FISCAL YEAR 2011, 2012, AND 2013 FUNDING TRANSFER**

3           **AMENDMENTS**

4           Sec. 10011. Short title.

5           This subtitle may be cited as the “Fiscal Year 2011, 2012, and 2013 Funding Transfer  
6 Amendment Act of 2011”.

7           Sec. 10012. Section 8031 of the Financial Plan Transfer of Special Purpose Revenues  
8 Act of 2009, effective March 3, 2010 (D.C. Law 18-111; 57 DCR \_\_), is amended as follows:

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

10                 (1) The lead-in text is amended by striking the phrase “\$38.338 million” and  
11 inserting the phrase “\$36.783 million” in its place.

12                 (2) Paragraph (3) is amended by striking the phrase “\$2.255 million” and  
13 inserting the phrase “\$700,000” in its place.



1 (b) Subsection (c) is amended as follows:

2 (1) The lead-in text is amended by striking the phrase “\$36.550 million” and  
 3 inserting the phrase “\$34.995 million” in its place.

4 (2) Paragraph (3) is amended by striking the phrase “\$2.255 million” and  
 5 inserting the phrase “\$700,000” in its place.

6 Sec. 10013. The fiscal year 2012 transfers from legislation listed below shall be adjusted  
 7 as follows:

| Agency                      | Fund | Law/Bill Number | Prior Transfer | New Transfer | Effect              |
|-----------------------------|------|-----------------|----------------|--------------|---------------------|
| AM0                         | 1450 | L18-111         | \$2,255,000    | \$700,000    | -\$1,555,000        |
| AT0                         | 623  | L18-223         | \$13,776       | \$0          | -\$13,776           |
| CQ0                         | 6005 | L18-223         | \$600,000      | \$0          | -\$600,000          |
| CQ0                         | 6015 | L18-223         | \$576,036      | \$0          | -\$576,036          |
| GA0                         | 621  | L18-223         | \$72,207       | \$64,492     | -\$7,715            |
| HC0                         | 617  | B18-1100        | \$4,000        | \$0          | -\$4,000            |
| KG0                         | 669  | B18-1100        | \$20,764       | \$0          | -\$20,764           |
| SR0                         | 2300 | L18-223         | \$1,057,314    | \$0          | -\$1,057,314        |
| SR0                         | 2900 | L18-223         | \$342,868      | \$0          | -\$342,868          |
| <b>Total revenue effect</b> |      |                 |                |              | <b>-\$4,177,473</b> |

8  
 9 **SUBTITLE C. SPECIAL PURPOSE FUND TRANSFER**

10 Sec. 10021. Short title.

11 This subtitle may be cited as the “Special Purpose Fund Transfer Act of 2011”.

12 Sec. 10022. Notwithstanding any provision of law limiting the use of funds in the

13 [Community Health Care Financing Fund established by section 101 of the Community Access to](#)  
 14 [Health Care Omnibus Amendment Act of 2006, effective March 14, 2007 \(D.C. Law 16-288;](#)  
 15 [D.C. Official Code § 7-1931\)](#), the Chief Financial Officer shall transfer, from the certified

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1 | resources of the [Community Health Care Financing Fund](#), to the unrestricted fund balance of the  
 2 | General Fund, and recognize as revenue in fiscal year 2012, \$5.126 million.

3 |       Sec. 10023. Reduce non-public tuition and special education transportation of the  
 4 | amount necessary to fund Bill 19-5, the Department of Forensic Sciences Establishment Act of  
 5 | 2011, beginning in fiscal year 2013; the special education reform efforts included in this budget  
 6 | will accelerate this savings.

7 |       **TITLE XI. CAPITAL BUDGET AUTHORITY**

8 |       Sec. 11001. Short title.

9 |       This title may be cited as the “Department of Transportation Capital Budget Allocation  
 10 | Authority Act of 2011”.

11 |       Sec. 11002. District Department of Transportation capital budget authority.

12 |       Section 3 of the “Department of Transportation Establishment Act of 2002”, effective  
 13 | May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.02), is amended by adding a new  
 14 | subsection (e) to read as follows:

15 |       “(e)(1) The Director of the District Department of Transportation (“Director”) shall not  
 16 | spend directly from capital projects created in Fiscal Year 2012 or later that are funded through  
 17 | the District of Columbia Highway Trust Fund established under D.C. Code § 9-111.01.

18 |       “(2) The Director may submit requests to the Office of Budget and Planning of the Office  
 19 | of the Chief Financial Officer (“OBP”) to allocate funds for the Related Projects of each capital  
 20 | project created in fiscal year 2012 or later funded from the District of Columbia Highway Trust  
 21 | Fund. The Director, following allocation of funds by OBP to Related Projects, shall have the  
 22 | authority to obligate and spend the funds.”.

23 |       **TITLE XII. FISCAL IMPACT AND EFFECTIVE DATE**

1 [Sec. 12001. Applicability.](#)

2 [Except as otherwise provided, this act shall apply as of October 1, 2011.](#)

3 [Sec. 12002. Fiscal impact statement.](#)

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

7 [Sec. 12003. Effective date.](#)

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8 This act shall take effect following approval by the Mayor (or in the event of veto by the  
9 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as  
10 provided in 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973  
11 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia  
12 Register.