

ENROLLMENT(S)



(5)


COUNCIL OF THE DISTRICT OF COLUMBIA

D.C. LAW 11-52

"Omnibus Budget Support Act of 1995".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 11-218 on first, amended first, and second readings, April 19, 1995, June 6, 1995 and June 20, 1995 respectively. Following the signature of the Mayor on July 13, 1995, pursuant to Section 404(e) of "the Act", and was assigned Act No. 11-94 and published in the July 21, 1995, edition of the D.C. Register (Vol. 42 page 3684) and transmitted to Congress on July 17, 1995 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 11-52, effective September 26, 1995.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

July	17,18,19,20,21,24,25,26,27,28,31
Aug.	1,2,3,4
Sept.	5,6,7,8,11,12,13,14,15,18,19,20,21,22,25

ENROLLED ORIGINAL

Codification

District of Columbia Code

(1996 Supplement)

AN ACT

D.C. ACT 11-94

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 13, 1995

To amend the Animal Control Act of 1979 to authorize the Mayor to allow veterinarians to collect license fees and issue licenses; to amend An Act of October 3, 1964 to authorize prison industry sales to not-for-profit organizations; to amend the Compulsory/No-Fault Motor Vehicle Insurance Act of 1982 to increase the civil fines imposed for operating a motor vehicle without the required insurance; to amend the District of Columbia Real Property Tax Revision Act of 1974 to roll back the 1995 real property tax rates to the rates in effect for the 1994 tax year, to authorize amnesty for real property owners from penalty and 50% of the interest accrued on the base tax amount due for real property tax years 1989 to 1994, on property with delinquent taxes for 1989 to 1994, and to reduce the real property tax sale redemption period from 2 years to 6 months; to authorize the Mayor to establish an amnesty program for delinquent taxpayers; to amend the Residential Property Tax Relief Act of 1977 to restrict the homestead property tax exemption to owners of real property who are subject to District income taxation; to amend the District of Columbia Real Property Tax Revision Act of 1974 to remove the homestead deduction requirement for Class 1 classification; to amend the Condominium and Cooperative Trash Collection Tax Credit Act of 1990 to remove the homestead deduction requirement for the trash credit; to amend An Act In relation to taxes and tax sales in the District of Columbia to provide that only real property taxes that are delinquent as of October 1, 1993, and remain unpaid at the time of sale, shall be sold at the January 1995 annual real property tax sale, and to provide that real property taxes that are delinquent as of October 1, 1994, that remain unpaid at the time of sale shall be sold at a real property tax sale to be held on the 3rd Tuesday in July 1995, and to conform the date of the real property tax sale to the real property tax year, beginning with calendar year 1996, to reduce the real property tax sale redemption period from 2 years to 6 months, and to reduce the period within which to apply for a tax deed from 5 years to 1 year; to amend An Act To provide for enforcing the lien of the District of Columbia upon real estate bid off in its name when offered for sale for arrears of taxes and assessments, and for other purposes, to reduce the real property tax sale redemption period from 2

ENROLLED ORIGINAL

years to 6 months; to repeal Resolution 73-48; to amend An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes and the District of Columbia Sales Tax Act to exempt property, except office equipment and office furniture, located in the District and owned by long-distance telecommunication companies from personal property, sales, and use tax, irrespective of whether the property involved is used to generate sales subject to the gross receipts tax, beginning on October 1, 1994; to amend the District of Columbia Income and Franchise Tax Act of 1947 to clarify the intent of the statutory language allowing credit for taxes paid to other jurisdictions; to amend the Hotel Occupancy and Surtax on Corporations and Unincorporated Business Tax Act of 1977 to limit the dedication to the Washington Convention Center Enterprise Fund to 52.59%; to amend the District of Columbia Solid Waste Disposal Fee Act of 1982 to require advance payment of solid waste disposal; to reenact the Health Care Provider Tax to provide for the funding of health care services, in a manner designed to generate federal Medicaid matching funds, by certain health care providers granted the privilege of operating or practicing in the District of Columbia by assessing each hospital, nursing home, and intermediate care facility for the mentally retarded operating in the District of Columbia 0.45% of the hospital's annual net patient services revenue, \$11.88 per patient day, \$15.29 per patient day, respectively, to be paid in 2 installments due on September 30, 1995, and March 31, 1996; to amend An Act To regulate the erection, hanging, placing, painting, display, and maintenance of outdoor signs and other forms of exterior advertising within the District of Columbia, and An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes, to allow for the biennial renewal of licenses for signs, solicitors, auto rentals, barber shops, barber chairs, beauty shops, beauty booths, candy manufacturers, laundries and dry cleaners, mattress sales, mattress storage, and motion picture theaters; to amend the compensation system for Career and Excepted Service to reduce the government contribution for optical and dental benefits for employees not covered by collective bargaining; to amend An Act To enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program, and for other purposes to provide for reimbursement of primary care providers on a capitated basis; to amend the District of Columbia Public Assistance Act of 1982 to reduce certain Supplemental Security Income benefits, to eliminate AFDC benefits for pregnant women in the first and second trimester, to limit the private cause of action for the cost of living adjustment payments, to exclude individuals 18 to 21 years of age from the Aid to Families with Dependent Children assistance unit, to eliminate AFDC cash payments to strikers, to eliminate the locally funded complementary Energy Assistance Program, to reduce the amount that the District pays for burials and cremations, to authorize the Mayor to charge Aid to Families with Dependent Children ("AFDC") recipients for the reasonable costs of shelter provided to the family unit, and to require families in shelters to pay up to 30% of their household income for shelter; to amend

ENROLLED ORIGINAL

the Day Care Policy Act of 1979 to authorize the District government to retain all parent fees for eligible children collected from parents for day care services and to eliminate automatic cost of living adjustments for day care providers; to amend the District of Columbia Right to Overnight Shelter Act of 1994 to require all persons in shelters to pay up to 30% of their household income for shelter provided by the District to members of the household; to amend the Emergency Assistance Program Act of 1988 to reduce the amount of emergency assistance available in 1 year, to eliminate emergency food assistance, and to limit the availability of emergency utility assistance to the level of appropriations; to amend the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978 to require persons with mental retardation and certain family members of persons with mental retardation to contribute to the costs of the person's habilitation and care, to require a responsible person to contribute to the costs of rehabilitation and care, to amend the criteria for discharge from commitment to include the failure to meet the statutory criteria for involuntary commitment, to establish a professional judgment standard for an independent comprehensive evaluation or individual habilitation plan provided at the expense of the District, to limit services to District residents, to clarify that the District's responsibility to provide services to persons with mental retardation is limited to funds appropriated for this purpose, and to authorize the Mayor to issue rules; to repeal the Public Assistance and Day Care Policy Temporary Amendment Act of 1994; to provide reasonable accommodations for persons with mental retardation or other developmental disabilities with medication needs to participate fully in the community by authorizing trained employees, under the general supervision of registered nurses, to administer medication to program participants under specified circumstances, to allow program participants to self-administer medication under specified circumstances, and to render registered nurses and trained employees immune from civil liability arising from the authorization of medication and administration of medication respectively; to authorize, and establish policy, criteria, and standards for, privatizing the fleet management operations of the Metropolitan Police Department; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to include the Commission on Health Care Finance within the definition of subordinate agency, to eliminate compensation for most boards and commissions, and to limit reimbursement for expenses for boards and commissions; to amend the District of Columbia Fire Department Operations Act of 1976 to approve the closing of certain operations of the Fire and Emergency Medical Services Department and to authorize the Fire and Emergency Medical Services Department to rotate fire companies on a daily basis; to repeal the District of Columbia Civilian Complaint Review Board Act of 1980; to amend the D.C. Solid Waste Management and Multi-Material Recycling Act of 1988 to condition the operation of the recycling program on the availability of appropriations; to amend section 11-2604(a) of the District of Columbia Code to decrease attorney's fees under the Criminal Justice Act and the Neglect Representation Equity Act; to amend the District of Columbia Retirement Reform Act and the Act entitled "An Act for the retirement of public-school teachers in the District of Columbia"; to eliminate one of the two annual cost of living

ENROLLED ORIGINAL

payments for District retirees hired after December 31, 1979; to amend the Cable Television Communications Act of 1981 to allow the Office of Cable Television to enter into contractual or other agreements to operate the District's municipal channels; to repeal the Health Services Planning Program Act of 1992 to abolish of the State Health Planning and Development Office and the certificate of need program; to amend the District of Columbia Uniform Controlled Substances Act of 1981 to allow the Drug Interdiction and Demand Reduction Fund proceeds to be allocated to the Alcohol and Drug Abuse Service Administration to support drug education, prevention, and demand programs; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to reduce the costs of administering the disability compensation program for employees hired after December 31, 1979; to amend the Automobile Consumer Protection Act of 1984 by suspending enforcement of the act by the Department of Consumer and Regulatory Affairs until October 1, 1998; to amend section 28-3902 of the District of Columbia Code to suspend enforcement of the act by the Department of Consumer and Regulatory Affairs until October 1, 1998; to amend the Multiyear Budget Spending Reduction and Support Temporary Act of 1995 to eliminate the repealer of the provision authorizing a staff person for the Commission on Latino Community Development; to amend the District of Columbia Self-Government and Governmental Reorganization Act to modify the funding requirements for Advisory Neighborhood Commissions; to amend the School Transit Subsidy Act of 1978 to increase the fare paid by students for use on the Metrobus and Metrorail Transit systems from 1/3 to 1/2 and to clarify that students are not subject to any transfer fee; to prohibit the Mayor from entering into any new contracts for a cost greater than the cost of an existing contract for the same goods or services; to require that the Mayor allocate funds for neighborhood police patrols; to amend the Rental Housing Act of 1985 to extend the sunset provision to December 31, 2000; to amend chapter 12, title 18 of the District of Columbia Municipal Regulations to establish a fine of \$50 for skateboarding, rollerblading, rollerskating, or similar activities, on parks and plazas within the Pennsylvania Avenue Development area; to authorize the Board of Education to establish a retirement incentive program; to amend the Act entitled "An Act for the retirement of public-school teachers in the District of Columbia" to authorize the Board of Education to offer voluntary retirement to eligible teachers; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to modify the Board of Education reduction-in-force procedures to prohibit nonschool based personnel from being assigned to the same competitive level as classroom teachers; to require the withholding of within grade increases for employees of the University of the District of Columbia; to amend the District of Columbia Public Education Reorganization Act to authorize the merger of the University of the District of Columbia and the District of Columbia School of Law of the District of Columbia; to amend the Budget Implementation Emergency Act of 1995 and the Budget Implementation Temporary Act of 1995 to clarify the eligibility of employees continuously employed with the District since June 30, 1993, for the voluntary severance program; to amend the Budget Implementation Emergency Act of 1995 and the Budget

ENROLLED ORIGINAL

Implementation Temporary Act of 1995 to exempt the union and nonunion Firefighters from reduction of base compensation imposed by the Budget Implementation Emergency Act of 1995 and the Budget Implementation Temporary Act of 1995, and to approve the modified overtime provision of the collective bargaining agreement governing Compensation Unit 4, to exempt employees in Compensation Units 1, 2, 3, 12, 13, 15, 19, 20, 21, 22, 23, and 29, and the Metropolitan Police Department Crossing Guards, from the 12% reduction of base compensation and to require that agency heads give employees 15 days notice of any furlough conducted pursuant to any compensation agreement, to approve compensation changes for Compensation Units 1 and 2 incorporated in a Memorandum of Understanding to reduce the base pay of employees by 6% (3% annualized) in Fiscal Year 1995 for the period beginning April 30, 1995, through September 30, 1995, and the Fiscal Year 1995 pre-reduction base pay reduced by 3% in Fiscal Year 1996, to furlough all employees, except certain Police Communications Operators, certain Fire Communication Operators, Emergency Medical Technicians, intermediate paramedics, paramedics subject to the Special Rate Schedule, certain correctional officers, certain positions in the 24-hour facilities, parking control aides, and certain employees at the Water and Sewer Utility Administration, for 6 days in Fiscal Year 1995 and for 6 days in Fiscal Year 1996, to modify the overtime provision of the collective bargaining agreement governing Compensation Units 1 and 2, to approve compensation changes for Compensation Units 12 and 29 incorporated in a Memorandum of Understanding to forego the professional allowance payments of \$1,000 which were due to each employee but were not paid in December 1993, May 1994, and December 1994, to approve compensation changes for Compensation Unit 13 incorporated in a Memorandum of Understanding to reduce the base pay of employees by 7.75% (3.875% annualized) in Fiscal Year 1995 for the period beginning April 30, 1995, through September 30, 1995, and the Fiscal Year 1995 pre-reduction base pay reduced by 3.5% in Fiscal Year 1996, to furlough all employees, except certain employees in the 24-hour facilities in the Department of Human Services and D.C. General Hospital, for 6 days in Fiscal Year 1995 and for 8 days in Fiscal Year 1996, to approve compensation changes for Compensation Unit 15 incorporated in a Memorandum of Understanding to reduce the base pay of employees by 6% (3% annualized) in Fiscal Year 1995 for the period beginning April 30, 1995, through September 30, 1995, and the Fiscal Year 1995 pre-reduction base pay reduced by 3% in Fiscal Year 1996, to furlough employees for 6 days in Fiscal Year 1995 and for 6 days in Fiscal Year 1996, to approve compensation changes for Compensation Unit 19 incorporated in a Memorandum of Understanding to reduce the base pay of employees by 9.25% (4.625% annualized) in Fiscal Year 1995 for the period beginning April 30, 1995, through September 30, 1995, and the Fiscal Year 1995 pre-reduction base pay reduced by 5% in Fiscal Year 1996; to approve compensation changes for Compensation Units 20 and 21 incorporated in a Memorandum of Understanding to reduce the base pay of employees by 3.5% (1.75% annualized) in Fiscal Year 1995 for the period beginning April 30, 1995, through September 30, 1995, and the Fiscal Year 1995 pre-reduction base pay reduced by 0.5% in Fiscal Year 1996, to furlough all employees, except certain

ENROLLED ORIGINAL

employees in 24-hour facilities at D.C. General Hospital, for 6 days in Fiscal year 1995 and for 6 days in Fiscal Year 1996, to approve compensation changes for Compensation Unit 22 incorporated in a Memorandum of Understanding to reduce the base pay of employees by 5.75% (2.875% annualized) in Fiscal Year 1995 for the period beginning April 30, 1995, through September 30, 1995, and the Fiscal Year 1995 pre-reduction base pay reduced by 2.4% in Fiscal Year 1996, to furlough employees for 3 days in Fiscal Year 1995 and for 3 days in Fiscal Year 1996, to deny uniform allowances in Fiscal Years 1995 and 1996, and to modify the overtime provision for holiday pay contained in the collective bargaining agreement governing Compensation Unit 22 for Fiscal Year 1995 for the period beginning April 30, 1995, through September 30, 1995, and in Fiscal Year 1996, to approve compensation changes for Compensation Unit 23 incorporated in a Memorandum of Understanding to reduce the base pay of employees by 5.75% (2.875% annualized) in Fiscal Year 1995 for the period beginning April 30, 1995, through September 30, 1995, and the Fiscal Year 1995 pre-reduction base pay reduced by 2.4% in Fiscal Year 1996, to furlough employees for 3 days in Fiscal Year 1995, and to modify the overtime provision for holiday pay contained in the collective bargaining agreement governing Compensation Unit 23 for Fiscal Year 1995 for the period beginning April 30, 1995, through September 30, 1995, and in Fiscal Year 1996, and to make compensation changes to Compensation Unit 3; to require that the Mayor reduce the District workforce by an additional 1,200 funded positions prior to September 30, 1995, through early retirement, a voluntary severance incentive program, and a reduction in force; to repeal title IV of the Multiyear Budget Spending Reduction and Support Temporary Act of 1995 to eliminate furloughs; and to amend the District of Columbia Building Code Supplement of 1992 to allow advertising on the exterior surfaces of Metrobuses.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Omnibus Budget Support Act of 1995".

TITLE I - REVENUE

Sec. 101. Section 5(d) of the Animal Control Act of 1979, effective October 18, 1979 (D.C. Law 3-30; D.C. Code § 6-1004(d)), is amended by adding 2 new sentences at the end to read as follows:

Section
6-1004

"The Mayor shall promulgate regulations to allow veterinarians to collect license fees and issue licenses. The regulations shall permit veterinarians to collect an additional \$2 for each license issued as reimbursement for administrative costs."

Sec. 102. Section 3 of An Act of October 3, 1964, approved October 3, 1964 (78 Stat. 1000; D.C. Code § 24-453), is amended as follows:

Section
24-453

ENROLLED ORIGINAL

- (a) By redesignating the existing text as subsection (a);
- (b) By striking the period at the end of the first sentence of redesignated subsection (a) and inserting the phrase "or any not-for-profit organization, except as provided in subsection (b) of this section." in its place; and
- (c) By adding a new subsection (b) to read as follows:
 - "(b) Departments or agencies of the District of Columbia shall utilize the products and services produced under this Act if the products and services satisfy agency requirements, including price, delivery, and other specifications."

Sec. 103. Section 15(b)(1) of the Compulsory/No-Fault Motor Vehicle Insurance Act of 1982, effective September 18, 1982 (D.C. Law 4-155; D.C. Code § 35-2113(b)(1)), is amended by striking the phrase "\$100 or more than \$300" and inserting the phrase "\$300 or more than \$500" in its place, and by striking the phrase "\$300 or more than \$500" and inserting the phrase "\$500 or more than \$1,000" in its place.

Section
35-2113

Sec. 104. The District of Columbia Real Property Tax Revision Act of 1974, approved September 3, 1974 (88 Stat. 1052; D.C. Code § 47-801 *et seq.*), is amended as follows:

Section
47-812

(a) Section 412 (D.C. Code § 47-812) is amended by adding a new subsection (a-1) to read as follows:

"(a-1) Notwithstanding the provisions of subsection (a) of this section, the real property tax rates for taxable property in the District of Columbia for the tax year beginning October 1, 1994, and ending September 30, 1995, shall be the same rates in effect for the tax year beginning October 1, 1993, and ending September 30, 1994.

(b) A new section 411a is added to read as follows:

Section
47-812a

"411a. Real property tax amnesty.

"(a) Notwithstanding the provisions of section 411, for the fiscal year beginning October 1, 1994, and ending September 30, 1995, the Mayor may provide amnesty to owners of real property from penalty, if any, imposed and 50% of the interest accrued as of the 1st day of the amnesty period on the base tax amount due for real property tax years 1989 to 1994, on real property with delinquent taxes for the 1989 to 1994 tax years.

"(b) The amnesty period shall be set by the Mayor.

"(c) To receive amnesty to be applied to a property, the real property owner shall, by the last day of the amnesty period:

"(1)(A) Pay or have paid all of the real property taxes due as of the last day of the amnesty period, plus penalty and interest if the tax payment or payments was made late, for the current real property tax year; and

"(B) The Mayor may require a real property owner who seeks amnesty to make any real property tax payment due for the current real property tax year as of the last day of the amnesty period, plus penalty and interest, if applicable, by cashier's check, certified check,

ENROLLED ORIGINAL

money order, or cash; and

"(2)(A) Pay the full amount of the base tax amount due on the property for real property tax years 1989 to 1994 and 50% of the interest accrued as of the 1st day of the amnesty period on the base tax amount due; and

"(B) The amnesty payment shall be made by cashier's check, certified check, money order, or cash and shall be accompanied by a form prescribed by the Mayor.

"(d) If a real property owner receives amnesty under this section, all real property taxes due, penalties imposed, or interest accrued for any period up to and including real property tax year 1994, on the property that is the subject of the amnesty, shall, notwithstanding any other provision of law, be deemed fully paid and satisfied.

"(e) Real property owners shall not be entitled to amnesty under this section for real property that:

"(1) Has been sold at tax sale and has an expired redemption period for which a tax sale certificate may be surrendered for a tax deed;

"(2) Is the subject of a pending bankruptcy proceeding;

"(3) Belongs to the United States government, including the United States

Marshal;

"(4) Is in the Distressed Properties Improvement Program under title VIII of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Code § 45-2581 *et seq.*);

"(5) Is in the Homestead Housing Preservation Program under the Homestead Housing Preservation Act of 1986, effective August 9, 1986 (D.C. Law 6-135; D.C. Code § 45-2701 *et seq.*);

"(6) As of the 1st day of the amnesty period, is or was the subject of:

"(A) Civil or criminal litigation commenced before the 1st day of the amnesty period;

"(B) A waiver or other agreement made with the Department of Finance and Revenue; or

"(C) An audit of the property's entitlement to real property tax relief, including, but not limited to, a homestead deduction, senior citizen property tax relief, lower income homeownership abatement, or tax incentives for development; or

"(7)(A) After the 1st day of the amnesty period is determined to have received real property tax relief, including, but not limited to, a homestead deduction, senior citizen property tax relief, lower income homeownership abatement, or tax incentives for development to which the property was not entitled; or

"(B) Notwithstanding subparagraph (A) of this paragraph, if it is determined by the Mayor that the real property owner was not in any way at fault in the real property receiving the tax relief to which it was not entitled, the owner may receive amnesty; provided, that the owner pays any additional taxes due as prescribed by the Mayor.

ENROLLED ORIGINAL

"(f) For the purposes of this section, the term "base tax amount due" means:

"(1) For real property that has been sold at tax sale, the amount that the Department of Finance and Revenue's computerized real property tax billing records show as due, into which has been incorporated penalties and interest for delinquent real property taxes due before the tax sale; or

"(2) For a property that has not been sold at tax sale, the amount that the Department of Finance and Revenue's computerized real property tax billing records show as due.

"(g) The Mayor may, pursuant to title 1 of the District of Columbia Administrative Procedures Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code § 1-1501 *et seq.*), issue rules and regulations necessary to interpret, administer, and enforce the provisions of this section."

(c) Section 437(a) (D.C. Code § 47-847(a)) is amended by striking the phrase "2 years or more" and inserting the phrase "6 months or more" in its place.

Section
47-847

Sec. 105. Amnesty.

(a) For the fiscal year beginning October 1, 1994, and ending September 30, 1995, the Mayor may provide amnesty to a taxpayer liable for the payment of a tax, the specific tax type to be determined by the Mayor, for which a return or report was required to be filed before October 1, 1994. The period of time for which an extension was granted for filing the return or report shall not be included in the time used to determine whether the return or report was required to be filed before October 1, 1994.

New Section
47-460

(b) The amnesty shall be from the imposition of any fine or other civil or criminal penalty and 50% of the accrued interest provided by law for the failure of the taxpayer to file a return or report, or pay a tax due for a tax type determined by the Mayor on a return or report that was required to be filed before October 1, 1994.

(c) To receive amnesty, the taxpayer shall file an application for amnesty with the Mayor on a form the Mayor prescribes. The application shall be filed with:

(1) The applicable original return or report that was required to be filed before October 1, 1994, but was not filed, or the applicable amended return or report that corrects a filed false or otherwise incorrect return or report that was required to be filed before October 1, 1994; and

(2) A certified or cashier's check, money order, or cash for the full amount of the tax due for the tax type determined by the Mayor plus 50% of the interest accrued as provided by law for the return or report that was required to be filed before October 1, 1994, but was not filed, or for the tax due for a tax type determined by the Mayor, that was not paid on a return or report that was required to be filed before October 1, 1994.

(d) Except as provided in subsection (a) of this section, amnesty shall be provided for any tax due for a tax type determined by the Mayor on a return or report required to be filed

ENROLLED ORIGINAL

before October 1, 1994, due to filing a false return, overreporting a deduction or exclusion, underreporting an item subject to taxation, nonreporting a tax liability, nonpayment of tax, failure to file a return or report, or another reason for failure to pay the full amount of tax due and owed for the return or report.

(e) A taxpayer shall not receive amnesty for:

(1) Any tax due that is the subject of a collection or closing agreement executed before October 1, 1994;

(2) Any tax due that is the subject of civil or criminal litigation commenced before October 1, 1994, except for tax due where the litigation is dismissed, with prejudice, before the last day of the amnesty period; or

(3) Any tax due for which the taxpayer fails to file the required form, return, or report pursuant to subsection (c)(1) of this section, fails to pay the full amount of the tax due and interest accrued as required pursuant to subsection (c)(2) of this section, or engages in fraud in filing a form, return, or report pursuant to subsection (c)(1) of this section.

(A) If a taxpayer engages in fraud in filing a return or report, any payment made with the application for amnesty shall be applied to the tax, penalty, and interest due, without regard to amnesty, for the tax type for which amnesty was sought by the taxpayer.

(B) The taxpayer, return, or report shall be subject to the same penalty, interest, assessment, enforcement, and other administrative provisions as the tax type for which amnesty was sought by the taxpayer.

(f) The Mayor is authorized, within the Mayor's broad discretion, to implement and administer the program for amnesty under this section.

(1) The Mayor may determine the specific tax types for which amnesty shall be granted, including, but not limited to the following tax types:

(A) Income and franchise taxes, including withholding taxes, imposed pursuant to the District of Columbia Income and Franchise Tax Act of 1947, approved July 16, 1947 (61 Stat. 331; D.C. Code § 47-1801.1 *et seq.*);

(B) Sales tax imposed pursuant to the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 112; D.C. Code § 47-2001 *et seq.*);

(C) Use tax imposed pursuant to the District of Columbia Use Tax Act, approved May 27, 1949 (63 Stat. 124; D.C. Code § 47-2201 *et seq.*); and

(D) Personal property tax imposed pursuant to An Act Making appropriations for the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and two, and for other purposes, approved July 1, 1902 (32 Stat. 620; D.C. Code § 47-1508 *et seq.*), and section 3 of the Personal Property Tax Act of 1986, effective February 28, 1987 (D.C. Law 6-212; D.C. Code § 47-1522).

(2) The Mayor may set the period for amnesty.

(3) The Mayor may provide amnesty for up to 100% of the accrued interest as provided by law, may require a taxpayer seeking amnesty to submit such documents or records

ENROLLED ORIGINAL

as the Mayor deems necessary to determine the truthfulness or accuracy of a return or report filed pursuant to this section, may permit the payment of any tax due under this section in installments, or may subject any return or report filed pursuant to this section to the same audit procedures to which a return or report for the tax type is subjected.

(4) The Mayor is authorized to issue such rules and regulations as may be necessary to interpret, administer, and enforce the provisions of this section.

Sec. 106. Section 3 of the Residential Property Tax Relief Act of 1977, effective February 28, 1978 (D.C. Law 2-45; D.C. Code § 47-850), is amended as follows:

Section
47-850

(a) Subsection (c)(1)(A) (D.C. Code § 47-850(c)(1)(A)) is amended to read as follows:

"(A)(i) Is occupied by the owner of the property who is subject to District income taxation during the period for which the homestead deduction is sought and provided; or

"(ii) Is unoccupied due to a major fire, flood, or other casualty that occurred during the 12 months preceding the tax year and was not intentionally caused by the owner; provided, that the property was qualified to receive the homestead deduction at the time of the major fire, flood, or other casualty occurred."

(b) Subsection (e)(6)(B) (D.C. Code § 47-850(e)(6)(B)) is amended by striking the phrase ", and the property shall be reclassified in accordance with the provisions of section 412a(e) of the District of Columbia Real Property Tax Revision Act of 1974, effective November 20, 1979 (D.C. Law 3-37; D.C. Code § 47-813(e))" and inserting the phrase "and shall be taxed at the appropriate rate of taxation for the class" in its place.

Sec. 107. Section 412a(e) of the District of Columbia Real Property Tax Revision Act of 1974, effective November 20, 1979 (D.C. Law 3-37; D.C. Code § 47-813(e)), is amended as follows:

Section
47-813

(a) By designating the existing text as paragraph (1) and amending redesignated paragraph (1) by striking the phrase "in accordance with section 3 of the Residential Property Tax Relief Act of 1977, effective February 28, 1978 (D.C. Law 2-45; D.C. Code § 47-850)," and inserting the phrase "in the manner and at the time as the Mayor shall prescribe" in its place; and

(b) By adding new paragraphs (2) and (3) at the end to read as follows:

"(2) Whenever any real property which obtained the Class 1 Property tax rate provided for in this section for the preceding tax year becomes ineligible for the Class 1 tax rate, the owner of such property shall notify the Mayor (in the manner and at the time as the Mayor shall prescribe) of the termination of eligibility. The Mayor may verify the eligibility of any real property, for which the Class 1 Property tax rate has been provided for any tax year, for the tax rate for any subsequent tax year.

"(3) If any owner of real property subject to the provisions of this section who is required to notify the Mayor under this subsection of a termination of eligibility for any tax year

ENROLLED ORIGINAL

fails to notify the Mayor (in the manner and at the time as the Mayor shall prescribe) of the termination, the Class 1 Property tax rate shall be disallowed for each such tax year, and the property shall be reclassified in accordance with this section and shall be taxed at the appropriate rate of taxation for that class. There shall be added to the tax a penalty of 10 per centum of the tax owed for each tax year in which the property was reclassified."

Sec. 108. The Condominium and Cooperative Trash Collection Tax Credit Act of 1990, effective October 2, 1990 (D.C. Law 8-180; D.C. Code § 47-871 *et seq.*), is amended as follows:

(a) Section 3(a) (D.C. Code § 47-872(a)) is amended by striking the phrase "who receives a deduction under section 3 of the Residential Property Tax Relief Act of 1977, effective February 28, 1978 (D.C. Law 2-45; D.C. Code § 47-850)".

Section
47-872

(b) Section 4(a) (D.C. Code § 47-873(a)) is amended by striking the phrase "that receives a deduction under section 3 of the Residential Property Tax Relief Act of 1977, effective February 28, 1978 (D.C. Law 2-45; D.C. Code § 47-850)".

Section
47-873

Sec. 109. An Act In relation to taxes and tax sales in the District of Columbia, approved February 28, 1898 (30 Stat. 250; D.C. Code § 47-1301), is amended as follows:

Section
47-1301

(a) Section 1 (D.C. Code § 47-1301) is amended as follows:

(1) By designating the existing text as subsection (a);

(2) By striking in the redesignated subsection (a) the phrase "; and the Council of the District of Columbia shall fix date of sale." and inserting a period in its place; and

(3) By adding a new subsection (b) to read as follows:

"(b)(1) Notwithstanding the provisions of subsection (a) of this section, only real property taxes delinquent as of October 1, 1993, that remain unpaid at the time of sale, shall be sold at the January 1995 real property tax sale.

"(2) Real property taxes delinquent as of October 1, 1994, that remain unpaid at the time of sale shall be sold at the real property tax sale to be held on the 3rd Tuesday in July 1995.

"(3) Beginning calendar year 1996 and each year thereafter, the annual real property tax sale shall be held on the 3rd Tuesday in July."

(b) Section 3 (D.C. Code § 47-1304) is amended by striking the phrase "2 years" wherever it appears and inserting the phrase "6 months" in its place, and by adding new subsections (e), (f), and (g) to read as follows:

Section
47-1304

"(e) Notwithstanding any other provision of law, no deed shall be issued for any property sold at the tax sale conducted in July 1995 and any tax sale thereafter, unless an application by the purchaser for the deed is made within 1 year from the last day of the tax sale.

"(f) If no application for the deed is made within the 1-year period, the property will be sold at the next ensuing tax sale.

ENROLLED ORIGINAL

"(g) Upon the failure of the purchaser to apply for the deed within 1 year from the last day of the tax sale, any money paid by the tax sale purchaser in exchange for a tax sale certificate shall be forfeited to the District of Columbia."

(c) Section 4(a) (D.C. Code § 47-1306(a)) is amended by striking the phrase "2 years" and inserting the phrase "6 months" in its place.

Section
47-1306

(d) Section 5(a) (D.C. Code § 47-1307(a)) is amended by striking the phrase "2 years" and inserting the phrase "6 months" in its place.

Section
47-1307

Sec. 110. Section 1(a) of An Act To provide for enforcing the lien of the District of Columbia upon the real estate bid off in its name when offered for sale for arrears of taxes and assessments, and for other purposes, approved March 2, 1936 (49 Stat. 1153; D.C. Code § 47-1312(a)), is amended by striking the phrase "more than 2 years" and inserting the phrase "more than 6 months" in its place.

Section
47-1312

Sec. 111. Resolution 73-48, effective June 5, 1973 (19 DCR 1183), is repealed.

Sec. 112. Section 6(10) of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes, approved July 1, 1902 (32 Stat. 620; D.C. Code § 47-1508), is amended by striking sub-subparagraph (THIRD) (B) and inserting in its place a new sub-subparagraph (THIRD) (B) to read as follows:

Section
47-1508

"(THIRD) (B). Beginning on October 1, 1994, the personal property of a telecommunication company, as defined in section 2(5) of the Toll Telecommunication Service Tax Act of 1989, effective September 20, 1989 (D.C. Law 8-26; D.C. Code § 47-3901(5)), irrespective of whether the property is used or consumed in furnishing a service the charges from which are subject to the gross receipts tax imposed by section 6(5)(B) of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the year ending June thirtieth, nineteen hundred and three, and for other purposes, approved July 1, 1902 (32 Stat. 619; D.C. Code § 47-2501(b)), or the Toll Telecommunication Service Tax Act of 1989, effective September 20, 1989 (D.C. Law 8-26; D.C. Code § 47-3901 *et seq.*). For the purposes of this sub-subparagraph, the phrase "personal property of a telecommunication company" shall not include office equipment or office furniture."

Sec. 113. Subsection (f) of section 128 of the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 116; D.C. Code § 47-2005(5)), is amended to read as follows:

Section
47-2005

"(f)(1) Sales of personal property purchased by a utility or a public-service company for use or consumption in furnishing a service or commodity, if the charges from furnishing the service or commodity are subject to a gross receipts tax or a mileage tax in force in the District for the period of time covered by a return required to be filed by the provisions of this Act. If the

ENROLLED ORIGINAL

personal property purchased is used both to produce receipts or charges subject to a gross receipts tax or a mileage tax and receipts or charges not subject to a gross receipts tax or a mileage tax, then this sales tax exemption shall be allocated in accordance with rules issued by the Mayor.

"(2) Beginning on October 1, 1994, sales of personal property purchased by a telecommunication company, as defined in section 2(5) of the Toll Telecommunication Service Tax Act of 1989, effective September 20, 1989 (D.C. Law 8-26; D.C. Code § 47-3901(5)), irrespective of whether the property is used or consumed in furnishing a service the charges from which are subject to the gross receipts tax imposed by section 6(5)(B) of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the year ending June thirtieth, nineteen hundred and three, and for other purposes, approved July 1, 1902 (32 Stat. 619; D.C. Code § 47-2501(b)), or the Toll Telecommunication Service Tax Act of 1989, effective September 20, 1989 (D.C. Law 8-26; D.C. Code § 47-3901 *et seq.*). For the purposes of this subsection, the term "personal property" shall not include office equipment or office furniture."

Sec. 114. Section 5(a) of title VI of the District of Columbia Income and Franchise Tax Act of 1947, approved July 16, 1947 (61 Stat. 345; D.C. Code § 47-1806.4(a)), is amended by adding a new sentence at the end to read as follows:

Section
47-1806.4

"Beginning with any taxable year after December 31, 1990, no franchise tax, license tax, excise tax, unincorporated business tax, occupation tax, or any tax characterized as such by the other taxing jurisdiction, even if applied to earned or business income, shall qualify as a credit under this section."

Sec. 115. Section 106 of the Hotel Occupancy and Surtax on Corporations and Unincorporated Business Tax Act of 1977, effective March 16, 1978 (D.C. Law 2-58; D.C. Code § 47-3206), is amended by adding a new subsection (c) to read as follows:

Section
47-3206

"(c) Notwithstanding subsection (b) of this section, no more than 52.59% of the hotel occupancy tax revenues shall be dedicated to the Washington Convention Center Enterprise Fund for promotions of conventions and tourism in Fiscal Year 1995, with the balance of the previously dedicated amount for promotions (7.41% of the hotel occupancy tax revenues) to be deposited in the general operating fund of the District government in Fiscal Year 1995."

Sec. 116. Section 721 of chapter 7 of title 21 of the District of Columbia Municipal Regulations (Water and Sanitation) (21 DCMR 721) is amended by amending subsections 721.1 and 721.2 to read as follows:

DCMR

"721.1 A solid waste collector who disposes of solid waste at a disposal facility owned by, operated by, or under contract with the District shall pay its disposal fees in advance by certified check or by establishing an escrow account with a financial institution for monthly

ENROLLED ORIGINAL

drawdowns by the District to pay for the collector's solid waste disposal fees. The escrow account shall maintain a balance equivalent to 60 days of estimated disposal fees. Estimated disposal fees shall be based on the average of the solid waste collector's disposal cost from the preceding 6-month period. If the disposal cost information for the preceding 6-month period is not available, the Mayor shall reasonably determine the balance to be maintained in the escrow account. All escrow accounts shall be reconciled within 5 business days. If the escrow account is not reconciled within 5 business days, the Mayor shall impose a 5% penalty based on the amount due in the escrow account.

"721.2. Any solid waste collector who disposes solid waste at a disposal facility owned by, operated by, or under contract with the District, as of December 21, 1994, who is not delinquent in payment of its solid waste disposal fee shall be exempt from the requirement of payment of the solid waste disposal fee in advance, provided that the solid waste collector does not become delinquent in payment after December 21, 1994. For the purposes of this section, the term "delinquent" means nonpayment of the solid waste disposal fee within 30 days of receipt of bill from the District."

Sec. 117. Applicability.

(a) Section 114 shall apply to taxes on personal property of a telecommunication company that become due on or after October 1, 1994.

(b) Section 113 shall apply to taxes on sales of personal property that occur on or after October 1, 1994.

Note, Section 47-1806.4

Note, Section 47-2005

TITLE II - HEALTH CARE PROVIDER ASSESSMENT

Sec. 201. This title may be cited as the "Health Care Provider Assessment Act of 1995".

New Chapter 12B, Title 47 New Section 47-1241

Sec. 202. Definitions.

For the purposes of this act, the term:

(1) "Fiscal year" means the 12-month accounting period of the District of Columbia beginning on October 1 and ending on September 30 of each year.

(2) "Gross patient services revenue" means the sum of inpatient service charges, ambulatory service charges, ancillary service charges, and other charges related to the provision of services to patients. Gross patient services revenue does not include any nonpatient services revenue.

(3) "Health care provider" means an individual, corporation, partnership, or other entity subject to an assessment under this act.

(4) "Hospital" means a health care facility as defined in section 2(a)(1) of the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Code § 32-1301(a)(1)), but does not include a health care facility operated by the federal government.

ENROLLED ORIGINAL

(5) "Intermediate care facility for the mentally retarded" shall have the same meaning as under section 1905(d) of the Social Security Act, approved July 30, 1965 (79 Stat. 351; 42 U.S.C. § 1396d(d)), but does not include a facility operated by the federal government.

(6) "Net Medicaid revenue" means payments received, or to be received, by a health care provider from a medical assistance program pursuant to title XIX of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 *et seq.*), for medical and other health care services provided by the health care provider to eligible individuals during a 12-month accounting period of the health care provider.

(7) "Net patient services revenue" means gross patient services revenue as defined in paragraph (2) of this section, less total deductions from gross patient services revenue, as defined in paragraph (10) of this section.

(8) "Nursing home" means a health care facility as defined in section 2(a)(3) of the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Code § 32-1301(a)(3)), but does not include a health care facility operated by the federal government or operated as part of a continuing care retirement community, as described in the District of Columbia Health Plan, issued December 1989, at pages VII-A-8 and VII-A-9.

(9) "Patient day" means a day in which a patient occupies a bed for purposes of receiving inpatient services, including intermediate care services for persons who are mentally retarded, but shall not include the day of the patient's discharge from a facility. A patient shall be considered to occupy a bed on a day when he is physically absent from a facility, provided that the facility is eligible to receive payment for the day from a medical assistance program or any other payer.

(10) "Total deductions from gross patient services revenue" means deductions from gross patient services revenue resulting from a health care provider's inability to collect full payment of its established charges to patients. The deductions include:

(A) Bad debts;

(B) Contractual adjustments, including the difference between the amount that would be realized at the health care provider's established charges and amounts actually received pursuant to contractual agreements entered into in order to receive Medicare payments, Medicaid payments, Blue Cross/Blue Shield plan payments, or other 3rd-party payments;

(C) Uncompensated or charity care;

(D) Administrative, courtesy, and policy discounts and adjustments; and

(E) Other similar deductions.

Sec. 203. Assessment on hospitals.

(a) Each hospital operating in the District of Columbia shall pay an assessment equal to 0.45% of the hospital's annual net patient services revenue, excluding net Medicaid revenue.

(b) The assessment shall be paid in 2 equal installments. The 1st installment shall be

New Section
47-1242

ENROLLED ORIGINAL

due on September 30, 1995, and the 2nd installment shall be due on March 31, 1996. The assessment shall be based on the hospital's most recently completed 12-month accounting period ending on or before September 30, 1995. In the case of a hospital having an accounting period other than a 12-month period, the Mayor shall determine the accounting period upon which the assessment shall be based.

(c) Each hospital shall report net patient services revenue for the period upon which the assessment is imposed by submitting an audited financial statement and other information as may be prescribed by the Mayor in the rules issued pursuant to section 213. The report shall be submitted on June 30, 1995, for the installment payment due on September 30, 1995, and on December 31, 1995, for the installment payment due on March 31, 1996.

(d) If, for reasonable cause shown, an audited financial statement is not available to a hospital at the time it is required to make its 1st payment, the hospital shall report net patient services revenue using an unaudited financial statement and shall base its payment on that statement. The hospital shall submit its audited financial statement with the payment due on September 30 of each fiscal year and shall adjust that payment to reflect the information in its audited financial statement.

Sec. 204. Assessment on nursing homes.

New Section
47-1243

(a) Each nursing home operating in the District of Columbia shall pay an assessment equal to \$11.88 per patient day subject to the limitations imposed in subsection (f) of this section.

(b) The assessment shall be paid in 2 equal installments. The 1st installment shall be due on September 30, 1995, and shall be based on the nursing home's total patient days during the immediately preceding 6-month period beginning on April 1, 1995, and ending September 30, 1995. The 2nd installment shall be due on March 31, 1996, and shall be based on the nursing home's total patient days during the 6-month period beginning on October 1, 1995, and ending March 31, 1996.

(c) Each nursing home shall report its total patient days for the period upon which the assessment is imposed on the form and in the manner prescribed by the Mayor in the rules issued pursuant to section 213. The report shall be submitted with each payment by the nursing home.

(d) If, for reasonable cause shown, a nursing home is not able to determine its actual number of patient days by the date a payment is due, it shall submit a report estimating the number of patient days and providing the basis for its estimate. The nursing home shall report the actual number of patient days no later than 30 days after the date the payment is due and adjust its next scheduled payment to reflect that information. Within 30 days following the date the final payment under this section is due, the nursing home shall report the actual number of patient days for the relevant period and reconcile its final payment, either by tendering the remaining amount due or by claiming a refund.

(e) Pursuant to section 1903(w)(3)(E)(i) of the Social Security Act, approved July 30,

ENROLLED ORIGINAL

1965 (79 Stat. 349; 42 U.S.C. § 1396b(w)(3)(E)(i)), the Mayor shall submit to the Secretary of the Department of Health and Human Services an application for a waiver of the assessment imposed by this section for nursing homes that provide uncompensated charity care in an amount that exceeds the total amount that the nursing home would be required to pay under this section.

(f) No assessment imposed on a nursing home pursuant to this section on or after October 1, 1994, shall exceed 6% of the gross patient services revenue of the nursing home.

(g) Effective for services provided on and after October 1, 1994, Medicaid rates paid to nursing homes shall be increased to reflect the allowable Medicaid costs. This increase shall be paid as soon as practicable, but no later than the subsequent fiscal year for services provided in the current fiscal year.

Sec. 205. Assessment on intermediate care facilities for the mentally retarded.

(a) Each intermediate care facility for the mentally retarded ("intermediate care facility") operating in the District of Columbia shall pay an assessment equal to \$15.29 per patient day subject to the limitations imposed in subsection (e) of this section.

New Section
47-1244

(b) The assessment shall be paid in 2 equal installments. The 1st installment shall be due on September 30, 1995, and shall be based on the intermediate care facility's total patient days during the immediately preceding 6-month period beginning on April 1, 1995, and ending September 30, 1995. The 2nd installment shall be due on March 31, 1996, and shall be based on the intermediate care facility's total patient days during the 6-month period beginning on October 1, 1995, and ending March 31, 1996.

(c) Each intermediate care facility shall report its total patient days for the period upon which the assessment is imposed on the form and in the manner prescribed by the Mayor in the rules issued pursuant to section 213. The report shall be submitted with each payment by the intermediate care facility.

(d) If, for reasonable cause shown, an intermediate care facility is not able to determine its actual number of patient days by the date a payment is due, it shall submit a report estimating the number of its patient days and providing the basis for its estimate. The intermediate care facility shall report the actual number of patient days no later than 30 days after the date the payment is due and adjust its next scheduled payment to reflect that information. Within 30 days following the date the final payment under this section is due, the intermediate care facility shall report the actual number of patient days for the relevant period and reconcile its final payment, either by tendering the remaining amount due or by claiming a refund.

(e) No assessment imposed on an intermediate care facility for the mentally retarded pursuant to this section on or after October 1, 1994, shall exceed 6% of the gross patient services revenue of the facility.

(f) Effective for services provided on and after October 1, 1994, Medicaid rates paid to intermediate care facilities for the mentally retarded shall be increased to reflect the allowable

ENROLLED ORIGINAL

Medicaid costs. This increase shall be paid as soon as practicable, but no later than the subsequent fiscal year for services provided in the current fiscal year.

Sec. 206. Interest and penalties.

New Section
47-1245

(a) When a health care provider fails to pay an assessment in the amount or on the date required by this act, interest at the rate of 1.5% per month of the unpaid assessment, or any fraction of a month, shall be added to the unpaid amount of the assessment from the date prescribed for its payment until the date it is paid.

(1) If a health care provider fails to pay all or part of an assessment within 60 days of the date that payment is due, the Mayor may deduct the unpaid balance of the assessment from medical assistance payments otherwise due to the health care provider by the District of Columbia. Any such deduction shall be made only after written notice has been received by the health care provider and shall be taken in reasonable amounts over a reasonable period of time, taking into account the financial condition of the health care provider.

(2) If the Mayor is satisfied that the failure to pay all or part of an assessment was due to reasonable cause, the Mayor may waive all or part of the interest provided for in this subsection. For purposes of this paragraph, a health care provider's good faith inability to obtain an audited financial statement, as described in section 203(d), or to determine its actual number of patient days, as described in section 204(d) or 205(d), by the date a payment is due, shall constitute reasonable cause.

(b) When a health care provider fails to file a report required under this act, there shall be added to the assessment otherwise due under this act an amount equal to 5% of the assessment for each month, or any fraction of a month, that the failure to file continues, not to exceed 25% of the assessment in the aggregate. If the Mayor is satisfied that the failure to file the report was due to reasonable cause, the Mayor may waive all or part of the penalty provided for in this subsection.

(c) In addition to any other penalty prescribed pursuant to this act, a health care provider who fails to pay all or part of an assessment due under this act with an intent to defraud the District of Columbia shall be subject to a penalty in an amount equal to:

(1) Seventy-five percent of the difference between the amount of the assessment due and the amount of the assessment paid; and

(2) Fifty percent of the interest payable under subsection (a) of this section.

(d) In addition to any other penalty prescribed pursuant to this act or by law, a health care provider who knowingly provides false information in a report required to be filed under this act shall be subject to a penalty in an amount not to exceed \$1,000. For purposes of this subsection, submitting a report that contains unaudited financial information or estimated patient days shall not constitute a knowing filing of false information, provided that the health care provider states that the report contains unaudited or estimated information and reports its audited financial data or actual patient days as provided in sections 203(d), 204(d), or 205(d), whichever

ENROLLED ORIGINAL

applies.

(e) In the case of a health care provider to whom no medical assistance payments are due, or for whom the amount of any assessment, interest, or penalties owed under this act exceeds the amount of the medical assistance payments due to the health care provider, the District of Columbia shall have a lien upon the real and personal property located in the District of Columbia of the health care provider for any assessments, interest, or penalties that are due under this act. The District of Columbia shall have the priority of a secured creditor.

(f) Any action under this section shall be brought in the Superior Court of the District of Columbia by the Corporation Counsel of the District of Columbia in the name of the District of Columbia.

Sec. 207. Payment.

**New Section
47-1246**

(a) An assessment imposed under this act shall be collected by the Mayor.

(b) The funds generated by the health care provider assessments imposed by this act shall be deposited into an account in the General Fund designated for the support of health care services in the District of Columbia.

(c) The Mayor and the Council of the District of Columbia shall request that an amount equal to the revenues deposited in the account established by subsection (b) of this section shall be appropriated for the support of health care services.

Sec. 208. Confidentiality; audit; determination or redetermination of assessment.

**New Section
47-1247**

(a) Unless otherwise provided by law, information submitted by a health care provider under this act is confidential and shall not be disclosed by the Mayor, or by a person designated by the Mayor, to ascertain the correctness of the information in a form which reveals the identity of an individual health care provider.

(b) The Mayor, or a person designated by the Mayor, to ascertain the correctness of the information reported, may audit the information required to be reported by a health care provider under this act and, based on that audit, may determine or redetermine the amount of the assessment due under this act.

(1) The Mayor may summon any person to appear before the Mayor to give testimony or answer interrogatories, or to produce books, records, or other pertinent information relating to matters subject to audit. The summons may be served by a member of the Metropolitan Police Department or by registered mail or certified mail addressed to the person at the person's last dwelling place or principal place of business. A verified return by the person serving the summons, or, in the case of service by registered or certified mail, the return post office receipt signed by the person served, shall be proof of service.

(2) The Mayor may report a person who, having been served pursuant to paragraph (1) of this subsection, neglects or refuses to obey the summons, to the Superior Court of the District of Columbia. The Superior Court may compel obedience to the summons to the

ENROLLED ORIGINAL

same extent as witnesses may be compelled to obey subpoenas of the Superior Court.

(c) If the Mayor determines, as a result of an audit conducted pursuant to subsection (b) of this section, that a health care provider owes additional funds under this act, the health care provider shall be notified of the amount determined to be owed by registered or certified mail. Payment shall not be due until 30 days after the health care provider receives written notice, as determined by the date of the return post office receipt, of the amount determined to be owed. Any interest and penalties applicable to the payment pursuant to this section shall not accrue until after the 30-day period has expired.

Sec. 209. Periods of limitation on audit and collection.

**New Section
47-1248**

No audit of information required to be reported under sections 203(c), 204(c), or 205(c) shall be commenced more than 3 years following the date the information is reported, except in the case of false or fraudulent information reported with intent to evade assessment or in the case of a failure to report required information. In such cases, an audit may be commenced at any time.

Sec. 210. Appeals.

**New Section
47-1249**

(a) A health care provider contesting the amount of an assessment imposed under this act may, within 60 days after the date the assessment is due or the date it receives notice of a determination or redetermination of the amount of the assessment due pursuant to section 208, request a hearing to contest the assessment, determination, or redetermination by filing a notice of appeal with the District of Columbia Board of Appeals and Review. The hearing shall be subject to the provisions of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code § 1-1501 *et seq.*), governing adjudication of contested cases and shall be conducted pursuant to the rules of the District of Columbia Board of Appeals and Review in chapter 5 of title 1 of the District of Columbia Municipal Regulations (1 DCMR 500 *et seq.*).

(b) Before filing an appeal pursuant to subsection (a) of this section, the health care provider shall first pay the assessment together with any penalties and interest due on the assessment to the Mayor.

Sec. 211. Certain suits forbidden.

**New Section
47-1250**

No suit shall be filed to enjoin the assessment and collection by the Mayor of any assessment, interest, or penalty imposed by this act.

Sec. 212. Federal determinations.

**New Section
47-1251**

(a) In the event that the federal government determines that an assessment imposed on a class of health care providers pursuant to this act does not satisfy the requirements for federal financial participation set forth in section 1903(w) of the Social Security Act, approved

ENROLLED ORIGINAL

July 30, 1965 (79 Stat. 349; 42 U.S.C. § 1396b(w)), or that a payment by the District of Columbia to an individual health care provider for a cost directly resulting from an assessment imposed by this act is not eligible for federal financial participation, the moneys collected pursuant to the assessment shall be refunded to the class of health care providers who paid the assessment and the assessment shall not be enforced with respect to future payments.

(b) An adverse determination with respect to an assessment imposed on a class of health care providers pursuant to this act shall not affect the validity, amount, applicable rate, or any other terms of any other assessment on a class of health care providers imposed by this act. An adverse determination with respect to all the assessments imposed by this act shall render this act null and void.

(c) Notwithstanding any other provision of this act, in the event that the federal government determines that any exclusions from a class of health care providers specified under this act would prevent an assessment upon that class from qualifying as a broad-based health care related tax, as that term is defined in section 1903(w)(3)(B) of the Social Security Act, approved July 30, 1965 (79 Stat. 349; 42 U.S.C. § 1396b(w)(3)(B)), then the exclusions shall not be made.

New Section
47-1252

Sec. 213. Rules.

The Mayor may, pursuant to title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code § 1-1501 *et seq.*), issue rules to implement the provisions of this act.

Sec. 214. Title II of the "Multiyear Budget Spending Reduction and Support Temporary Act of 1995", effective March 23, 1995 (D.C. Law 10-253; D.C. Code § 47-1207 *et seq.*), is repealed.

TITLE III BIENNIAL RENEWAL OF LICENSES

Sec. 301. An Act To regulate the erection, hanging, placing, painting, display, and maintenance of outdoor signs and other forms of exterior advertising within the District of Columbia, approved March 3, 1931 (46 Stat. 1486; D.C. Code § 1-326), is amended by striking in the first sentence the phrase "Provided, that no license shall issue without the prepayment of \$14 to the Collector of Taxes of the District of Columbia, and an annual fee of \$14 thereafter for each succeeding year" and inserting the phrase "Provided, that no license shall issue without the prepayment of \$14 to the District of Columbia Treasurer, and a fee of \$28, paid biennially" in its place.

Section
1-326

ENROLLED ORIGINAL

Sec. 302. Section 7 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes approved July 1, 1932 (42 Stat. 550; D.C. Code § 47-2801 *et seq.*), is amended as follows:

(a) Paragraph 10 (D.C. Code § 47-2809) is amended by striking the phrase "of \$30 per annum" wherever it occurs and inserting the phrase "of \$60 biennially" in its place. Section
47-2809

(b) Paragraph 17 (D.C. Code § 47-2817) is amended to read as follows: Section
47-2817

"(a) Owners or managers of laundries operated other than by hand power shall pay a license fee of \$188 biennially;

"(b) Owners or managers of laundries operated by hand power shall pay a license fee of \$60 biennially.

"(c) Owners or managers of dry cleaning or dyeing establishments shall pay a license fee of \$222 biennially".

(c) Paragraph 18 (D.C. Code § 47-2818) is amended to read as follows: Section
47-2818

"(a) Persons engaged in the business of manufacturing or renovating mattresses shall pay a license fee of \$476 biennially".

"(b) Owners or managers of establishments where mattresses are stored, sold, or kept for sale shall pay a license fee of \$34 biennially".

"(c) Within the meaning of this section, the term "mattress" shall be deemed to include any quilt, comforter, pad, pillow, cushion, or bag stuffed with hair, down, feathers, wool, cotton, excelsior, jute, or any other soft material and designed for use for sleeping or reclining purposes.

(d) Paragraph 20(a) (D.C. Code § 47-2820(a)) is amended by striking the phrase "of \$415 per annum" and inserting the phrase "of \$830 biennially" in its place. Section
47-2820

(e) Paragraph 27(b) (D.C. Code § 47-2827(b)) is amended by striking the phrase "of \$111 per annum" and inserting the phrase "of \$222 biennially" in its place. Section
47-2827

(f) Paragraph 32 (D.C. Code § 47-2830) is amended by striking the phrase "of \$300 per annum for each such establishment" inserting the phrase "of \$600 biennially for each such establishment" in its place. Section
47-2830

(g) Paragraph 37 (32 Stat. 627; D.C. Code § 47-2836) is amended by striking the phrase "of \$158 per annum" and inserting the phrase "of \$316 biennially" in its place. Section
47-2836

Sec. 303. Title III of the Omnibus Budget Support Emergency Act of 1995, signed by the Mayor on April 28, 1995 (D.C. Act 11-44; 42 DCR 2217), is amended as follows:

(a) The catchline for title III is amended by striking the word "BIANNUAL" and inserting the word "BIENNIAL" in its place.

(b) Section 301 is amended by striking the word "biannually" and inserting the word "biennially" in its place. Note, Section
1-326

(c) Section 302 is amended by striking the word "biannually" wherever it appears and Note,
Sections

ENROLLED ORIGINAL

inserting the word "biennially" in its place.

(d) Sec. 304. Section 303 shall be applicable as of April 28, 1995.

47-2809
47-2817
47-2818
47-2820
47-2827
47-2830
47-2836

TITLE IV - OPTICAL AND DENTAL BENEFITS

Sec. 401. (a) The optical and dental benefits for Career and Excepted Service employees not covered by collective bargaining, approved pursuant to the changes to the Compensation System and to the Pay Schedules for Career Service and Excepted Service Employees Approval Resolution of 1985, effective September 24, 1985 (Res. 6-305; 32 DCR 5571), are reduced to a level that will allow maximum benefits to continue within available appropriations.

(b) The Mayor shall renegotiate the optical and dental benefits contract to implement subsection (a) of this section.

TITLE V - HUMAN SERVICES AMENDMENTS

Sec. 501. Section 1(d)(2)(A)(ii) of An Act To enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Code § 1-359(d)(2)(A)(ii)), is amended to read as follows:

Section
1-359

"(ii) A primary care provider, who shall be reimbursed on a capitated basis;"

Sec. 502. General public assistance program.

The District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code § 3-201.1 *et seq.*), is amended as follows:

(a) Section 406 (D.C. Code § 3-204.6) is amended as follows:

Section
3-204.6

(1) Subsection (a) is amended by striking the phrase "\$15 per month supplemental payment from District revenues." and inserting the phrase "per month supplemental payment from District revenues not to exceed the minimum required by federal regulation." in its place.

(2) Subsection (b) is amended by striking the figure "\$15".

(b) Subsection (a) of this section shall apply on the later of:

(1) Date of written notice to the appropriate federal agencies that the District intends to reduce this category of SSI supplementation;

(2) Thirty days after the date of advance written notice to the affected SSI recipients; or

(3) On January 1, 1995.

(c) Section 515(a)(3) (D.C. Code § 3-205.15(1)(C)) is repealed.

Section
3-205.15
Section
3-205.43

(d) Section 543 (D.C. Code § 3-205.43) is amended as follows:

(1) Subsection (a) is repealed.

(2) Subsection (b) is amended by amending the first sentence to read as follows:

ENROLLED ORIGINAL

"(b) A pregnant woman may be eligible for AFDC benefits for herself if the pregnancy has been medically certified, the pregnancy is in the 3rd trimester, and other eligibility requirements are met."

(e) Section 552 (D.C. Code § 3-205.52) is amended as follows:

**Section
3-205.52**

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

"(c) The standards of assistance are set forth in the following table and include basic costs of food, clothing, shelter, household and personal items, certain transportation costs, and life insurance when paid by the Mayor.

ENROLLED ORIGINAL

"STANDARDS OF ASSISTANCE

Family Size	Standard of Assistance	Payment Level
1	\$ 450.00	\$ 265.00
2	560.00	330.00
3	712.00	420.00
4	870.00	513.00
5	1,002.00	591.00
6	1,178.00	695.00
7	1,352.00	797.00
8	1,494.00	881.00
9	1,642.00	968.00
10	1,786.00	1,053.00
11	1,884.00	1,111.00
12	2,024.00	1,104.00
13	2,116.00	1,248.00
14	2,232.00	1,316.00
15	2,316.00	1,366.00
16	2,432.00	1,434.00
17	2,668.00	1,574.00
18	2,730.00	1,610.00
19	2,786.00	1,643.00".

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

"(d) The table set forth in subsection (c) of this section shall apply to payments made beginning December 1, 1994. The level of public assistance payments for assistance units and the standards of assistance in subsection (c) of this section may be adjusted by the Mayor through promulgation of a rule in accordance with the rulemaking provisions of title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code § 1-1501 *et seq.*)."

(3) New subsections (e) and (f) are added to read as follows:

"(e) A recipient of public assistance may not make a claim for any cost-of-living adjustment in assistance payments that have not been paid prior to the effective date of the Multiyear Budget Spending Reduction and Support Emergency Act of 1994, effective December 29, 1994 (D.C. Act 10-389; 42 DCR 197), and would have been paid but for the enactment of the Public Assistance Act of 1982 Budget Conformity Amendment Act of 1991, effective August 17, 1991 (D.C. Law 9-27; 38 DCR 5794).

ENROLLED ORIGINAL

"(f) A recipient of public assistance may not make a claim for any adjustment in assistance payments that have not been paid prior to the effective date of the Multiyear Budget Spending Reduction and Support Emergency Act of 1994, effective December 29, 1994 (D.C. Act 10-389; 42 DCR 197), and would have been paid but for the enactment of the Public Assistance Act of 1982 Budget Conformity Amendment Act of 1991, effective August 17, 1991 (D.C. Law 9-27; 38 DCR 5794)."

(f) Section 603(e) (D.C. Code § 3-206.3(e)) is amended as follows:

Section
3-206.3

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

(A) By striking the phrase "who are not receiving AFDC and"; and

(B) By striking the phrase "after adjustments such as" and inserting the phrase "excluding the income of any dependent minor and" in its place.

(2) Paragraph (2) is repealed.

Section
3-207.1

(g) Title VII (D.C. Code § 3-207.1 *et seq.*) is repealed.

Section
3-214.2

(h) Section 1402 (D.C. Code § 3-214.2) is amended by striking the phrase "approved by the Council, by resolution." and inserting the phrase "issued by the Mayor, pursuant to title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code § 1-1510 *et seq.*)".

(i) Section 1404 (D.C. Code § 3-214.4) is amended as follows:

Section
3-214.4

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

(A) The first sentence is amended by adding the phrase "or cremation" after the phrase "funeral services".

(B) The second sentence is amended as follows:

(i) By striking the phrase "\$750 for a complete adult" and inserting the phrase "\$450 towards the cost of a cremation or complete funeral services as defined by rules promulgated pursuant to section 1402. Any additional payment by the family for cremation or funeral services shall not exceed the amount specified for family payments in the rules." in its place; and

(ii) By striking the phrase "including the burial plot."

(C) By striking the last 2 sentences.

(2) Subsection (b) is amended by striking the last sentence.

(3) Subsection (c) is repealed.

Sec. 503. Day care rates.

The Day Care Policy Act of 1979, effective September 19, 1979 (D.C. Law 3-16; D.C. Code § 3-301 *et seq.*), is amended as follows:

(a) Section 10 (D.C. Code § 3-309) is amended as follows:

Section
3-309

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

"(g) The Department shall retain all fees collected from parents of eligible children

ENROLLED ORIGINAL

pursuant to subsection (a) of this section as specified by the fee scale set forth in section 6."

(2) Subsection (h) is amended to read as follows:

"(h) The rates established pursuant to subsection (a) of this section may be adjusted by the Mayor through promulgation of a rule in accordance with the rulemaking provisions of the District of Columbia Administrative Procedure Act, approved October 2, 1968 (82 Stat. 1204; D.C. Code § 1-1501 *et seq.*)."

(b) Section 11(b) (D.C. Code § 3-310(b)) is amended to read as follows:

Section
3-310

"(b) The rates established pursuant to subsection (a) of this section may be adjusted by the Mayor through promulgation of a rule in accordance with the rulemaking provisions of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code § 1-1501 *et seq.*)."

Sec. 504. Section 6a of the District of Columbia Right to Overnight Shelter Act of 1984, effective March 6, 1991 (D.C. Law 8-197; D.C. Code § 3-605.1), is amended as follows:

Section
3-605.1

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

(1) The first sentence is amended by striking the phrase "who is not receiving AFDC benefits" and inserting the phrase "and any emancipated minor" in its place.

(2) The third sentence is amended by striking the phrase "person's gross monthly income, excluding" and inserting the phrase "gross monthly household income, excluding the income of any dependent minor," in its place.

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

"(b) The District government shall apply any amount that a person pays pursuant to subsection (a) of this section to the reasonable costs of shelter provided to the person by the District government."

Sec. 505. The Emergency Assistance Program Act of 1988, effective March 16, 1989 (D.C. Law 7-221; D.C. Code § 3-1001 *et seq.*), is amended as follows:

(a) Section 3(b)(4) (D.C. Code § 3-1002(b)(4)) is amended to read as follows:

Section
3-1002

"(4) Demonstrate that the provision of a category of emergency assistance would alleviate the emergency."

(b) Section 10(4) (D.C. Code § 3-1009(4)) is amended by inserting a period after the phrase "on behalf of the applicant" and striking the rest of the sentence.

Section
3-1009

(c) Section 15(b) (D.C. Code § 3-1014(b)) is amended to read as follows:

Section
3-1014

"(b) If emergency assistance will substantially, if not entirely, alleviate the emergency during the 30-day period immediately following the initial authorization of payment resulting from an application."

(d) Section 16 (D.C. Code § 3-1015) is repealed.

Section

(e) Section 17 (D.C. Code § 3-1016) is repealed.

Section
3-1016

ENROLLED ORIGINAL

- (f) Section 18 (D.C. Code § 3-1017) is repealed. Section 3-1017
- (g) Section 19(c) (D.C. Code § 3-1018(c)) is amended to read as follows: Section 3-1018
- "(c) Repair or replacement of any of the following appliances may be authorized at actual cost up to a maximum payment of \$250: stove, refrigerator, washing machine, or air conditioner."
- (h) Section 20 (D.C. Code § 3-1019) is amended as follows: Section 3-1019
- (1) Subsection (a)(2) is amended to read as follows:
- "(2) If the furniture is for an active child welfare case pending in the Department of Human Services."
- (2) Subsection (b) is amended by striking the figure "\$400" and inserting the figure "\$500" in its place.
- (i) Section 21 (D.C. Code § 3-1020) is amended as follows: Section 3-1020
- (1) Subsection (b) is amended as follows:
- (A) By striking the phrase "\$450 per month" and inserting the figure "\$1,500" in its place; and
- (B) By striking the last sentence.
- (2) Subsection (c) is amended to read as follows:
- "(c) Emergency assistance for the 1st month's rent may be granted up to \$500."
- (j) Section 22(b) (D.C. Code § 3-1021(b)) is amended to read as follows: Section 3-1021
- "(b) Emergency assistance payments shall be limited to the actual cost of the mortgage arrearage up to a maximum of \$1,500."
- (k) Section 23(d) (D.C. Code § 3-1022(d)) is amended by striking the figure "\$1,000" and inserting the figure "\$250" in its place. Section 3-1022
- (l) Section 24 (D.C. Code § 3-1023) is repealed. Section 3-1023
- (m) Section 25(c) (D.C. Code § 3-1024(c)) is amended by striking the period at the end of the 2nd sentence and inserting the phrase ", up to a maximum payment of \$500." in its place. Section 3-1024
- (n) Section 26 (D.C. Code § 3-1025) is repealed. Section 3-1025
- (o) Section 27(a) (D.C. Code § 3-1026(a)) is amended by adding a new subsection (d) to read as follows: Section 3-1026
- "(d) Notwithstanding subsections (a) through (c) of this section, nothing in this section shall be construed to create an entitlement to any person to emergency assistance for utilities."
- (p) Section 28 (D.C. Code § 3-1027) is repealed. Section 3-1027
- (q) Section 29 (D.C. Code § 3-1028) is amended by inserting the phrase ", up to a maximum of \$450," after the word "assistance". Section 3-1028
- (r) Section 31 (D.C. Code § 3-1030) is repealed. Section 3-1030

Sec. 506. The Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978, effective March 3, 1979 (D.C. Law 2-137; D.C. Code § 6-1901 *et seq.*), is amended as

ENROLLED ORIGINAL

follows:

(a) Section 102(a) (D.C. Code § 6-1901(a)) is amended as follows:

Section
6-1901

(1) Paragraph (1) is amended by striking the phrase "mentally retarded persons" and inserting the phrase "residents of the District of Columbia with mental retardation".

(2) Paragraph (2) is amended by striking the phrase "person who may be mentally retarded" and inserting the phrase "resident of the District of Columbia with mental retardation" in its place.

(b) Section 103 (D.C. Code § 6-1902) is amended as follows:

Section
6-1902

(1) Subsection (c) is amended by striking the word "residents" and inserting the word "customers" in its place.

(2) A new subsection (e-1) is added to read as follows:

"(e-1) "competent" means to have the mental capacity to appreciate the nature and implications of a decision to enter a facility, choose between or among alternatives presented, and communicate the choice in an unambiguous manner."

(3) Subsection (f) is amended to read as follows:

"(f) "comprehensive evaluation" means an assessment of a person with mental retardation by persons with special training and experience in the diagnosis and habilitation of persons with mental retardation, which includes a sequence of observations and examinations intended to determine the person's strengths, developmental needs, and need for services. The initial comprehensive evaluation shall include, but not be limited to, a physical examination that includes the person's medical history; an educational evaluation, vocational evaluation, or both; a psychological evaluation, including an evaluation of cognitive and adaptive functioning levels; a social evaluation; and a dental examination."

(4) A new subsection (f-1) is added to read as follows:

"(f-1) "customer" means a person admitted to or committed to a facility pursuant to title III for habilitation or care."

(5) Subsection (v) is amended to read as follows:

"(v) "resident of the District of Columbia" means a person who maintains his or her principal place of abode in the District of Columbia, including a person with mental retardation who would be a resident of the District of Columbia if the person had not been placed in an out-of-state facility by the District. A person with mental retardation who is under 21 years of age shall be deemed to be a resident of the District of Columbia if the custodial parent of the person with mental retardation is a resident of the District of Columbia."

(6) A new subsection (x-1) is added to read as follows:

"(x-1) "screening" means an assessment of a person with mental retardation in accordance with standards issued by the Accreditation Council for Services for People with Developmental Disabilities, which is designed to determine if a further evaluation of the person with mental retardation or other interventions are indicated."

ENROLLED ORIGINAL

- (c) Section 201 (D.C. Code § 6-1911) is repealed. Section
6-1911
- (d) Section 302(b)(1) (D.C. Code § 6-1922(b)(1)) is amended as follows: Section
6-1922
- (1) By striking the phrase "3 days" and inserting the phrase "10 days" in its place; and
- (2) By striking the phrase "10 days" and inserting the phrase "30 days" in its place.
- (e) Section 304(a) (D.C. Code § 6-1924(b)(1)) is amended by striking the phrase "6 months" and inserting the phrase "1 year" in its place. Section
6-1924
- (f) Section 306(a) (D.C. Code § 6-1926(a)(1)) is amended by striking the phrase "6 months" and inserting the phrase "1 year" in its place. Section
6-1926
- (g) Section 308 (D.C. Code § 6-1928) is amended by striking the word "resident", "residents", or "resident's" wherever it appears and inserting the word "customer", "customers", or "customer's" respectively, in its place. Section
6-1928
- (h) Section 309 (D.C. Code § 6-1929) is amended as follows: Section
6-1929
- (1) By striking the word "resident" or "resident's" wherever it appears and inserting the word "customer" or "customer's" respectively, in its place; and
- (2) Subsection (a) is amended as follows:
- (i) By striking the phrase "Director of a facility" and inserting the phrase "Department of Human Services" in its place; and
- (ii) By striking the word "Director" and inserting the phrase "Department of Human Services" in its place.
- (i) Section 311 (D.C. Code § 6-1931) is amended to read as follows: Section
6-1931
- "Sec. 311. Payment for habilitation and care.
- "(a) A person with mental retardation, or the father, mother, spouse, or adult child of a person with mental retardation, who receives habilitation, care, or both from the District pursuant to this act, shall pay to the District the costs of habilitation, care, or both received by the person with mental retardation if the person with mental retardation, or the father, mother, spouse, or adult child of the person with mental retardation or the estate of the person with mental retardation is able to pay the costs of habilitation, care, or both received.
- "(b) If any person made liable by subsection (a) of this section does not pay the costs of habilitation, care, or both received by the person with mental retardation, the court shall issue to the liable person a citation to show cause why that person should not be adjudged to pay a portion or all of the expenses of habilitation, care, or both of the person with mental retardation. The citation shall be served at least 10 days before the show cause hearing. If, upon the hearing, it appears to the court that the person made liable by subsection (a) of this section does not have sufficient resources to pay the full costs of habilitation, care, or both received by the person with mental retardation, the court may order the payment of a reasonable amount of the costs of habilitation, care, or both received based on the liable person's resources. The court may order

ENROLLED ORIGINAL

the liable person to make payments quarterly, monthly, or at any other interval deemed appropriate by the court. The order may be enforced against any property of the liable person as if the order were an order for temporary alimony in a divorce case.

"(c) The Mayor may examine, under oath, the father, mother, spouse, adult child, and the executor of the estate of the person with mental retardation who receives habilitation, care, or both if the person lives in the District of Columbia, to ascertain the person's ability, or the ability of the estate, to pay the full costs or contribute to the costs of habilitation, care, or both of the person with mental retardation."

(j) Section 404 (D.C. Code § 6-1944) is amended to read as follows:

Section
6-1944

"Sec. 404. If the respondent demonstrates that a comprehensive evaluation of a person with mental retardation failed to comply substantially with accepted professional standards and that sound professional judgement was not exercised in the performance of the evaluation, the court, upon a motion of the respondent, may order an independent comprehensive evaluation of the person or an individual habilitation plan at the District's expense if the person is unable to pay."

Section
6-1949

(k) Section 409 (D.C. Code § 6-1949) is amended as follows:

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

(A) Paragraph (1) is amended by striking the word "or".

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

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

"(3) the respondent is not a resident of the District of Columbia."

(2) Subsection (c) is amended by striking the phrase "and necessary" and inserting the phrase ", necessary, and available" in its place.

(l) Section 411(a) (D.C. Code § 6-1951(a)) is amended as follows:

Section
6-1951

(1) By striking the phrase "every six months for two years, and once a year thereafter" and inserting the word "annually" in its place;

(2) By striking the word "and" at the end of paragraph (1);

(3) By striking the period at the end of paragraph (2) and inserting a semicolon in its place; and

(4) By adding 2 new paragraphs (3) and (4) to read as follows:

"(3) The person with mental retardation is a resident of the District of Columbia;
and

"(4) The person no longer meets the requirements for commitment in sections 304(b) and 306(a)."

(m) Section 501 (D.C. Code § 6-1961) is amended to read as follows:

Section
6-1961

"Sec. 501. (a) To the extent of funds appropriated for the purposes of this act, no District resident with mental retardation shall be denied habilitation, care, or both suited to the

ENROLLED ORIGINAL

person's needs regardless of the person's age, degree of retardation, or handicapping condition.

"(b) To the extent of funds appropriated for the purposes of this act, each customer shall be provided a habilitation program that will maximize the customer's human abilities, enhance the customer's ability to cope with the customer's environment, and create a reasonable opportunity for progress toward the goal of independent living."

(n) Section 502 (D.C. Code § 6-1962) is amended by striking the word "residents" wherever it appears and inserting the word "customers" in its place.

Section
6-1962
Section
6-1963

(o) Section 503 (D.C. Code § 6-1963) is amended as follows:

(1) By striking the word "resident", "residents", or "resident's" wherever it appears and inserting the word "customer", "customers", or "customer's" respectively, in its place; and

(2) By amending the first sentence by inserting the phrase "and available" after the word "necessary".

(p) Section 504 (D.C. Code § 6-1964) is amended as follows:

Section
6-1964

(1) Subsections (a) and (b) are amended to read as follows:

"(a) Prior to each customer's commitment pursuant to section 403, the customer shall receive a comprehensive evaluation or screening and an individual habilitation plan. Within 30 days of a customer's admission pursuant to section 302, the customer shall have a comprehensive evaluation or screening and an individual habilitation plan. Annual reevaluations or screenings of the customer shall be provided as determined by the customer's interdisciplinary team in accordance with Accreditation Council for Services for People with Developmental Disabilities Standards.

"(b) Within 10 days of a customer's commitment pursuant to section 403, or within 30 days of admission pursuant to section 302, the facility, the facility's sponsoring agency, or the Department of Human Services shall:

"(1) Designate each professional or staff member who is responsible for implementing or overseeing the implementation of a customer's individual habilitation plan;

"(2) Designate each District agency, private agency, or service responsible for providing the habilitation included in the plan; and

"(3) Specify the role and objectives of each District agency, private agency, or service with respect to the plan."

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

(A) By striking the word "resident" or "residents" wherever it appears and inserting the word "customer" or "customers" respectively, in its place; and

(B) By amending the first sentence to read as follows:

"To the extent of funds appropriated for the purposes of this act, each customer shall receive habilitation, care, or both consistent with the recommendations included in the customer's individual habilitation plan."

ENROLLED ORIGINAL

(q) Section 505 (D.C. Code § 6-1965) is amended by striking the word "resident", "residents", or "resident's" wherever it appears and inserting the word "customer", "customers", or "customer's" respectively, in its place. Section
6-1965

(r) Section 507 (D.C. Code § 6-1967) is amended by striking the word "resident" or "resident's" wherever it appears and inserting the word "customer" or "customer's" respectively, in its place. Section
6-1967

(s) Section 508 (D.C. Code § 6-1968) is amended by striking the word "resident" wherever it appears and inserting the word "customer" in its place. Section
6-1968

(t) Section 509 (D.C. Code § 6-1969) is amended by striking the word "resident", "residents", or "resident's" wherever it appears and inserting the word "customer", "customers", or "customer's" respectively, in its place. Section
6-1969

(u) Section 510 (D.C. Code § 6-1970) is amended by striking the word "resident" or "resident's" wherever it appears and inserting the word "customer" or "customer's" respectively, in its place. Section
6-1970

(v) Section 511 (D.C. Code § 6-1971) is amended by striking the word "resident", "residents", or "resident's" wherever it appears and inserting the word "customer", "customers", or "customer's" respectively, in its place. Section
6-1971

(w) Section 512 (D.C. Code § 6-1972) is amended by striking the word "resident" or "resident's" wherever it appears and inserting the word "customer" or "customer's" respectively, in its place. Section
6-1972

(x) Section 513 (D.C. Code § 6-1973) is amended as follows: Section
6-1973

(1) By striking the word "resident" or "resident's" wherever it appears and inserting the word "customer" or "customer's" respectively, in its place; and

(2) By amending subsection (b) by striking the phrase "plan." and inserting the phrase "plan, unless the District is unable to pay the cost of recommended services because available funds appropriated for the purposes of this act are insufficient to pay the costs." in its place.

(y) Section 601 (D.C. Code Section 6-1981) is repealed. Section
6-1981

(z) Section 603 (D.C. Code Section 6-1983) is amended by inserting the phrase "and available" after the word "necessary". Section
6-1983

(aa) A new section 603a is added to read as follows: New Section
6-1983a

"Sec. 603a. The Mayor, pursuant to title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code § 1-1501 *et seq.*), shall issue rules to implement the provisions of this act."

Sec. 507. The Public Assistance and Day Care Policy Temporary Amendment Act of 1994, enacted November 22, 1994 (D.C. Act 10-346; 41 DCR 7719), is repealed.

ENROLLED ORIGINAL

TITLE VI - ADMINISTRATION OF MEDICATION

New Chapter
12,
Title 21

Sec. 601. Title 21 of the District of Columbia Code is amended as follows:

(a) The table of contents for title 21 is amended by inserting the following:

"12. Use of Trained Employees to Administer Medication to Persons with Mental Retardation or other Disabilities... §§ 21-1201 to 21-1205."

(b) A new chapter 12 is added to read as follows:

"Chapter 12. Use of Trained Employees to Administer Medication to Persons with Mental Retardation or Other Disabilities.

"Sec.

"21-1201. Definitions.

"21-1202. Self-administration of medication by program participants.

"21-1203. Administration of medication to program participants by trained employees.

"21-1204. Requirements of medication orders.

"21-1205. Rules and regulations for implementation.

"21-1201. Definitions.

New Section
21-1201

"For the purposes of this chapter, the term:

"(1) "Administer" means:

"(A) The direct application of medication to the human body whether by ingestion, inhalation, insertion, or topical means; or

"(B) An injection of epipen or equivalent ejection system for emergency purposes only.

"(2) "Consent" means permission voluntarily given in writing with sufficient knowledge and comprehension of the subject matter involved to enable the person giving permission to make an informed and enlightened decision, without any element of force, fraud, deceit, duress, or other form of constraint or coercion.

"(3) "Developmental disability" means a severe chronic disability of a person 5 years of age or older which:

"(A) Is attributable to a mental or physical impairment or a combination of mental and physical impairments:

"(B) Is manifested before the person attains 22 years of age;

"(C) Is likely to continue indefinitely;

"(D) Results in substantial functional limitations in 3 or more of the following major life activities:

"(i) Self care;

"(ii) Receptive and expressive language;

"(iii) Learning;

"(iv) Mobility;

"(v) Self-direction;

ENROLLED ORIGINAL

"(vi) Capacity for independent living; and

"(vii) Economic self-sufficiency; and

"(E) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated; except that such term, when applied to infants and young children means individuals from birth to 5 years of age, inclusive, who have substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting developmental disability if services are not provided.

"(4) "General supervision" means:

"(A) A registered nurse shall be available for verbal or on-site consultation to the trained employee or licensed practical nurse.

"(B) A registered nurse shall review and document the trained employee's ability to administer medication correctly to program participants every 3 months for the 1st year and every 6 months thereafter.

"(5) "Licensed practitioner" means a medical doctor, dentist, or advanced registered nurse.

"(6) "Medication" means a controlled (excluding Classes I and II) or noncontrolled substance or treatment regarded as effective in bringing about recovery, restoration of health, alleviation of pain or symptoms of an illness, or the normal functioning of the body.

"(7) "Mental retardation" means a substantial limitation in mental capacity that manifests before 18 years of age, characterized by significantly subaverage intellectual functioning, existing concurrently with related limitations in 2 or more of the following applicable, adaptive skill areas: communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure, and work.

"(8) "Monitor" means:

"(A) A registered nurse shall, at a minimum, annually review the program participant's ability to self-administer medication correctly as prescribed.

"(B) A registered nurse shall document in the program participant's records an assessment of the program participant's ability to continue self-administering the program participant's medication.

"(C) A trained employee shall, at a minimum, review quarterly and document the program participant's ability to self-administer medication as prescribed.

"(9) "Prescription" means an order for medication signed by a licensed practitioner or transmitted by the licensed practitioner to a pharmacist, registered nurse, or licensed practical nurse by word of mouth, telephone, telegraph, or other means of communication, and recorded in writing by the pharmacist, registered nurse, or licensed practical nurse.

ENROLLED ORIGINAL

"(10) "Program" means an agency licensed, certified, or approved by the District government as a child care facility, private school, day program, community based residence, or other agency providing residential services, education, habilitation, vocational, or employment training services to individuals with mental retardation or other developmental disability.

"(11) "Program participant" means an individual with mental retardation or other development disability who is enrolled in or attending a public or private program.

"(12) "Self-administration of medication" means that the program participant has the ability to identify, pour, and administer medication without assistance.

"(13) "Trained employee" means an individual employed to work in a program who has successfully completed a training program approved by the District of Columbia Board of Nursing and is certified to administer medication to program participants.

"21-1202. Self-administration of medication by program participants.

New Section
21-1202

"A program participant may self-administer medication provided that:

"(1) The program participant has been assessed by a registered nurse to have the ability to self-administer medication;

"(2) The self-administration of medication is monitored; and

"(3) The program participant's self-administration skills include, but are not limited to, orientation to time, knowledge of quantities and proper storage, and understanding of possible medication reactions.

"21-1203. Administration of medication to program participants by trained employees.

New Section
21-1203

(a) Notwithstanding any other law, rule, or regulation, a program employee who has been trained in accordance with § 21-1205(b) may administer prescription or nonprescription medication to a program participant in compliance with the signed, written instructions of a licensed practitioner if:

"(1) The program participant, guardian, or parent has consented to the administration of medication in writing;

"(2) The trained employee is under the general supervision of a registered nurse pursuant to rules and regulations promulgated by the District of Columbia Board of Nursing under § 21-1205(a); and

"(3) The program participant is incapable of self-administration of medication.

"(b) Program employees who are trained to administer medication in accordance with this chapter shall be immune from civil liability arising from a wrongful act or omission in administering medication, except that they shall not be immune from civil liability if the wrongful act or omission in administering medication is intentional or manifests a willful or wanton disregard for the health or safety of the program participant to whom the medication is administered. Neither the District government nor the program shall be liable in circumstances where program employee is immune under this section, unless the conduct of the employee is gross negligence.

ENROLLED ORIGINAL

"(c) Registered nurses who authorize or monitor the administration of medication, or provide training in accordance with this chapter, shall be immune from civil liability arising from a wrongful act or omission in authorizing or monitoring the administration of medication or providing training, except that they shall not be immune from civil liability if the wrongful act or omission in authorizing or monitoring the administration of medication or providing training is intentional or manifests a willful or wanton disregard for the health or safety of the program participant to whom the medication is administered. Neither the District government nor the program shall be liable in circumstances where the program employee is immune under this section, unless the conduct of the employee is gross negligence.

"21-1204. Requirements of medication orders.

New Section
21-1204

"(a) The written instructions of the licensed practitioner shall state the name of the program participant who is to receive medication, the name of the medication, name and telephone number of the licensed practitioner, the time of administration, dosage, method of administration, and duration of medication.

"(b) The medication shall be labeled so as to state the name of the program participant, the name of the medication, name of the licensed practitioner, the name and telephone number of the pharmacy, the date dispensed, the amount and expiration date, the time of administration, duration of medication, dosage, and method of administration.

"(c) The medication shall be accompanied by a medical order form which shall state the name of the program participant, the name of the medication, name and telephone number of the licensed practitioner, the date dispensed, the time of administration, duration of medication, dosage, method of administration, and any potential major side effects.

"21-1205. Rules and regulations for implementation.

New Section
21-1205

"(a) Within 90 days of the effective date of this chapter, the District of Columbia Board of Nursing shall issue proposed rules and regulations to implement this chapter. The rules and regulations issued shall include procedures for:

"(1) Obtaining and filing written instructions and consent required by this chapter;

"(2) Periodic review of written instructions;

"(3) Storage of medication;

"(4) Record keeping;

"(5) Initial and ongoing training for certification and recertification for all program employees to administer medication;

"(6) The administration of medication in emergency or life-threatening circumstances;

"(7) The provision of general supervision by registered nurses of trained employees;

ENROLLED ORIGINAL

"(8) The provision for the successful completion of training for program employees pursuant to this chapter;

"(9) The monitoring of trained employees who may administer medication to program participants; and

"(10) The development of assessment tools.

"(b) Training programs for all program employees who may be authorized to administer medication in accordance with this chapter shall be approved by the District of Columbia Board of Nursing and developed and provided in collaboration with the District of Columbia Department of Human Services and the District of Columbia Department of Consumer and Regulatory Affairs. Training may be provided by a registered nurse or through agreements of reciprocity with jurisdictions that meet the minimum training requirements."

TITLE VII - PRIVATIZATION

Sec. 701. Privatization of Fleet Management Services in the Metropolitan Police Department.

New Section
1-1191.3

(a) Notwithstanding any provision of section 105b of the District of Columbia Procurement Practices Act of 1985, effective March 19, 1994 (D.C. Law 10-79; D.C. Code § 1-1181.5), the Mayor, in accordance with the provisions of this act, is authorized to contract for the provision of services for the fleet management services for the Metropolitan Police Department.

(b) Prior to the award of the fleet management services contract referred to in subsection (a) of this section, the Mayor shall make a written determination and findings which will address the following factors:

(1) Over the duration of the contract, including any options, the District will either realize a projected cost savings or receive the services of an improved quality or quantity at the same or lower cost;

(2) There may be increased economic development in the District in terms of entrepreneurial opportunities for District businesses or employment opportunities for District residents;

(3) There may be strengthening of any existing District businesses or the creation of any new businesses in the District, or relocation of any businesses from outside to inside the District;

(4) The District can describe with reasonable precision its minimum acceptable performance standards;

(5) That cost, efficiency of operation, and quality and quantity can be measured with reasonable accuracy; and

(6) That contracting-out of the program will not adversely affect the delivery of services to District residents.

(c) The Mayor shall base the conclusion required by subsection (b)(1) of this section on

ENROLLED ORIGINAL

a written cost/benefit analysis prepared by the Metropolitan Police Department. At a minimum, this analysis shall include 1 of the following comparisons:

(1) Over the duration of the contract, including options, the projected current total cost to the District government of performing the services in-house versus the projected total cost to the District government after the contracting-out, if quality and quantity of service remain substantially the same; or

(2) Over the duration of the contract, including options, the projected quality and quantity versus projected quality and quantity of service after the contracting-out, if total cost to the District government of services performed in-house remains substantially the same.

(d) The Mayor may issue rules which set forth standards for making the written cost/benefit analysis described in subsection (c) of this section, including rules that address the following:

(1) Cost factors to be considered in evaluating the total cost to the District government of operating the program if the service continues to be provided by the government, such as the cost of equipment, facilities, maintenance, personnel, and utilities;

(2) The cost factors to be considered in evaluating the total cost to the District government of contracting-out the program, such as the additional cost of improving any capital assets to be transferred to a contractor, the additional cost of any one-time severance of District employees, the additional cost of contract administration, the value of any improvement to District government programs resulting from privatizing the program, any income to the District government from the lease or sale of District government assets resulting from contracting-out the program, and any tax revenue to the District based on income earned by a contractor who performs the fleet management operations; and

(3) Methods to be used to identify and measure the quality and quantity of services so that accurate cost comparisons can be made between District government and private sector performance.

(e) A contract for privatizing the fleet management services referred to in subsection (a) of this section shall include a provision requiring that at least 51% of all new hires to perform the contract are bona fide District residents unless the Mayor certifies that qualified District residents are unavailable to fill the new positions.

(f) If not already required by a collective bargaining agreement, the Mayor shall make reasonable efforts to consult with union representatives concerning affected District government employees.

(g) Nothing in this section may be construed to create a private right enforceable by any person.

ENROLLED ORIGINAL

TITLE VIII - GENERAL PROVISIONS

Sec. 801. Sections 301(q)(14) and 1108 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code §§ 1-603.1(17)(N) and 1-612.8), are amended as follows:

(a) Section 301(q)(M) (D.C. Code § 1-603.1(17)(N)) is amended as follows:

Section
1-603.1

(1) Subparagraph (B) is amended by striking the word "and" at the end of the subparagraph.

(2) Subparagraph (C) is amended by striking the period at the end of the subparagraph, and inserting the phrase "; and" in its place.

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

"(D) The Commission on Health Care Finance."

Section
1-612.8

(b) Section 1108 (D.C. Code § 1-612.8), is amended by adding new subsections (c) and (d) to read as follows:

"(c)(1) Notwithstanding subsections (a) and (b) of this section, or any other provision of law, members of boards and commissions shall not be compensated for time expended in the performance of official duties; except that members of the following boards and commission shall be entitled to compensation as currently authorized by law:

"(A) Public Service Commission;

"(B) Contract Appeals Board;

"(C) Rental Housing Commission;

"(D) Board of Parole;

"(E) The Chairperson of the Taxicab Commission; and

"(F) The District of Columbia Retirement Board.

"(2) Beginning April 1, 1995, members of the following boards and commissions shall be entitled to compensation as follows:

"(A) Board of Zoning Adjustment members shall be entitled to compensation at the hourly rate of \$25 per meeting, not to exceed \$3,000 for each board member per year.

"(B) Office of Employee Appeals members shall be entitled to compensation at the hourly rate of \$25 per meeting, not to exceed \$3,000 for each member per year.

"(C) Police and Firefighters' Retirement Board members shall be entitled to compensation at the hourly rate of \$25 per meeting, not to exceed \$8,000 for each board member per year.

"(D) Public Employee Relations Board members shall be entitled to compensation at the hourly rate of \$25 per meeting, not to exceed \$3,000 for each board member per year.

"(E) Board of Real Property Assessments and Appeals members shall be

ENROLLED ORIGINAL

entitled to compensation at the hourly rate of \$25 per meeting, not to exceed \$10,000 for each board member per year.

"(F) Redevelopment Land Agency members shall be entitled to compensation at the hourly rate of \$25 per meeting, not to exceed \$1,200 for each member per year.

"(G) Zoning Commission members shall be entitled to compensation at the hourly rate of \$25 per meeting, not to exceed \$3,000 for each commission member per year.

"(H) Historic Preservation Review Board members shall be entitled to compensation at the hourly rate of \$25 per meeting, not to exceed \$1,800 for each board member per year."

"(I) Alcoholic Beverage Control Board members shall be entitled to compensation at the hourly rate of \$25 per meeting, not to exceed \$2,500 for each board member per year."

"(J) The Chairpersons of the boards and commissions specified in this paragraph who are public members shall be entitled to an additional compensation of 20% above the annual maximum.

"(d) Notwithstanding subsections (a), (b), and (c) of this section, or any other provision of law, members of boards or commissions shall not be entitled to reimbursement for expenses; except that transportation, parking, or mileage expenses incurred in the performance of official duties may be reimbursed, not to exceed \$15 per meeting or currently authorized amounts, whichever is less."

Sec. 802. Pursuant to the District of Columbia Fire Department Operations Act of 1976, effective April 6, 1977 (D.C. Law 1-111; D.C. Code § 4-301), the Council approves the following changes in Fire and Emergency Services Department:

Note, Section 4-301

(1) The Fire and Emergency Medical Services Department may permanently close Rescue Squad 4, located at 4930 Connecticut Avenue, N.W., and Truck Company 1, located at 500 F Street, N.W.

(2) The Fire and Emergency Medical Services Department may rotate the closing of no more than 5 companies on a daily basis.

Sec. 803. (a) The District of Columbia Civilian Complaint Review Board Act of 1980, effective March 5, 1981 (D.C. Law 3-158; D.C. Code § 4-901 *et seq.*), is repealed on the effective date of the Omnibus Budget Support Act of 1995.

Sections 4-901 - 4-910

(b) All cases pending with the Civilian Complaint Review Board on the effective date of the Omnibus Budget Support Act of 1995 shall be transferred to, and adjudicated according to the procedures of, the Internal Affairs Division of the Metropolitan Police Department.

Note, Section 4-901

ENROLLED ORIGINAL

Sec. 804. The D.C. Solid Waste Management and Multi-Material Recycling Act of 1988, effective March 16, 1989 (D.C. Law 7-226; D.C. Code § 6-3401 *et seq.*), is amended by adding a new section 18a to read as follows:

"Sec. 18a The provisions of this act shall apply only to the extent of funds available through the recycling surcharge in section 16 or appropriated monies allocated for solid waste management activities .".

New Section
6-3417a

Sec. 805. Section 11-2604(a) of the District of Columbia Code is amended by striking the figure "\$50" and inserting the figure "\$48" in its place.

Section
11-2604

Sec. 806. Section 12(m) of the Policemen and Firemen's Retirement and Disability Act, approved August 21, 1957 (71 Stat. 391; D.C. Code § 4-624), is amended as follows:

Section
4-624

(a) Paragraph (2) is amended by inserting the phrase "hired prior to January 1, 1980" after the phrase "District of Columbia".

(b) New paragraphs (3A) and (3B) are added to read as follows:

"(3A) With respect to any annuity payable under this section which is payable to a member who was an officer or member of the Metropolitan Police force or the Fire Department of the District of Colombia, hired after December 31, 1979, or to a survivor of any such member, on January 1 of each year (or within a reasonable time thereafter), the Mayor shall determine the per centum change in the price index for the preceding year by determining the difference between the index published for December of the preceding year and the index published for December of the second preceding year.

"(3B)(A) If, in accordance with paragraph (3A) of this subsection, the Mayor determines in a year, beginning with 1997, that the per centum change in the price index for the preceding year indicates a rise in the price index, each annuity having a commencing date on or before March 1 of the year shall, effective March 1 of the year, be increased by an amount equal to:

"(i) In the case of an annuity having a commencing date on or before March 1 of such preceding year, the per centum change computed under paragraph (3A) of this subsection, adjusted to the nearest 1/10 of 1 per centum; or

"(ii) In the case of an annuity having a commencing date after March 1 of such preceding year, a pro rata increase equal to the product of 1/12 of the per centum change computed under paragraph (3A) of this subsection, multiplied by the number of months (not to exceed 12 months, counting any portion of a month as an entire month) for which the annuity was payable before the effective date of the increase, adjusted to the nearest 1/10 of 1 per centum.

"(B) On January 1, 1996, or within a reasonable time thereafter, the

ENROLLED ORIGINAL

Mayor shall determine the per centum change in the price index published for December 1995 over the price index published for June 1995. If such per centum change indicates a rise in the price index, effective March 1, 1996:

"(i) Each annuity having a commencing date on or before September 1, 1995, shall be increased by an amount equal to such per centum change, adjusted to the nearest 1/10 of 1 per centum; and

"(ii) Each annuity having a commencing date after September 1, 1995, and on or before March 1, 1996, shall be increased by a pro rata increase equal to the product of 1/6 of such per centum change, multiplied by the number of months (not to exceed 6 months, counting any portion of a month as an entire month) for which the annuity was payable before the effective date of the increase, adjusted to the nearest 1/10 of 1 per centum."

Sec. 806a. Section 209(a)(2)(B) of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; D.C. Code § 4-625(2)), is amended by inserting the sentence "Except that, with respect to a member who is an officer or member of the Metropolitan Police force or the Fire Department of the District of Columbia hired after December 31, 1979, subsection (m)(3A) and (3B) of the Policemen and Firemen's Retirement and Disability Act shall apply to all annuities payable under the Policemen and Firemen's Retirement and Disability Act." after the phrase "having a commencing date after the effective date of such amendment."

Section
4-625

Sec. 806b. Section 21 of An Act for the retirement of public-school teachers in the District of Columbia, approved July 5, 1966 (80 Stat 266; D.C. Code § 31-1241), is amended by adding a new subsection (b-1) to read as follows:

Section
31-1241

"(b-1)(1) On January 1 of each year, or within a reasonable time thereafter, the Mayor shall determine the per centum change in the price index for the preceding year by determining the difference between the index published for December of the preceding year and the index published for December of the second preceding year."

"(2)(A) If, in accordance with paragraph (1) of this subsection, the Mayor determines in a year, beginning with 1997, that the per centum change in the price index for the preceding year indicates a rise in the price index, each annuity having a commencing date on or before March 1 of the year shall, effective March 1 of the year, be increased by an amount equal to:

"(i) In the case of an annuity having a commencing date on or before March 1 of the preceding year, the per centum change computed under paragraph (1) of this subsection, adjusted to the nearest 1/10 of 1 per centum; or

"(ii) In the case of an annuity having a commencing date after March 1 of the preceding year, a pro rata increase equal to the product of 1/12 of the per centum change computed under paragraph (1) of this subsection, multiplied by the number of months

ENROLLED ORIGINAL

(not to exceed 12 months, counting any portion of a month as an entire month) for which the annuity was payable before the effective date of the increase, adjusted to the nearest 1/10 of 1 per centum.

"(B) On January 1, 1996, or within a reasonable time thereafter, the Mayor shall determine the per centum change in the price index published for December 1995 over the price index published for June 1995. If such per centum change indicates a rise in the price index, effective March 1, 1996:

"(i) Each annuity having a commencing date on before September 1, 1995, shall be increased by an amount equal to the per centum change, adjusted to the nearest 1/10 of 1 per centum; and

"(ii) Each annuity having a commencing date after September 1, 1995, and on or before March 1, 1996, shall be increased by a pro rata increase equal to the product of 1/6 of the per centum change, multiplied by the number of months (not to exceed 6 months, counting any portion of a month as an entire month) for which the annuity was payable before the effective date of the increase, adjusted to the nearest 1/10 of 1 per centum.

"(3) This subsection shall apply only to public school teachers hired after December 31, 1979."

Sec. 807. Section 7 of the Cable Television Communications Act of 1981, effective August 21, 1982 (D.C. Law 4-142; D.C. Code § 43-1806), is amended as follows:

Section
43-1806

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

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

"(f) The Office of Cable Television ("OCT") shall sign a cooperative agreement with the Public Access Corporation or contract for services with another corporation to produce shows for municipal channels 13 and 16."

Sec. 807a. Section 802(b) of the Multiyear Budget Spending Reduction and Support Temporary Act of 1995, effective March 23, 1995 (D.C. Law 10-253; 42 DCR 721), is amended to read as follows:

Note, Section
43-1806

"(b) Section 7 (D.C. Code § 43-1806) is amended by adding a new subsection (f) to read as follows:

"(f) The Office of Cable Television ("OCT") shall sign a cooperative agreement with the Public Access Corporation or contract for services with another corporation to produce shows for municipal channels 13 and 16."

Sec. 808. The Health Services Planning Program Act of 1992, effective March 16, 1993 (D.C. Law 9-197; D.C. Code § 32-321 *et seq.*), is repealed.

Sections
32-321 -
32-339

ENROLLED ORIGINAL

Sec. 809. The District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Code § 33-501 *et seq.*), is amended as follows:

(a) Section 702(2) (D.C. Code § 33-572(2)) is amended to read as follows:

Section
33-572

"(2) To fund substance abuse education, prevention, and treatment activities of the Alcohol and Drug Abuse Administration."

(b) Section 703 (D.C. Code § 33-573) is repealed.

Section
33-573

Sec. 810. Title XXIII of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-624.1 *et seq.*), is amended as follows:

(a) Section 2301 (D.C. Code § 1-624.1) is amended by repealing subsections (n) and (o).

Section
1-624.1

(b) Section 2303 (D.C. Code § 1-624.3) is amended by repealing subsection (c).

Section
1-624.3

(c) Section 2309(b) (D.C. Code § 1-624.9(b)) is amended to read as follows:

Section
1-624.9

"(b)(1) Except as provided in paragraph (2) of this subsection, payments under subsection (a) of this subsection, except for an amount payable for a period preceding the death of the employee, are at the basic rate of compensation for permanent disability specified by section 2307.

"(2) For an employee who would otherwise be an employee for purposes of title XXIII whose date of hire was before January 1, 1980, or whose claim for compensation for disability or death was pending before the effective date of the Multiyear Budget Spending Reduction and Support Emergency Act of 1994, effective December 29, 1994 (D.C. Act 10-389; 42 DCR 197), payments under subsection (a) of this section, except for an amount payable for a period preceding the death of the employee, are at the basic rate of compensation for permanent disability specified by section 2307, even if at the time of death the employee was entitled to the augmented rate specified by section 2310."

(d) Section 2310 (D.C. Code § 1-624.10) is amended as follows:

Section
1-624.10

(1) Subsection (a) is amended by inserting the phrase "and except as provided in subsection (a-1), of this section" after the phrase "For the purpose of this section,".

(2) A new subsection (a-1) is added to read as follows:

"(a-1) For employees hired after December 31, 1979, who make a claim for compensation for disability or death after the effective date of the Multiyear Budget Spending Reduction and Support Emergency Act of 1994, effective December 29, 1994 (D.C. Act 10-389; 42 DCR 197), the term "dependent" means the natural issue of the employee or minor legally adopted by the employee prior to the injury who is:

"(1) Under 18 years of age and dependent upon the employee for support; or

"(2) Over 18 years of age and incapable of self-support because of physical or mental disability."

(3) Subsection (b) is amended by striking the phrase "A disabled employee" and

ENROLLED ORIGINAL

inserting the phrase "Except as provided in subsection (b-1) of this section, a disabled employee" in its place.

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

"(b-1) For employees hired after December 31, 1979, who make a claim for compensation for disability or death after the effective date of the Multiyear Budget Spending Reduction and Support Emergency Act of 1994, effective December 29, 1994 (D.C. Act 10-389; 42 DCR 197), a disabled employee with 1 or more dependents is entitled to have his or her basic compensation for disability augmented:

"(1) At the rate of 8 $\frac{1}{3}$ percent of his or her monthly pay if his or her salary is equivalent to DS-2, Step 1 through DS-6, Step 5 in the collective bargaining unit; or

"(2) At the rate of 6 $\frac{1}{3}$ percent of his or her monthly pay if his or her salary is equivalent to DS-7, Step 1 through DS-12, Step 10 in the collective bargaining unit."

(e) Section 2312 (D.C. Code § 1-624.12) is amended as follows:

Section
1-624.12

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

(2) The newly designated subsection (a) is amended by inserting the phrase "and except as provided in subsection (b) of this section," before the phrase " the monthly rate of compensation".

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

"(b) For employees hired after December 31, 1979, who make a claim for compensation for disability or death after the effective date of the Multiyear Budget Spending Reduction and Support Emergency Act of 1994, effective December 29, 1994 (D.C. Act 10-389; 42 DCR 197), except as provided in section 2338, the monthly rate of compensation for disability, including augmented compensation under section 2310, but not including additional compensation under section 2311, may not be more than 73 percent of the monthly pay of the maximum rate of basic pay for DS-12, Step 10. In the case of total disability the monthly rate of compensation may not be less than 75 percent of the monthly pay of the minimum rate of basic pay for DS-2, Step 1, or the amount of the monthly pay of the employee, whichever is less."

(f) Section 2314(d)(4) (D.C. Code 1-624.14(d)(4)) is amended by inserting the phrase "; provided that the average earnings of the employee may not exceed the minimum rate of basic pay for DS-12, Step 10 or its equivalent in the collective bargaining unit for those employees hired after December 31, 1979, who make a claim for compensation for disability after the effective date of the Multiyear Budget Spending Reduction and Support Emergency Act of 1994, effective December 29, 1994 (D.C. Act 10-389; 42 DCR 197)," after the phrase "as provided in title XI of this act".

Section
1-624.14

(g) Section 2318(b)(2) (D.C. Code § 1-624.18(b)(2)) is amended by inserting the phrase "for employees hired before January 1, 1980, or for employees who have a claim for compensation for disability pending on the effective date of the Multiyear Budget Spending Reduction and Support Emergency Act of 1994, effective December 29, 1994 (D.C. Act 10-389;

Section
1-624.18

ENROLLED ORIGINAL

42 DCR 197), provided that the period of continuation of pay shall not exceed 21 days for all other employees, beginning 2 years after the effective date of the Multiyear Budget Spending Reduction and Support Emergency Act of 1994, effective December 29, 1994 (D.C. Act 10-389; 42 DCR 197)," after the phrase "For a period not to exceed 45 days".

(h) Section 2333(e)(2) (D.C. Code § 1-624.33(e)(2)) is amended by inserting the phrase "for employees hired before January 1, 1980, or for employees who have a claim for compensation for disability pending on the effective date of the Multiyear Budget Spending Reduction and Support Emergency Act of 1994, effective December 29, 1994 (D.C. Act 10-389; 42 DCR 197), or 73 percent of the maximum monthly rate of basic pay for DS-12, Step 10 for employees hired after December 31, 1979, who make a claim for compensation for disability after the effective date of the Multiyear Budget Spending Reduction and Support Emergency Act of 1994, effective December 29, 1994 (D.C. Act 10-389; 42 DCR 197)," after the phrase "as provided in title XI of this act".

Section
1-624.33

(i) Section 2340(2) (D.C. Code § 1-624.40(2)) is amended by striking the phrase "Office of Personnel" and inserting the phrase "Department of Employment Services" in its place.

Section
1-624.40

(j) Section 2345 (D.C. Code § 1-624.45) is amended by adding a new subsection (c) to read as follows:

Section
1-624.45

"(c) Nothing in this provision shall exclude the responsibility of the employing agency to re-employ an employee in a less than full-duty status."

Sec. 811. The Automobile Consumer Protection Act of 1984, effective March 14, 1985 (D.C. Law 5-162; D.C. Code § 40-1301 *et seq.*), is amended by adding a new section 11a to read as follows:

New Section
40-1310

"Sec. 11a. Suspension of enforcement.

"Notwithstanding any other provision of District law, enforcement of this act by the Department of Consumer and Regulatory Affairs is suspended until October 1, 1998."

Sec. 812. Section 28-3902 of the District of Columbia Code is amended by adding a new subsection (h) to read as follows:

Section
28-3902

"(h) Notwithstanding any other provision of District law, enforcement of this chapter by the Department of Consumer and Regulatory Affairs is suspended until October 1, 1998."

Sec. 813. Section 809 of the Multiyear Budget Spending Reduction and Support Temporary Act of 1995, effective March 23, 1995 (D.C. Law 10-253; 42 DCR 721), is repealed.

Note, Section
1-2329

Sec. 814. Section 738(e) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 824; D.C. Code § 1-251(e)), is amended by inserting a period after the phrase "revenues in the District" and

Section
1-251

ENROLLED ORIGINAL

striking the remainder of the sentence.

Sec. 815. Section 2(a) of the School Transit Subsidy Act of 1978, effective March 3, 1979 (D.C. Law 2-152; D.C. Code § 44-217(a)), is amended as follows:

Section
44-217

(a) Paragraphs (1) and (2) are amended by striking the phrase "one third" and inserting the figure "1/2" in its place.

(b) Paragraph (4) is amended by adding at the end the phrase ", but without any additional charge for the transfer".

Sec. 816. The Mayor shall not enter into any new contract for goods or services the cost of which exceeds the cost of an existing contract for the same goods or services, when the current contractor is willing to continue to provide the goods or services at the price of the existing contract, as long as the contractor is providing satisfactory service; nor shall the Mayor extend any existing contract for any amount over the price agreed to in the existing contract. Nothing contained in this section shall prohibit the Mayor from putting a contract out for bid for a lower price.

New Section
1-1181.6a

Sec. 817. The Mayor shall allocate \$250,000 for the Georgetown Summer Detail, \$200,000 for the East of the River Detail, \$100,000 for the Adams Morgan Detail, and \$100,000 for the Capitol Hill Summer Detail.

Sec. 818. Section 907 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Code § 45-2501, note), is amended to read as follows:

Note, Section
45-2501

"All titles of this act, except III and V, shall terminate on December 31, 2000."

Sec. 819. Chapter 12 of title 18 of the District of Columbia Municipal Regulations (Vehicles and Traffic) is amended by adding a new subsection 1211.9 to read as follows:

DCMR

"1211.9 The civil fine for violation of § 1211.3 shall be \$50."

TITLE IX - PUBLIC EDUCATION

Sec. 901. (a) The Board of Education is authorized to establish a retirement incentive program ("program") which shall apply to eligible employees under the personnel authority of the Board of Education. This authorization is conditioned on the requirement that no District employee who receives an incentive payment under the early out retirement program shall be reemployed with the District government, including the Board of Education, for 5 years, or hired or retained as a sole source personal services contractor for 5 years from the date of retirement.

New
Subchapter
III,
Chapter 12,
Title 31
New Section
31-1271
Note, Section
1-627.1

(b) The Board of Education may exclude or limit positions from the program based on

ENROLLED ORIGINAL

the needs of the Board.

(c) The program shall be effective from December 21, 1994, through September 30, 1995.

(d) The program shall be limited to employees retiring under the early out retirement provisions of 5 U.S.C. 8336(d)(2), employees who become eligible to retire on or before June 15, 1995, under the optional retirement provisions of 5 U.S.C. 8336(a), (b), or (f), and teachers who are eligible to retire under section 3(f) of An Act For the retirement of public-school teachers in the District of Columbia, approved August 7, 1946 (60 Stat. 875; D.C. Code § 31-1221(f)).

(e) The program shall offer a retirement incentive of 50% of an employee's annual rate of basic pay paid from the employee's salary or pay schedule which was in effect on the employee's date of retirement, not to exceed \$24,000, to be paid in 24 equal installments.

(f) Retirement incentive payments shall be prorated in the case of a part-time employee.

(g) Retirement incentive payments shall not be considered basic pay for computing retirement entitlement, insurance entitlement, any category of premium pay entitlement, lump-sum leave, or any other entitlement that is computed on basic pay.

(h) No incentive payments shall be paid to:

(1) An employee retiring under the law enforcement provisions of 5 U.S.C. 8336(c), the discontinued service/involuntary retirement provisions of 5 U.S.C. 8336(d)(1), or the disability retirement provisions of 5 U.S.C. 8337; or

(2) An employee who is a reemployed annuitant under the provisions of 5 U.S.C. 8334.

Sec. 902. Section 3 of An Act For the retirement of public-school teachers in the District of Columbia, approved August 7, 1946 (60 Stat. 875; D.C. Code § 31-1221), is amended by adding a new subsection (f) to read as follows:

Section
31-1221

"(f)(1) In the event of a major reorganization, a major reduction in force, or a major transfer of functions in which a significant percentage of Board of Education employees will be separated or subject to an immediate reduction in the rate of basic pay or a furlough, the Board of Education is authorized to offer voluntary retirement to the following eligible teachers:

"(A) Teachers who have completed 25 years of service; and

"(B) Teachers who have reached 50 years of age and completed 20 years of service.

"(2) Teachers who accept voluntary retirement under paragraph (1) of this subsection shall:

"(A) Receive an annuity reduced by 1/6 of 1% for each full month such teacher is

ENROLLED ORIGINAL

under the age of 55 years at the date of his or her separation from the service; and

"(B) Be eligible for the early out retirement incentive program established by

section 901 of the Multiyear Budget Spending Reduction and Support Emergency Act of 1994, effective December 29, 1994 (D.C. Act 10-389; 42 DCR 197)."

TITLE X - MODIFICATION OF SCHOOL RIF PROCEDURES

Sec. 1001. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-601.1 *et seq.*), is amended as follows:

(a) Section 301 (D.C. Code § 1-603.1) is amended as follows:

Section
1-603.1

(1) A new paragraph (13A) is added to read as follows:

"(13A) "Nonschool-based personnel" means any employee of the District of Columbia Public School who is not based at a local school or who does not provide direct services to individual students."

(2) A new paragraph (15A) is added to read as follows:

"(15A) "School administrators" means principals, assistant principals, school program directors, coordinators, instructional supervisors, and support personnel of the District of Columbia Public Schools."

(b) Section 801A(b)(2) (D.C. Code § 1-609.1(b)(2)) is amended as follows:

Section
1-609.1

(1) By striking the semicolon at the end of subparagraph (L); and

(2) By adding a new subparagraph (L-i) to read as follows:

"(L-i) Notwithstanding any other provision of law, the Board of Education shall not issue rules and regulations that require or permit nonschool-based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers;"

(c) Section 2402 (D.C. Code § 1-625.2) is amended by adding a new subsection (f) to read as follows:

Section
1-625.2

"(f) Notwithstanding any other provision of law, the Board of Education shall not require or permit nonschool-based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers."

TITLE XI - UNIVERSITY WITHIN GRADE INCREASE FREEZE

Sec. 1101. (a) Notwithstanding any other provision of law or regulation, no employee of the University of the District of Columbia shall receive a within-grade salary increase in the time period beginning on the effective date of the Fiscal Year 1995 Supplemental Budget and Rescissions of Authority Request Act of 1994, enacted January 19, 1995 (D.C. Act 10-400; 42

Note, Section
1-612.11

ENROLLED ORIGINAL

DCR 529), and ending 1 year after that effective date.

(b) Time in a pay status during the period beginning on the effective date of the Fiscal Year 1995 Supplemental Budget and Rescissions of Authority Request Act of 1994 and ending 1 year after that effective date shall not be considered creditable service for the purposes of computing an employee's length of service for a within-grade salary increase.

(c) Time in a nonpay status shall not be included in computing an employee's waiting period for a within-grade salary increase under title XI of the Merit Personnel Act or other applicable law or regulation.

TITLE XII -MERGER OF LAW SCHOOL AND UDC

Sec.. 1201. Section 513 of The District of Columbia Public Education Reorganization Act, approved October 26, 1974 (88 Stat. 1423; D.C. Code § 31-1553), is amended to read as follows:

Section
31-1553

"Sec. 513. Merger.

"(a) The Board of Trustees of the University of the District of Columbia and the Board of the Governors of the District of Columbia School of Law shall combine their membership to form a Merger Committee ("Committee"). The Committee shall, by June 1, 1995, negotiate, approve, ratify, and submit to the Mayor, the Council, and the Council Committee on Education and Libraries, a formal merger agreement and any proposed legislation necessary to implement the merger.

"(b) The formal merger agreement shall, among other provisions:

"(1) Delineate the specific terms and conditions of the merger between the University of the District of Columbia and the District of Columbia School of Law;

"(2) Provide a time-frame for implementing the merger;

"(3) Provide for a budget for the law school in a separate control center and direct that all nonappropriated revenues dedicated to the law school, including tuition and gifts, be included in the budget for the law school;

"(4) Establish the criteria and composition for a single governing board;

"(5) Require that law students who are eligible for residential tuition rates maintain their residency for the duration of their legal education;

"(6) Declare law students who are nonresidents at the time of their admission ineligible for residential tuition rates for the duration of their legal education;

"(7) Require that law students eligible for residential tuition rates remain in the District of Columbia upon graduation, and contractually agree to employment by the District of Columbia, a public service organization, or any institution designated by the Mayor for a period of time equivalent to the length of time that the student received the residential tuition rate. Any student who refuses to perform the post-graduation work requirement shall be held liable to the District of Columbia. The amount of the liability shall be equivalent to 3 times the amount of

ENROLLED ORIGINAL

the difference between the residential tuition rate and the nonresidential tuition rate in existence at the time of the student's matriculation. This section shall not operate to guarantee employment with the District of Columbia.

"(c) Within 90 days of the merger, the University of the District of Columbia shall develop and submit to the Council a listing of the degree programs offered, in order of priority, and the positions and costs associated with each program.

"(d) Within 1 year of the merger, the University of the District of Columbia shall establish a college or school at a location that is east of the Anacostia River."

TITLE XIII - VOLUNTARY SEVERANCE INCENTIVE CLARIFICATION

Sec. 1301. Section 3(h)(1) of the Budget Implementation Temporary Act of 1995, deemed approved by the Mayor on March 24, 1995 (D.C. Act 11-34; 42 DCR 1654), is amended by striking the phrase "December 11, 1992" and inserting the phrase "June 30, 1993" in its place.

Note, Section
1-625.1

Sec. 1302. Section 3(h)(1) of the Budget Implementation Emergency Act of 1995, effective March 15, 1995 (D.C. Act 11-29; 42 DCR 1398), is amended by striking the phrase "December 11, 1992" and inserting the phrase "June 30, 1993" in its place.

Note, Section
1-625.1

TITLE XIV - WAGE ROLLBACK

Sec. 1401. (a) The Mayor shall renegotiate the collective bargaining agreements with all compensation units to reduce employee compensation in order to realize the \$30 million in savings required by the Pay Renegotiation provision of the Fiscal Year 1995 Supplemental Budget and Rescissions of Authority Request Act of 1994, enacted January 19, 1995 (D.C. Act 10-400; 42 DCR 529). All collective bargaining units must participate in the negotiations that realize the \$30 million in savings.

Note,
Sections
1-618.17
1-612.1

(b)(1) If the Mayor does not meet the requirement contained in subsection (a) of this section by March 7, 1995, notwithstanding any other law, the compensation schedule for employees in the collective bargaining units, except such employees of the Board of Education, shall be reduced by 12% (to yield 6% annualized) for the period beginning April 2, 1995, through September 30, 1995. In addition, for the period beginning April 2, 1995, and ending on the last day of the pay period that contains September 30, 1995, the District Service salary schedule or any equivalent pay schedule for employees in the Career, Excepted, Executive, and Educational Service not covered by collective bargaining shall be reduced by 4% (to yield 2% annualized).

(2) For Fiscal Year 1996, the compensation schedule for employees in the collective bargaining units, except such employees of the Board of Education, shall be reduced by 5% of the schedule in effect immediately prior to the enactment of this act.

(c)(1) If the requirements of subsection (a) of this section are not met, notwithstanding

ENROLLED ORIGINAL

any other law, as to the employees of the Board of Education covered by collective bargaining agreements, the Board of Education is authorized to reduce the Fiscal Year 1995 rates of compensation and benefits authorized by those collective bargaining agreements in effect that are listed in paragraph (2) of this subsection, so that for the period beginning April 2, 1995, through September 30, 1995, the rates of compensation contained in the applicable service basic pay schedule under those agreements shall be reduced by 12% (to yield 6% annualized) for the period beginning April 2, 1995, through September 30, 1995.

(2) The collective bargaining agreements in effect subject to the reduction contained in paragraph (1) of this subsection, shall include Compensation Units 5, 6, 7, 8, 9, 16, 17, 18, 26, and 28.

(3) If the requirements of subsection (a) of this section are not met, notwithstanding any other law, as to the employees of the Board of Education not covered by collective bargaining agreements, the Board of Education is authorized to reduce by 4% (to yield 2% annualized) the rates of compensation and benefits in effect for the period beginning April 2, 1995, through September 30, 1995.

(d) The compensation reductions authorized by subsection (b) of this section for Fiscal Years 1995 and 1996 shall not apply to Firefighters in Classes 1 through 11. Notwithstanding any other law, the agreement between the International Association of Fire Fighters, Local 36, representing employees in Compensation Unit 4, the District of Columbia Government, and the Fire and Emergency Medical Services Department, which provides that the entitlement to overtime pay will attach at a higher threshold than had been previously negotiated, transmitted to the Council by the Mayor on March 24, 1995, is approved.

(e) The compensation reductions authorized by subsection (b) of this section for Fiscal Years 1995 and 1996 shall not apply to Compensation Units 1, 2, 3, 12, 13, 15, 19, 20, 21, 22, 23, and 29 and the Metropolitan Police Department Crossing Guards, except for the pay period beginning April 2, 1995, and ending April 29, 1995.

(f) Notwithstanding any other law or regulation, for any furlough authorized by the Memorandum of Understandings transmitted to the Council on April 4, 1995, for Compensation Units 1, 2, 12, 13, 15, 19, 20, 21, 22, 23, and 29, agency heads shall provide each employee written notice of a specific furlough date no later than 15 days prior to the furlough date."

Sec. 1402. Section 2 of the Budget Implementation Temporary Act of 1995, deemed approved by the Mayor on March 24, 1995 (D.C. Act 11-34; 42 DCR 1654), is amended by adding new subsections (e) and (f) to read as follows:

Note, Section
1-612.1

"(e) The compensation reductions authorized by subsection (b) of this section for Fiscal Years 1995 and 1996 shall not apply to Compensation Units 1, 2, 3, 12, 13, 15, 19, 20, 21, 22, 23, and 29 and the Metropolitan Police Department Crossing Guards.

"(f) Notwithstanding any other law or regulation, for any furlough authorized by the

ENROLLED ORIGINAL

Memorandum of Understandings transmitted to the Council on April 4, 1995, for Compensation Units 1, 2, 12, 13, 15, 19, 20, 21, 22, 23, and 29, agency heads shall provide each employee written notice of a specific furlough date no later than 15 days prior to the furlough date."

Sec. 1403. Notwithstanding any other law and the provisions of section 1401, the Memoranda of Understanding ("agreements") between the District and Compensation Units 1 and 2, Compensation Units 12 and 29, Compensation Unit 13, Compensation Unit 15, Compensation Unit 19, Compensation Units 20 and 21, Compensation Unit 22, and Compensation Unit 23, transmitted by the Mayor to the Council on April 4, 1995, are hereby approved and all wage reductions contained in the agreements for Fiscal Year 1995 shall become effective as of April 30, 1995. The agreements provide the following:

Note, Section
1-618.17

(1) The compensation changes for Compensation Units 1 and 2 to reduce the base pay of employees by 6% (3% annualized) in Fiscal Year 1995 for the period beginning April 30, 1995, through September 30, 1995, and the Fiscal Year 1995 pre-reduction base pay reduced by 3% in Fiscal Year 1996, to furlough all employees, except certain Police Communications Operators (DS-392 series, grades 4-11), certain Fire Communication Operators (DS-081 series, Fire Department Only), Emergency Medical Technicians, intermediate paramedics, paramedics subject to the Special Rate Schedule (Fire Department Only), certain correctional officers (DS-007 series only), certain positions in the 24-hour facilities, parking control aides, and certain employees at the Water and Sewer Utility Administration (those designated exempt by the D.C. Office of Personnel), for 6 days in Fiscal Year 1995 and for 6 days in Fiscal Year 1996, to modify the overtime provision of the collective bargaining agreement governing Compensation Units 1 and 2 (as outlined in the Memorandum of Understanding signed by Mayor Barry on April 3, 1995).

(2) The compensation changes for Compensation Units 12 and 29 incorporated in a Memorandum of Understanding to forego the professional allowance payments of \$1,000 which were due to each employee but were not paid in December 1993, May 1994, and December 1994; to approve compensation changes for Compensation Unit 13 incorporated in a Memorandum of Understanding to reduce the base pay of employees by 7.75% (3.875% annualized) in Fiscal Year 1995 for the period beginning April 30, 1995, through September 30, 1995, and the Fiscal Year 1995 pre-reduction base pay reduced by 3.5% in Fiscal Year 1996, to furlough all employees, except certain employees in the 24-hour facilities in the Department of Human Services and D.C. General Hospital, for 6 days in Fiscal Year 1995 and for 8 days in Fiscal Year 1996.

(3) The compensation changes for Compensation Unit 15 incorporated in a Memorandum of Understanding to reduce the base pay of employees by 6% (3% annualized) in Fiscal Year 1995 for the period beginning April 30, 1995, through September 30, 1995, and the Fiscal Year 1995 pre-reduction base pay reduced by 3% in Fiscal Year 1996, to furlough

ENROLLED ORIGINAL

employees for 6 days in Fiscal Year 1995 and for 6 days in Fiscal Year 1996.

(4) The compensation changes for Compensation Unit 19 incorporated in a Memorandum of Understanding to reduce the base pay of employees by 9.25% (4.625% annualized) in Fiscal Year 1995 for the period beginning April 30, 1995, through September 30, 1995, and the Fiscal Year 1995 pre-reduction base pay reduced by 5% in Fiscal Year 1996.

(5) The compensation changes for Compensation Units 20 and 21 incorporated in a Memorandum of Understanding to reduce the base pay of employees by 3.5% (1.75% annualized) in Fiscal Year 1995 for the period beginning April 30, 1995, through September 30, 1995, and the Fiscal Year 1995 pre-reduction base pay reduced by 0.5% in Fiscal Year 1996, to furlough all employees, except certain employees in 24-hour facilities at D.C. General Hospital, for 6 days in Fiscal year 1995 and for 6 days in Fiscal Year 1996.

(6) The compensation changes for Compensation Unit 22 incorporated in a Memorandum of Understanding to reduce the base pay of employees by 5.75% (2.875% annualized) in Fiscal Year 1995 for the period beginning April 30, 1995, through September 30, 1995, and the Fiscal Year 1995 pre-reduction base pay reduced by 2.4% in Fiscal Year 1996, to furlough employees for 3 days in Fiscal Year 1995 and for 3 days in Fiscal Year 1996, to deny uniform allowances in Fiscal Years 1995 and 1996, and to modify the overtime provision for holiday pay contained in the collective bargaining agreement governing Compensation Unit 22 for Fiscal Year 1995 for the period beginning April 30, 1995, through September 30, 1995, and in Fiscal Year 1996.

(7) The compensation changes for Compensation Unit 23 incorporated in a Memorandum of Understanding to reduce the base pay of employees by 5.75% (2.875% annualized) in Fiscal Year 1995 for the period beginning April 30, 1995, through September 30, 1995, and the Fiscal Year 1995 pre-reduction base pay reduced by 2.4% in Fiscal Year 1996, to furlough employees for 3 days in Fiscal Year 1995 and to require that beginning April 2, 1995, holiday pay shall be paid at the regular rate of pay.

Sec. 1404. (a) Notwithstanding any other law, beginning April 30, 1995, and ending on September 30, 1995, employees in Compensation Unit 3 shall not be paid a retention allowance of 4.2%; compensation for all hours worked shall be paid at the regular rate up to the Fair Labor Standards Act statutory overtime entitlement; compensation for holidays shall be paid at the regular rate; no shift differential shall be paid; employees shall be placed in a nonduty and nonpay status the first 15 minutes of their daily scheduled tour of duty; and the 28-day notice period for shift change shall be reduced to 14 days.

(b) Notwithstanding any other law, in Fiscal Year 1996 employees in Compensation Unit 3 shall not be paid a retention allowance of 4.2%; compensation for all hours work shall be paid at the regular rate up to the Fair Labor Standards Act statutory overtime entitlement; and the 28-day notice period for shift changes shall be reduced to 14 days.

Note, Section
1-618.17

ENROLLED ORIGINAL

Note, Section
1-625.1

Sec. 1405. Workforce reduction.

(a) At least 1,200 specific funded positions throughout the District government shall be eliminated prior to September 30, 1995. The 1,200 positions to be eliminated shall be in addition to the 2,000 positions eliminated as part of the action by the Council to approve a revised FY 1995 budget in the Fiscal Year 1995 Supplemental Budget and Rescissions of Authority Request Act of 1994, enacted January 19, 1995 (D.C. Act 10-400; 42 DCR 529), and the Congressional mandate contained in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Pub. L. No. 103-334, §141). The Mayor shall prepare a list of positions to be eliminated in independent agencies of the District of Columbia as well as agencies under the control of the Mayor.

(b) The heads of each independent agency of District government, as those agencies are defined in section 301 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-603.1), shall submit to the Mayor by March 3, 1995, a list of specific funded positions to be eliminated prior to September 30, 1995, and these identified positions shall be in addition to any positions eliminated as a result of the Council's passage of the Fiscal Year 1995 Supplemental Budget and Rescissions of Authority Request Act of 1994, enacted January 19, 1995 (D.C. Act 10-400; 42 DCR 529).

(c) The Mayor shall submit to the Council for its review the list of 1,200 specific funded positions scheduled to be eliminated prior to September 30, 1995.

(d) The Board of Education is authorized to eliminate no less than 155 positions in the District of Columbia Public Schools. The positions identified to be eliminated in other independent agencies shall represent a reduction of no less than 10% of each agency's workforce.

(e) In the event that the Mayor fails to submit the list required pursuant to subsection (c) of this section, the Council shall identify 1,200 funded positions to be eliminated throughout the District government prior to September 30, 1995.

(f) The Council shall eliminate the 1,200 positions in the Fiscal Year 1996 Budget Request Act and simultaneously with the Council's passage of the Fiscal Year 1996 Budget Request Act, the Council shall enact emergency legislation to eliminate the 1,200 positions from the District workforce.

(g) The Mayor shall publish in the first District of Columbia Register scheduled to appear subsequent to the effective date of the legislation passed by the Council to eliminate 1,200 positions, a list of the 1,200 positions throughout the District of Columbia government and its independent agencies which have been approved by the Council as positions to be eliminated prior to September 30, 1995.

(h) In addition to the existing early-out and easy-out options, beginning April 1, 1995, and extending through June 30, 1995, a voluntary severance incentive program shall be available to all employees of the District of Columbia and its independent agencies. The program shall be

ENROLLED ORIGINAL

based on the following:

(1) The voluntary severance option created by this act shall extend to any full-time employee covered by the District of Columbia Government Comprehensive Merit Personnel Act of 1979, effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-601.1 *passim*), who has been continuously employed with the District of Columbia government without a break in service since June 30, 1993.

(2) Each personnel authority may exclude or limit positions from this program based on the needs of the government and must publish such exclusions or limitations through their personnel issuance system.

(3) The severance incentive will be a lump-sum payment, and will be paid on or before August 1, 1995, according to the following schedule:

<u>Length of Service</u>	<u>Benefit</u>
2 years up to 5 years	Greater of \$5000 or 5 weeks pay
5 years up to 7 years	Greater of \$7000 or 6 weeks pay
7 years up to 10 years	Greater of \$8,500 or 8 weeks pay
Over 10 years	\$10,000.

(4) In no case will the voluntary severance incentive payment exceed \$10,000.

(5) An employee's length of service is to be determined by reviewing the employee's work history in the Official Personnel Folder and using the Service Computation Date shown on the employee's most recent Personnel Action Form 1.

(i) Any employee availing himself or herself to the early-out and easy-out options, beginning April 1, 1995, and extending through June 30, 1995, and the voluntary severance incentive program pursuant to subsection (h) of this section shall not be reemployed by the District until the passage of 5 years.

(j) On July 1, 1995, the Mayor and the heads of independent agencies shall cause a 30-day termination notice to be served on any incumbent employee remaining in any one of the 1,200 positions identified for elimination pursuant to this act.

Sec. 1406. Repealer.

Title IV of the Multiyear Budget Spending Reduction and Support Temporary Act of 1995, enacted January 27, 1995 (D.C. Act 10-401; 42 DCR 721), is repealed.

Note, Section 1-625.1

TITLE XV - METROBUS COMMERCIAL ADVERTISING

Sec. 1501. Subsection 2905.10 of Article 29 of the District of Columbia Building Code Supplement of 1992 (12A DCMR 2905.10; 39 DCR 8838), is amended as follows:

DCMR

(a) The lead-in language is amended by adding the phrase ", or entire exterior surfaces"

ENROLLED ORIGINAL

after "exteriors".

(b) Paragraph (3) (Paragraph 2905.10.3) is repealed.

TITLE XVI - APPLICABILITY

Sec. 1601. Section 102 shall apply upon the enactment by Congress of an amendment to 18 U.S.C. 1761(b) to authorize prison industry sales to not-for-profit organizations.

Sec. 1602. The provisions of sections 104(c), 109(b), (c) and (d), and 110, and 111 shall apply to the real property tax sale conducted July 1995 and for each sale conducted thereafter.

Sec. 1603. Section 106 shall apply after March 31, 1995.

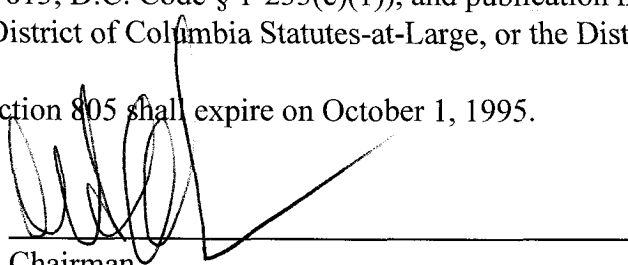
Note, Section 24-453

Note, Sections 47-812a 47-1304 47-1306 47-1307 47-1312 Note, Section 47-850

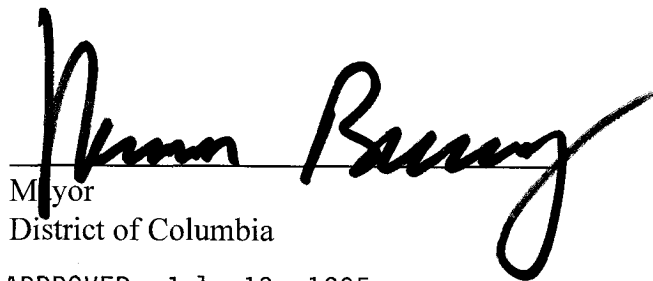
TITLE XVII - EFFECTIVE DATE

Sec. 1701. (a) This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of a veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.

(b) Section 805 shall expire on October 1, 1995.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: July 13, 1995



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD ELEVEN

RECORD OF OFFICIAL COUNCIL VOTE

B11-218

Docket No. _____

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 04-19-95

VOICE VOTE
 RECORDED VOTE ON REQUEST

APPROVED

ABSENT _____

JARVIS, MASON AND LIGHTFOOT

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

June 28, 1995
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED AMENDED FIRST READING, 06-06-95

VOICE VOTE
 RECORDED VOTE ON REQUEST

APPROVED

ABSENT _____

BRAZIL, CHAVOUS AND THOMAS

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X-indicates no

AB-Absent

NV-Present not voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

June 28, 1995
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 06-20-95

VOICE VOTE
 RECORDED VOTE ON REQUEST

APPROVED

ABSENT _____

ALL PRESENT

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date