

Chairman Phil Mendelson
at the request of the Mayor

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Phil Mendelson, at the request of the Mayor, introduced the following bill, which was referred to the Committee on _____.

To enact and amend provisions of law necessary to support the Fiscal Year 2017 budget.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2017 Budget Support Act of 2016".

TITLE I. GOVERNMENT DIRECTION AND SUPPORT

SUBTITLE A. BONUS AND SPECIAL PAY LIMITATION

Sec. 1001. Short title.

This subtitle may be cited as the "Bonus and Special Pay Limitation Act of 2016".

Sec. 1002. Bonus and special pay limitations.

(a) For fiscal year 2017, no funds shall be used to support the categories of special awards pay or bonus pay; provided, that funds may be used to pay:

- (1) Retirement awards;
- (2) Hiring bonuses for difficult-to-fill positions;
- (3) Additional income allowances for difficult-to-fill positions;
- (4) Agency awards or bonuses funded by private grants or donations;

1 (5) Employee awards pursuant to section 1901 of the District of Columbia
2 Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law
3 139; D.C. Official Code § 1-619.01);

4 (6) Safe driving awards;

5 (7) Gainsharing incentives in the Department of Public Works;

6 (8) Suggestion/invention awards;

7 (9) Quality steps;

8 (10) Salary incentives negotiated through collective bargaining; or

9 (11) Any other award or bonus required by an existing contract or collective
10 bargaining agreement that was entered into prior to the effective date of this subtitle.

11 (b) Notwithstanding any other provision of law, no restrictions on the use of funds to
12 support the categories of special awards pay (comptroller subcategory 0137) or bonus pay
13 (comptroller subcategory 0138) shall apply in fiscal year 2017 to employees of the District of
14 Columbia Public Schools who are based at a local school or who provide direct services to
15 individual students.

16 (c) Notwithstanding this subtitle or any other provision of law, the Office of the Attorney
17 General shall pay employees of the Office of the Attorney General all performance allowance
18 payments to which they are entitled or may become entitled under any approved compensation
19 agreement negotiated between and executed by the Mayor and Compensation Unit 33 of the
20 American Federation of Government Employees, Local 1403, AFL-CIO for the period from
21 October 1, 2013, through September 30, 2017. These payments are necessary to satisfy the
22 requirements of section 857 of the District of Columbia Government Comprehensive Merit
23 Personnel Act of 1978, effective April 20, 1999 (D.C. Law 12-260; D.C. Official Code § 1-

1 608.57), which requires the Attorney General’s performance management system to link pay to
2 performance.

3 (d) Notwithstanding this subtitle of law, the Office of the Attorney General and the
4 subordinate agencies shall pay their employees all performance allowance payments to which
5 they are entitled

6 **SUBTITLE B. LOBBYIST REGISTRATION FEE CLARIFICATION**

7 **AMENDMENT**

8 Sec. 1011. Short title.

9 This subtitle may be cited as the “Lobbyist Registration Fee Clarification Amendment
10 Act of 2016”.

11 Sec. 1012. Section 227(b)(2) of the Board of Ethics and Government Accountability
12 Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27,
13 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.27(b)(2)), is amended to read as follows:

14 “(b)(2) The registration fee for lobbyists who lobby solely for nonprofit organizations
15 shall be \$50. For purposes of this paragraph, the term “nonprofit organization” means an
16 organization described in § 501(c)(3) of the Internal Revenue Code of 1986, approved October
17 22, 1986 (68A Stat. 163; 26 U.S.C. § 501(c)(3)).”.

18 **SUBTITLE C. EMPLOYEES’ COMPENSATION FUND AMENDMENT**

19 Sec. 1021. Short title.

20 This subtitle may be cited as the “Employees’ Compensation Fund Clarification
21 Amendment Act of 2016”.

1 Sec. 1022. Section 2342 of the District of Columbia Government Comprehensive Merit
2 Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-
3 623.42), is amended as follows:

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

5 (1) Paragraph (1) is repealed.

6 (2) Paragraph (2) is amended by striking the phrase “expenses, except
7 administrative expenses, authorized by this title or any extension or application thereof, except as
8 otherwise provided by this subtitle or other statute.” and inserting the phrase “expenses incurred
9 to implement the provisions of this act.” in its place.

10 (3) Paragraph (3) is repealed.

11 (b) Subsection (b) is repealed.

12 Sec. 1023. The amendments made by section 1022(a) shall apply as of October 1, 2008.

13 **SUBTITLE D. DC GOVERNMENT AWARD OF INTEREST AND INTEREST**
14 **RATE AMENDMENT**

15 Sec. 1031. Short title.

16 This subtitle may be cited as the “District of Columbia Government Award of Interest
17 and Interest Rate Amendment Act of 2016”.

18 Sec. 1032. The District of Columbia Administrative Procedures Act, approved October
19 21, 1968 (82 Stat. 1203; D.C. Official Code § 2-501, *et. seq.*), is amended by adding a new
20 section 13 to read as follows:

21 “Sec. 13. Award of interest in administrative adjudications.

22 “Notwithstanding any other provision of law, unless a statute has expressly authorized or
23 authorizes the award of interest to a prevailing party in an administrative adjudication, no pre-

1 award or pre-decision interest or post-award or post-decision interest may be ordered by any
2 reviewing administrative hearing officer, administrative law judge, administrative hearing
3 tribunal, or any court reviewing an award or decision arising from an administrative
4 adjudication.”.

5 Sec. 1033. Section 28-3302(b) of the District of Columbia Official Code is amended to
6 read as follows:

7 “(b) Interest, when authorized by law, on judgments or decrees against the District of
8 Columbia, or its officers, or its employees acting within the scope of their employment, shall be
9 at the rate described in subsection (c) of this section, provided that the rate shall not exceed 4%
10 per annum.”.

11 **SUBTITLE E. TORT NOTICE BUDGET TECHNICAL AMENDMENT**

12 Sec. 1041. Short title.

13 This subtitle may be cited as the “Tort Notice Budget Technical Amendment Act of
14 2016”.

15 Sec. 1042. Section 12-309 of the District of Columbia Official Code is amended as
16 follows:

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

18 “(a-1) Except as provided in subsection (b) of this section, an action may not be
19 maintained against an officer or employee of the District of Columbia government or an
20 individual otherwise entitled to be defended and indemnified by the District of Columbia
21 government for unliquidated damages to person or property unless, within six months after the
22 injury or damage was sustained, the claimant, his agent, or attorney has given notice in writing to
23 the Mayor of the District of Columbia of the approximate time, place, cause, and circumstances

1 of the injury or damage. A report in writing by the Metropolitan Police Department, in regular
2 course of duty, is a sufficient notice under this section. This subsection shall not apply if the
3 appointee, employee, or other individual was acting outside the scope of his or her employment
4 or was in violation of any rule or regulation of his or her agency at the time the alleged damages
5 were sustained. This subsection shall apply to any action which arises subsequent to the
6 effective date of this subsection and which arose prior to the enactment of this subsection for
7 which an action was not commenced prior to its enactment. A claimant whose injury or damage
8 was sustained prior to the enactment of this subsection shall have six months after the enactment
9 of this subsection to give the written notice required by this subsection.”

10 **SUBTITLE F. DC CAPTIVE INSURANCE AGENCY BUDGET TECHNICAL**
11 **AMENDMENT**

12 Sec. 1051. Short title.

13 This subtitle may be cited as the “District of Columbia Captive Insurance Agency Budget
14 Technical Amendment Act of 2016”.

15 Sec. 1052. The Captive Insurance Agency Establishment Act of 2008 Act, effective July
16 18, 2008 (D.C. Law 17-196; D.C. Official Code § 1-307.81, *et. seq.*), is amended as follows:

17 (a) Section 3 of the Act (D.C. Official Code § 1-307.82) is amended as follows:

18 (1) Subsection (b)(2) is amended to read as follows:

19 “(b)(2) Provide insurance for District real property assets and District personal property
20 assets.”

21 (2) Subsection (c) is amended to read as follows:

1 “(c) The liability of the Agency for medical malpractice liability, property insurance
2 policies, and any other policies provided for pursuant to this act shall be limited to the fund in the
3 Captive Trust Fund.”

4 (b) Section 4 of the Act (D.C. Official Code § 1-307.83) is amended as follows:

5 (1) Subsection (a)(1) is amended to strike the phrase “By delegation from the Mayor,
6 to”.

7 (2) Subsection (a)(4A) is amended to strike the word “property”.

8 (c) Section 6 of the Act (D.C. Official Code § 1-307.85) is amended as follows:

9 (1) Subsection (i)(2A) is amended to strike the word “property”.

10 (d) Section 8 of the Act (D.C. Official Code § 1-307.87) is amended as follows:

11 (1) Subsection (b)(4A) is amended to read as follows:

12 “(4A) Establish procedures for the offering of insurance for District real property assets
13 and District personal property assets.”

14 (e) Section 11 of the Act (D.C. Official Code § 1-307.90) is amended as follows:

15 (1) Subsection (a)(2) is amended to read as follows:

16 “(2) Insurance for the benefit of the District for District real property assets and District
17 personal property assets consistent with coverage offered in the market.”

18 (f) Section 12 of the Act (D.C. Official Code § 1-307.91) is amended to add a new
19 subsection (b)(7) to read as follows:

20 “(7) The purchase of insurance on behalf of the District of Columbia government. This
21 paragraph shall apply to payments made from the Fund on or after December 1, 2014.”

22 (g) Section 13 of the Act (D.C. Official Code § 1-307.92) is amended to read as follows:

23 “The Agency shall not be subject to

1 (a) The Small, Local, and Disadvantaged Business Enterprise Development and
2 Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code
3 § 2-218.01 *et seq.*);

4 (b) The District of Columbia Procurement Practices Act of 1985, effective February
5 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*), or

6 (c) The District of Columbia Government Comprehensive Merit Personnel Act of
7 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*).”.

8 Sec. 1053. Section 40 of the Fire and Casualty Act, approved October 9, 1940 (54 Stat.
9 1063; D.C. Official Code § 31-2502.40), is amended to add a new subsection (c) to read as
10 follows:

11 “Any agent or broker engaged by the District of Columbia government to procure
12 insurance on its behalf shall be exempt from the requirement of subsection (a) to pay the 2 per
13 centum of the amount of the gross premiums upon all kinds of policies procured by him on
14 behalf of the District of Columbia government. To claim this exemption, the agent or broker
15 must include a statement identifying for each item enumerated in the affidavit required by
16 subsection (a) as to the portion allocated to policies procured on behalf of the District of
17 Columbia government. Except as otherwise stated, nothing in this subsection shall be construed
18 to exempt any agent or broker from any other requirement imposed by this section.”

19 **SUBTITLE G. PUBLIC SECTOR WORKERS COMPENSATION BUDGET**

20 **TECHNICAL AMENDMENT**

21 Sec. 1061. Short title.

22 This subtitle may be cited as the “Public Sector Workers’ Compensation Budget
23 Technical Amendment Act of 2016”.

1 Sec. 1062. Title XXIII of the District of Columbia Government Comprehensive Merit
2 Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-
3 601.01, *et. seq.*) is amended as follows:

4 (a) Section 2302a of the Act (D.C. Official Code § 1-623.02a) is amended to read as
5 follows:

6 “The Mayor shall administer and decide all questions under this chapter. The Mayor may
7 delegate to the City Administrator any of the powers conferred on him or her by this chapter,
8 except disability compensation hearings and adjudication powers, pursuant to section 2328.”.

9 (b) Section 2324 of the Act (D.C. Official Code § 1-623.24) is amended as follows:

10 (1) Subsection (a-3)(2) is amended as follows:

11 (A) Striking the phrase “to the Department of Employment Services” and inserting the
12 phrase with “before the Office of Administrative Hearings.” in its place.

13 (B) Striking the phrase “and under section 2328” at the end of this subsection and
14 inserting a period after the word “section”.

15 (2) Subsection (b)(1) is amended as follows:

16 (A) Striking the reference to “section 2328(a)” and inserting the reference to “section
17 2328(b)” in its place.

18 (B) Striking the phrase “a Department of Employment Services Administrative Disability
19 Compensation” and inserting the phrase “an Office of Administrative Hearings” in its place.

20 (C) Striking all references to the phrase “Corporation Counsel” and inserting the phrase
21 the “Attorney General” in its place.

22 (D) Striking the phrase “Office of Personnel” and inserting the phrase “Office of Risk
23 Management” in its place.

1 (E) Striking the phrase “Within 30 days after the hearing,”.

2 (3) Subsection (b)(2) is amended as to read as follows:

3 “(2) In conducting the hearing, the Office of Administrative Hearings Administrative
4 Law Judge is bound by the provisions of the District of Columbia Administrative Procedures
5 Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501, *et. seq.*), the Office
6 of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-
7 76; D.C. Official Code § 2-1831.01, *et. seq.*) and any rules promulgated for such hearings.”.

8 (4) Subsection (b)(3) is amended to read as follows:

9 “(3) The Mayor or his or her designee shall begin payment of any prospective
10 compensation awarded to the claimant within 30 days after the date of an order from an Office of
11 Administrative Hearings Administrative Law Judge.”.

12 (5) New subsections (b)(4), (5) and (6) are added to read as follows:

13 “(4) The Mayor or his or her designee shall not be required to pay any retroactive
14 compensation awarded by an Office of Administrative Hearings Administrative Law Judge to a
15 claimant until 30 days after the exhaustion of all available appeals.

16 “(5) Notwithstanding subsection (b)(4) of this section, This limitation notwithstanding,
17 the Mayor or his or her designee may elect, in his or her sole discretion, to pay a portion of any
18 retroactive compensation award without waiving:

19 “(A) The right to withhold the remainder of the retroactive compensation award
20 until 30 days after the exhaustion of all appeals;

21 “(B) Any legal defense or argument that may be available to the Mayor or his or
22 her designee on appeal; or

1 “(C) The right to recover the retroactive compensation payment if the District of
2 Columbia Government prevails on appeal.

3 “The decision whether to pay a portion of a retroactive compensation award is not subject
4 to appeal pursuant to subsection (b) of this section, nor pursuant to section 2328 of the Act (D.C.
5 Official Code § 1-623.28).

6 “(6) The Mayor or his or her designee shall not be required to pay pre-award or post-
7 award interest on any portion of any award of compensation any order of final decision pursuant
8 to an order from an Office of Administrative Hearings Administrative Law Judge in any
9 proceeding arising pursuant to this subchapter.”.

10 “(7) Subsection (f) is amended by striking the phrase “a Department of Employment
11 Services Disability Compensation” and inserting the phrase “an Office of Administrative
12 Hearings” in its place.”.

13 (f) Section 2327 of the Act (D.C. Official Code § 1-623.27) is amended as follows:

14 (1) Subsection (b)(2) is amended to read as follows:

15 “(2) If a person utilizes the services of an attorney-at-law in the successful prosecution of
16 his or her claim under section 2324(b) of the Act (D.C. Official Code § 1-623.24(b)) or before
17 any court for review of any action, award, order, or decision, the claimant shall be entitled to
18 apply in the manner described in subsection (e)(1) for an award, in addition to the award of
19 compensation, of a reasonable attorney’s fee, not to exceed 20% of the actual retroactive benefit
20 secured and without regard to any costs or expenses incurred by the attorney-at-law or the
21 claimant in connection with the hearing, which fee award shall be paid directly by the Mayor or
22 his or her designee to the attorney for the claimant in a lump sum within 30 days after the
23 exhaustion of all appeals of the order awarding attorney’s fees.”.

1 (2) Subsection (e)(1) is amended to read as follows:

2 “(e)(1)(A) The Mayor or his or her designee shall establish a procedure for applying for
3 an attorney’s fee award.

4 “(B) The procedure shall require the claimant to request the attorney’s fee award
5 on forms designated by the Mayor or his or her designee.

6 “(C) The claimant shall submit the request for an attorney’s fee award to the head
7 of the office designated by the Mayor as responsible for the administration, organization, and
8 exercise of all of the powers, duties, and functions concerning the District of Columbia
9 government’s Public Sector Workers’ Compensation Program.

10 “(D) Before review under section 2328(b) of the Act (D.C. Official Code § 1-
11 623.28(b)), a claimant not satisfied with the decision resulting from the request for an attorney’s
12 fee award is entitled, on request made within 30 days after the date of the issuance of the
13 decision, to a hearing on the claim before an Office of Administrative Hearings Administrative
14 Law Judge.

15 “(E) Claimant shall not be entitled to any attorney’s fee incurred in connection
16 with a request for an attorney’s fee to the Mayor or his or her designee, a request for a hearing
17 before an Office of Administrative Hearings Administrative Law Judge from the decision by the
18 Mayor or his or her designee on the request for an attorney’s fee award, or from the review of the
19 decision of the Office of Administrative Hearings Administrative Law Judge under section
20 2328(b) of the Act (D.C. Official Code § 1-623.28(b)).”.

21 (g) Section 2328 of the Act (D.C. Official Code § 1-623.28) is amended as follows:

22 (1) Subsection (a) is repealed.

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

1 (A) Striking the word “action” and inserting the phrase “decision or order” in its
2 place.

3 (B) Striking all references to the word “Director” and inserting the phrase “Office
4 of Administrative Hearings Administrative Law Judge” in its place.

5 **SUBTITLE H. DC SUBROGATION FUND ESTABLISHMENT**

6 Sec. 1071. Short title.

7 This subtitle may be cited as the “District of Columbia Subrogation Fund Establishment
8 Act of 2016”.

9 Sec. 1072. Title 1, Chapter 3, Subchapter XI is amended to add a new part JJ (D.C.
10 Official Code § 1-325.351), which reads as follows:

11 “(a) There is established as a non-lapsing fund the Subrogation Fund (“Fund”), which
12 shall be used for the purposes set forth in subsection (b) of this section. All funds deposited in
13 the Fund, and any interest thereon, shall not revert to the unrestricted fund balance of the General
14 Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be
15 continually available for the uses and purposes set forth in subsection (b) of this section without
16 regard to fiscal year limitations, subject to authorization in an approved budget and fiscal plan.

17 (b) The Fund shall be used first to pay for the subrogation costs and expenses incurred by
18 the Chief Risk Officer, which costs shall include:

19 (1) The hiring of staff;

20 (2) The administration of the day-to-day operations of the unit dedicated by the Chief
21 Risk Officer to undertake the District of Columbia government’s subrogation efforts;

22 (3) The costs and expenses of the representation of the District of Columbia in
23 subrogation proceedings; and

1 (4) The cost of the management, administration, and operation of the Fund.

2 Any remaining funds may be used to repair, restore, or replace damaged District of
3 Columbia government real or personal property.

4 (c) The Fund shall be administered by the Chief Risk Officer.

5 (d) There shall be deposited into the Fund all funds recovered in subrogation against the
6 individual responsible for loss to District of Columbia government real and personal property.

7 (e) Nothing in this section shall be construed to prohibit or limit the appropriation of
8 additional funds from the revenues of the District of Columbia government for the uses and
9 purposes set forth in this section.

10 (f) For the purposes of this section, the term:

11 (1) “Fund” means the Subrogation Fund established by this section.

12 (2) “Chief Risk Officer” means the head of the Office of Risk Management as
13 established by Reorganization Plan No. 1 of 2003, effective December 15, 2003 (D.C. Official
14 Code, subchapter XVIII, Chapter 15, Title 1).

15 (3) “Subrogation” means the right of the District of Columbia government to pursue a
16 third party who caused a loss to the District of Columbia government by damage District of
17 Columbia government real or personal property.

18 **SUBTITLE I. PUBLIC-PRIVATE PARTNERSHIPS**

19 Sec 1081. Short title.

20 This subtitle may be cited “Public-Private Partnerships Amendment Act of 2016”.

21 Sec. 1082. The Public-Private Partnerships Act of 2014, effective March 11, 2015 (D.C.
22 Law 20-228; D.C. Official Code § 2-271.01 *et seq.*) is amended as follows:

1 (a) Section 105(c) (D.C. Official Code § 2-272.04(c)) is amended by striking the phrase
2 “sections 107 and 109” and inserting “this act” in its place.

3 (b) Section 108(f) (D.C. Official Code § 2-273.03(f)) is amended by striking the phrase
4 “response period” and inserting “evaluation period as part of the report submitted to Council
5 pursuant section 114” in its place.

6 (c) Section 109(b)(2) (D.C. Official Code § 2-273.04(b)(2)) is amended by striking the
7 phrase “the unsolicited proposal” and inserting “notice of the favorable evaluation of the
8 unsolicited proposal” in its place.

9 Sec. 1083. Section 105(c)(19) of the Procurement Practices Reform Act of 2010,
10 effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.05(c)(19)), is amended by
11 striking the phrase “sections 202, 415, and title VII and X” and inserting “sections 202 and 415”
12 in its place.

13 **SUBTITLE J. OIG BUDGET PROCESS CLARIFICATION AMENDMENT**

14 Sec. 1091. Short title.

15 This subtitle may be cited as the “Office of the Inspector General Budget Process
16 Clarification Amendment Act of 2016”.

17 Sec. 1092. Section 208(a)(2)(A) of the District of Columbia Procurement Practices Act
18 of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 1-
19 301.115a(a)(2)(A)), is amended to read as follows:

20 “(2) The annual budget for the Office shall be adopted as follows:

21 “(A) (i) The Inspector General shall prepare and submit to the Mayor a budget
22 request for each fiscal year by such time as the Mayor shall designate. The Inspector General’s

1 budget request shall specify the aggregate amount of funds requested for such fiscal year for the
2 operations of the Office and shall include such detail as may be requested by the Mayor.

3 “(ii) The Mayor shall include the Mayor’s requested budget for the Office
4 as a separate line item in the Mayor’s budget submission provided pursuant to section 442(a)(1)
5 of the District of Columbia Home Rule Act, effective December 24, 1973 (87 Stat. 798; D.C.
6 Official Code § 1-204-42(a)(1)). If the budget request of the Mayor for the Office is different
7 than the budget request submitted by the Inspector General pursuant to sub-subparagraph (i) of
8 this subparagraph, the Mayor shall include with the Mayor’s submission of the budget under
9 section 442 of the District of Columbia Home Rule Act, effective December 24, 1973 (87 Stat.
10 798; D.C. Official Code § 1-204-42), a separate statement of the budget request submitted by the
11 Inspector General pursuant to sub-subparagraph (i) of this subparagraph.

12 “(iii) The Council shall include in the budget adopted pursuant to section
13 446 of the District of Columbia Home Rule Act, effective December 24, 1973 (87 Stat. 801;
14 D.C. Official Code § 1-204-46), a separate line item setting forth the budget for the Office.”.

15 **SUBTITLE K. USE OF OFFICIAL VEHICLES DURING AN EMERGENCY**

16 Sec. 1101. Short title.

17 This subtitle may be cited as the “Use of Official Vehicles During an Emergency
18 Amendment Act of 2016”.

19 Sec. 1102. Section 3602 (a) of the Restrictions on the Use of Official Vehicles Act of
20 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 50-204), is amended
21 by striking the phrase “and (7) at the discretion of the Director of the Department of Corrections,
22 an officer or employee of the District of Columbia Department of Corrections who resides in the
23 District and is on call 24 hours a day.” and inserting the phrase “(7) at the discretion of the

1 Director of the Department of Corrections, an officer or employee of the District of Columbia
2 Department of Corrections who resides in the District and is on call 24 hours a day; and (8) an
3 officer or employee authorized by the Mayor, City Administrator, director of the Homeland
4 Security and Emergency Management Agency, or Chief of the Metropolitan Police Department
5 due to unusual circumstances that present an imminent threat to the health, safety, or welfare of
6 the public or property, an emergency, or other compelling operational concerns that make such
7 transportation important to the conduct of official business; provided, that such authorization
8 shall be effective for not more than 15 days unless the Mayor, City Administrator, director of the
9 Homeland Security and Emergency Management Agency, or Chief of the Metropolitan Police
10 Department determines in writing that the imminent threat, the emergency, or compelling
11 operational concerns extend or may extend for a period in excess of 15 days, in which case the
12 authorization may be extended for a period of not more than 75 additional days.” in its place.

13 **SUBTITLE L. OFFICE ON LATINO AFFAIRS AMENDMENT**

14 Sec. 1111. Short title.

15 This subtitle may be cited as the “Office on Latino Affairs Amendment Act of 2016”.

16 Sec. 1112. Chapter 13 of Title 2 is amended by striking the phrase “Office on Latino
17 Affairs” wherever it appears and inserting “Mayor’s Office on Latino Affairs” in its place.

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

19 **SUBTITLE A. QHTC DIGITAL MEDIA AND BOUNDARY AMENDMENT**

20 Sec. 2001. Short title.

21 This subtitle may be cited as the “Qualified High Technology Company Boundary and
22 Media Clarification Act of 2016.”

23 Sec. 2002. Title 47 of the District of Columbia Official Code is amended as follows:

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(a) Subsection 47-1817.01 is amended as follows:

(1) Paragraph 5(B) is amended to read as follows:

“(B) Qualified High Technology Company” shall not include:

(i) An individual or entity that derives 51% or more of its gross revenues from the operation in the District of:

(I) An on-line or brick and mortar retail store;

(II) An electronic equipment facility that is primarily occupied, or intended to be occupied, by electronic and computer equipment that provides electronic data switching, transmission, or telecommunication functions between computers, both inside and outside the facility; or

(III) A building or construction company.

(ii) A professional athletic team, as defined in § 47-2002.05(a)(3); or

(iii) A business entity located in the DC Ballpark TIF Area as defined by [§2-1217a (a)] provided, the restriction in this sub sub paragraph shall expire as of September 30, 2020.

(b) Subsection 47-4665(a) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “Qualified High Technology Company” and inserting the phrase “Qualified High Technology Company or Qualified Digital Media Company” in its place.

(2) Paragraph (3) is amended by striking the phrase “Qualified High Technology Company” and inserting the phrase “Qualified High Technology Company or Qualified Digital Media Company” in its place.

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

1 “(7A)(A) "Qualified Digital Media Company" means:

2 (i) An individual or entity organized for profit and leasing or owning an office in the
3 District of Columbia;

4 (ii) Having 2 or more qualified employees, as defined in § 47-1817.01(4) in the District;
5 and

6 (iii) Deriving at least 51% of its gross revenues earned in the District from media
7 production, and whose revenue is derived from the sale or advertising of original and new
8 content that is produced within a leased or owned facility inside the District of Columbia. The
9 new and original content must be transmitted digitally via digital transmission, electromagnetic
10 spectrum and/or internet streaming. The eligible premise must include permitted production
11 space utilized by the media production company specifically for the creation of original and new
12 content.

13 (B) “Qualified Digital Media Company” shall not include:

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15 (i) A professional athletic team, as defined in § 47-2002.05(a)(3); or

16 (ii) An individual or entity that derives 51% or more of its gross revenues from the
17 operation in the District of:

18 (I) An on-line or brick and mortar retail store;

19 (II) An electronic equipment facility that is primarily occupied, or intended to be
20 occupied, by electronic and computer equipment that provides electronic data switching,
21 transmission, or telecommunication functions between computers, both inside and outside the
22 facility; or

23 (III) A building or construction company.

1 (4) Paragraph (9) is amended as follows:

2 “(9) "Tenant" means a Qualified High Technology Company or a Qualified Digital
3 Media Company that executes a lease or a sublease for at least 50,000 square feet of net rentable
4 area of eligible premises within the District, including the “DC Ballpark TIF Area” as defined in
5 [§ 2-1217.12], for a minimum term of 12 years, under which the tenant, or a directly related
6 entity, occupies and uses the eligible premises, or will occupy and use the eligible premises, on
7 or after the lease commencement date.”

8 **SUBTITLE B. INAUGURAL CELEBRATION AMENDMENT**

9 Sec. 2011. Short title.

10 This subtitle may be cited as the “Inaugural Celebration Amendment Act of 2016”.

11 Sec. 2012. Section 25-723(e)(1) of the D.C. Official Code is amended by striking the
12 phrase “designated Inaugural Week.” and inserting the phrase “designated “Inaugural Week”;
13 except in 2017, the time period of January 14 through January 22 shall be designated “Inaugural
14 Week.”” in its place .

15 **SUBTITLE C. REIMBURSABLE DETAIL SUBSIDY PROGRAM AMENDMENT**

16 Sec. 2031. Short title.

17 This subtitle may be cited as the “Reimbursable Detail Subsidy Program Amendment Act
18 of 2016”.

19 Sec. 2032. Section 25-798(b) of the D.C. Official Code is amended by inserting the
20 phrase “or a pub crawl organizer” after the phrase “or in a group.”.

21 **SUBTITLE D. WALTER REED DEVELOPMENT OMNIBUS**

22 Sec. 2031. Short title.

23 This subtitle may be cited as the "Walter Reed Development Omnibus Amendment Act

1 of 2015".

2 Sec. 2032. The Walter Reed Development Omnibus Act of 2015, effective March 1 ,
3 2016 (D.C. Law ___ - ___)

4 (1) Sec 7 Subsection (e) (_D.C. Official Code_____) is amended as follows:

5 (A) The lead-in language is amended by striking the phrase “The” and inserting the
6 phrase “Notwithstanding Section 1094 of the Grant Administration Act of 2013, effective
7 December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.13), the” in its place.

8 **SUBTITLE E. REAL ESTATE GRANT CLARIFICATION AMENDMENT**

9 Sec. 2041. Short title.

10 This subtitle may be cited as the “Deputy Mayor for Planning and Economic
11 Development Limited Grant-Making Authority Amendment Act of 2016”.

12 Sec. 2042. Section 2032 of the Deputy Mayor for Planning and Economic Development
13 Limited Grant-Making Authority Act of 2012, effective September 20, 2012 (D.C. Law 19-168;
14 D.C. Official Code § 1-328.04) is amended as follows:

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

16 (1) The lead-in language is amended by striking the phrase “The Deputy
17 Mayor for Planning and Economic Development” and inserting the phrase “Notwithstanding the
18 requirements of section 1094 of the Grant Administration Act of 2013, effective December 24,
19 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.13), the Deputy Mayor for Planning and
20 Economic Development” in its place.

21 (2) Paragraph (2) is amended by striking the word “and” at the end.

22 (3) Paragraph (4) is amended to read as follows:

1 “(4) Funds for the creation or preservation of affordable housing for District
2 residents;”

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

4 “(5) Funds as may be necessary to implement projects that are part of the New
5 Communities Initiative, including human capital projects; and

6 “(6) Funds to support real estate projects developed or to be developed on
7 properties disposed of pursuant to District law.”.

8 (b) Subsection (c) is amended by inserting the phrase “or preservation” after the
9 world “creation”.

10 Sec 2043. Section 301 of the National Capital Revitalization Corporation and Anacostia
11 Waterfront Corporation Reorganization Act of 2008 (D.C. Law17-138; D.C. Official Code § 2-
12 1225.21) is amended by adding a new subsection (d-2) to read as follows:

13 “(d-2) Grants made pursuant to subsection (d) shall be exempt from the requirements of
14 section 1094 of the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law
15 20-61; D.C. Official Code § 1-328.13).”

16 **SUBTITLE F. ENTERTAINMENT AND MEDIA PRODUCTION AMENDMENT**

17 Sec. 2051. Short title.

18 This subtitle may be cited as the “Office of Cable Television, Film, Music and
19 Entertainment Amendment Clarification Act of 2016.”

20 Sec. 2052. (a) The Cable Television Reform Act of 2002, effective October 9, 2002 (D.C.
21 Law 14-193; D.C. Official Code § 34-1251.01 *et seq.*), is amended as follows:

22 (1) Sec. 201 (D.C. Official Code 34-1252.01) is amended as follows:

23 (A) Subsection (a)(3) is amended as follows:

1 (i) The lead-in language is amended by striking the phrase “entertainment
2 industry in the District” and inserting the phrase “a sustainable creative economy,
3 entertainment, and media industry in the District” in its place.

4 (ii) Subparagraph (E) is amended by striking the phrase “television shows and
5 films” and inserting the phrase “television shows, films, and music” in its place.

6 (iii) Subparagraph (F) is amended by striking the phrase “television shows and
7 films” and inserting the phrase “television shows, films, and music” in its place.

8 (B) Subsection (e) is amended by striking the word “Programming” and inserting
9 the phrase “Programming or an equivalent position” in its place.

10 (2) Sec. 202 (D.C. Official Code 34-1252.02) is amended as follows:

11 (A) Paragraph (8A) is amended by striking the phrase “studios and” and inserting
12 the phrase “studios and other facilities and equipment” in its place.

13 (B) Subparagraph (8A)(A) is amended by striking the phrase “studios” and
14 inserting the phrase “studios, facilities,” in its place.

15 (C) Paragraph (16) is amended by striking the phrase “funds from” and inserting
16 the phrase “funds from private,” in its place.

17 (D) Paragraph (19) is amended by striking phrase “; and” and inserting a
18 semicolon in its place.

19 (E) Paragraph (20) is amended by striking the semicolon and inserting the phrase
20 “; and” in its place.

21 (F) A new paragraph (21) is added to read as follows:

1 “(21) Establish formal, collaborative arrangements (sometimes called
2 “partnerships”) in writing with private and nonprofit entities to implement the purpose of this
3 act.”.

4 (3) Sec. 203 (D.C. Official Code 34-1252.03) is amended as follows:

5 (A) The heading is amended by striking the phrase “Cable Television”.

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

7 (i) Strike the phrase “Cable Television” both times it appears; and

8 (ii) Strike the phrase “operation of a cable system” and inserting the phrase “operation of
9 the Office” in its place.

10 (C) Subsection (d) is amended as follows:

11 (i) Paragraph (3) is amended by striking the word “and”.

12 (ii) Existing paragraph (4) is redesignated as paragraph (5); and

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

14 “(4) Fees derived from film permits applied for or issued pursuant
15 to section 2d of the Film Economic Incentive Act of 2006, effective March 3, 2010 (D.C. Law
16 18-111; D.C. Official Code § 2-1204.11d) , other funds as may be designated by law, regulation,
17 or reprogramming, and all interest earned on all deposits; and”.

18 (b) Section 2e of the Film Economic Incentive Act of 206, effective March 3, 2010 (D.C.
19 Law 18-111; D.C. Official Code § 2-1204.11e) is repealed.

20 **SUBTITLE G. DMPED PROCUREMENT PRACTICES REFORM ACT**

21 **AMENDMENT**

22 Sec. 2061. Short title.

1 This subtitle may be cited as the “Procurement Practices Reform Act Conforming
2 Amendments Act of 2016.”

3 Sec. 2062. Section 105(c)(13) of the Procurement Practices Reform Act of 2010, effective
4 April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.05(c)(13) is amended by striking the
5 phrase “the authority in section 1 of An Act Authorizing the sale of certain real estate in the
6 District of Columbia no longer required for public purposes approved August 5, 1939 (53 Stat.
7 1211; D.C. Official Code § 10-801);” and inserting the phrase “District law or on District-owned
8 real property adjacent to the disposed of property;”

9 Sec. 2063. Section 13 of the District of Columbia Medical Liability Captive Insurance
10 Agency Establishment Act of 2008, effective July 18, 2008 (D.C. Law 17-196; D.C. Official
11 Code § 1-307.92) is amended by striking the phrase “District of Columbia Procurement Practices
12 Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et*
13 *seq.*)” and inserting the phrase “Procurement Practices Reform Act of 2010, effective April 8,
14 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*)” in its place.

15 Sec. 2064. Section 201(b) (D.C. Official Code § 2-1225.12(b)) of the National Capital
16 Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Act of 2008,
17 effective March 26, 2008 (D.C. Law 17-138; D.C. Official Code § 2-1225.21) is amended by
18 striking the phrase “District of Columbia Procurement Practices Act of 1985, effective February
19 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*)” and inserting the phrase
20 “Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C.
21 Official Code § 2-351.01 *et seq.*)” in its place.

22 Sec. 2065. Section 7(b) of the Health Care Privatization Amendment Act of 2001,
23 effective July 12, 2001 (D.C. Law 14-10; D.C. Official Code § 7-1405(b)) is amended by

1 striking the phrase “District of Columbia Procurement Practices Act of 1985, effective February
2 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*)” and inserting the phrase
3 “Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C.
4 Official Code §2-351.01 *et seq.*)” in its place.

5 Sec. 2066. Section 102 (b) of the Community Access to Health Care Omnibus
6 Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-288; D.C. Official Code §7-
7 1932) is amended by striking the phrase “District of Columbia Procurement Practices Act of
8 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*)”
9 wherever it appears and inserting the phrase “Procurement Practices Reform Act of 2010,
10 effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code §2-351.01 *et seq.*)” in its place.

11 Sec. 2067. Section 201(i) of the Clean and Affordable Energy Act of 2008, effective
12 October 22, 2008 (D.C. Law 17-250; D.C. Official Code § 8-1774.01 *et seq.*) is amended by
13 striking the phrase “District of Columbia Procurement Practices Act of 1985, effective February
14 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*)” and inserting the phrase
15 “Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C.
16 Official Code §2-351.01 *et seq.*)” in its place.

17 Sec. 2068. Section 7 of the Washington Metropolitan Area Transit Authority Safety
18 Regulation Act of 1997, effective September 23, 1997 (D.C. Law 12-20; D.C. Official Code §9-
19 1109.06) is amended by striking the phrase “District of Columbia Procurement Practices Act of
20 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*)” and
21 inserting the phrase “Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C.
22 Law 18-371; D.C. Official Code §2-351.01 *et seq.*)” in its place.

1 Sec. 2069. Section 2 (e) of the New Convention Center hotel Omnibus Financing and
2 Development Amendment Act of 2008, effective April 15, 2008 (D.C. Law 17-144; D.C.
3 Official Code § 10-1221.09) is amended by striking the phrase “District of Columbia
4 Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official
5 Code § 2-301.01 *et seq.*)” and inserting the phrase “Procurement Practices Reform Act of 2010,
6 effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code §2-351.01 *et seq.*)” in its place.

7 Sec. 2070. Section 4(g)(3) of the Holding Company System Act of 1993, effective
8 October 21, 1993 (D.C. Law 10-44; D.C. Official Code §31-703(g)(3)) is amended by striking
9 the phrase “District of Columbia Procurement Practices Act of 1985, effective February 21, 1986
10 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*)” and inserting the phrase “Procurement
11 Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code §2-
12 351.01 *et seq.*)” in its place.

13 Sec. 2071. Section 7 of the Law on Examinations of 1992, effective October 21, 1993
14 (D.C. Law 10-49; D.C. Official Code § 31-1406), is amended by striking the phrase “District of
15 Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C.
16 Official Code § 2-301.01 *et seq.*)” and inserting the phrase “Procurement Practices Reform Act
17 of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code §2-351.01 *et seq.*)” in its
18 place.

19 Sec. 2072. Section 3(b)(2) of the Hospital and Medical Services Corporation Regulatory
20 Act of 1996, effective April 9, 1997 (D.C. Law 11-245; D.C. Official Code § 31-3502(b)(2)) is
21 amended by striking the phrase “District of Columbia Procurement Practices Act of 1985,
22 effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*)” and

1 inserting the phrase “Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C.
2 Law 18-371; D.C. Official Code §2-351.01 *et seq.*)” in its place.

3 Sec. 2073. Section 8 of the Digital Inclusion Act of 2006, effective March 2, 2007 (D.C.
4 Law 16-210; D.C. Official Code § 34-1731.07) is amended by striking the phrase “District of
5 Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C.
6 Official Code § 2-301.01 *et seq.*)” and inserting the phrase “Procurement Practices Reform Act
7 of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code §2-351.01 *et seq.*)” in its
8 place.

9 Sec. 2074. Section 205(e) of the Housing Production Trust Fund Act of 2005, effective
10 October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 42-2812.05) is amended by striking
11 the phrase “District of Columbia Procurement Practices Act of 1985, effective February 21, 1986
12 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*)” and inserting the phrase “Procurement
13 Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code §2-
14 351.01 *et seq.*)” in its place.

15 Sec. 2075. Section 303(a) of the Rental Housing Act of 1985, effective July 17, 1985
16 (D.C. Law 6-10; D.C. Official Code § 42-3503.03(a)) is amended by striking the phrase
17 “District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C.
18 Law 6-85; D.C. Official Code § 2-301.01 *et seq.*)” and inserting the phrase “Procurement
19 Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code §2-
20 351.01 *et seq.*)” in its place.

21 Sec. 2076. Section 2(b) of the Mental Health Services Client Enterprise Establishment
22 Act of 1988 (D.C. Law 12-226; D.C. Official Code § 44-921(b)) is amended by striking the
23 phrase “District of Columbia Procurement Practices Act of 1985, effective February 21, 1986

1 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*)” and inserting the phrase “Procurement
2 Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code §2-
3 351.01 *et seq.*)” in its place.

4 Sec. 2077. Section 47-340.30(f) of the District of Columbia Official Code is amended by
5 striking the phrase “Chapter 3 of Title 2” and inserting the phrase “Chapter 3A of Title 2” in its
6 place.

7 Sec. 2078. Section 47-1333 of the District of Columbia Official Code is amended by
8 striking the phrase “subchapter I of Chapter 3” and inserting the phrase “Chapter 3A” in its
9 place.

10 **SUBTITLE H. HOME PURCHASE ASSISTANCE PROGRAM LOAN**

11 **AMENDMENT**

12 Sec. 2081. Short title.

13 This subtitle may be cited as the “Home Purchase Assistance Program Loan Amendment
14 Act of 2016”.

15 Sec. 2082. The lead-in language of section 14-2503.1(b) of Title 14 of the District of
16 Columbia Municipal Regulations (14 DCMR § 2503.1(b)) is amended by striking the number
17 “\$50,000” and inserting the number “\$80,000” in its place.

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

19 **SUBTITLE A. COG MEMORANDUM OF UNDERSTANDING**

20 **ESTABLISHMENT**

21 Sec. 3001. Short title.

22 This subtitle may be cited as the “Placement of Orders with Governmental Entities
23 Amendment Act of 2016”.

1 Sec. 3002. Section 1 of An Act To grant additional powers to the Commissioners of the
2 District of Columbia, and for other purposes, approved December 20, 1944 (58 Stat. 819; D.C.
3 Official Code § 1–301.01), is amended by adding a new subsection (j–2) to read as follows:

4 “(j–2) Placement of orders with the Metropolitan Washington Council of Governments,
5 and other entities —Notwithstanding the Procurement Practices Reform Act of 2010, effective
6 April 8, 2011 (D.C. Law 18–371; D.C. Official Code § 2–351.01 *et seq.*), the Mayor may
7 contract with the Metropolitan Washington Council of Governments or any other local or
8 regional authority of which the District is a member or intergovernmental organization to which
9 the District or any of its agencies or offices belongs for the provision or receipt of materials,
10 supplies, equipment, work, or services of any kind. Contracts executed pursuant to this
11 subsection shall be considered obligations upon appropriations in the same manner as orders or
12 contracts executed pursuant to subsections (j) or (k) of this section.”

13 **SUBTITLE B. RECIPROCAL AGREEMENTS FOR MUTUAL AID**

14 **AMENDMENT**

15 Sec. 3011. Short title.

16 This subtitle may be cited as the “Reciprocal Agreements for Mutual Aid Amendment
17 Act of 2016”.

18 Sec. 3012. Section 1 of An Act to provide for a mutual-aid plan for fire protection by and
19 for the District of Columbia and certain adjacent communities in Maryland and Virginia, and for
20 other purposes, approved August 14, 1950 (64 Stat. 441; D.C. Official Code § 5-414), is
21 amended as follows:

22 (a) Subsection (a) is amended by:

1 (1) Striking the phrase “The Commissioners of the District of Columbia are” and
2 inserting the phrase “The Mayor is” in its place;

3 (2) Striking the phrase “Arlington and Fairfax” and inserting the phrase
4 “Arlington, Fairfax, and Loudoun”; and

5 (3) Inserting the phrase “City of Fairfax, Virginia,” after the phrase “City of
6 Alexandria, Virginia”.

7 (b) Subsection (b) is amended by striking the phrase “The District of Columbia” and
8 inserting the phrase “The Mayor” in its place.

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

10 “(c) The Mayor may make available to the federal government, the Washington
11 Metropolitan Area Transit Authority, the Metropolitan Washington Council of Governments, and
12 any other local or regional authority or intergovernmental organization personnel and equipment
13 of the Fire and Emergency Medical Services Department to extinguish fires, and to save lives, on
14 property of the federal government, the Washington Metropolitan Area Transit Authority, the
15 Metropolitan Washington Council of Governments, or another local or regional authority of
16 which the District is a member or intergovernmental organization to which the District or any of
17 its offices or agencies belongs in Prince George's and Montgomery Counties, Maryland;
18 Arlington and Fairfax Counties, Virginia; the City of Alexandria, Virginia; the City of Fairfax,
19 Virginia; and the City of Falls Church, Virginia.”.

20 **SUBTITLE C. MATERNAL MORTALITY REVIEW COMMITTEE**

21 **ESTABLISHMEENT**

22 Sec. 3021. Short Title.

1 This subtitle may be cited as “Maternal Mortality Review Committee Establishment Act
2 of 2016.”

3 Sec. 3022. Definitions.

4 For the purposes of this subtitle, the term:

5 (1) “Maternal mortality” or “Maternal death” means any pregnancy-related death or
6 pregnancy-associated death.

7 (2) “Maternal Mortality Committee” or “Committee” means the entity established by
8 section 3023 of this act.

9 (3) “Pregnancy-related death” means the death of a woman while pregnant or within 1
10 year following the end of pregnancy, regardless of duration or site of the pregnancy, from any
11 cause related to or aggravated by the pregnancy or its management, but not from accidental or
12 incidental causes.

13 (4) “Pregnancy-associated death” means the death of a woman while pregnant or within
14 one year following the end of pregnancy, irrespective of cause.

15 Sec. 3023. Establishment and purpose.

16 (a) There is established a Maternal Mortality Review Committee within the Office of the
17 Chief Medical Examiner, with the purpose of conducting comprehensive, multidisciplinary
18 reviews of maternal deaths in the District of Columbia for the purpose of identifying factors
19 associated with the deaths and making recommendations for system changes to improve health
20 and safety for women in the District.

21 (b) The Committee shall prepare an annual report of findings, recommendations, and
22 steps taken to evaluate implementation of recommendations. The annual report shall not contain
23 information that individually identifies any person or could reasonably be used to identify any

1 person. The annual report shall be submitted to the public, the Mayor, and the Council of the
2 District of Columbia on September 30th of each year.

3 (c) The Report required by subsection (b) shall include the following information:

4 (1) A description of the events the Committee reviewed during the preceding
5 calendar year, including statistics and causes; and

6 (2) Recommendations for systematic changes and legislation relating to the
7 delivery of maternal health care, education, and safety in the District.

8 (d) The Committee may develop operating and case review rules and procedures.

9 Sec. 3024. Administration and appropriations.

10 (a) The Office of the Chief Medical Examiner shall provide facilities and other
11 administrative support for the Committee.

12 (b) There are authorized to be appropriated from the general revenues of the District
13 funds necessary to carry out the purposes of this subtitle.

14 Sec. 3025. Composition.

15 (a) The Mayor shall appoint one voting member representing each of the following
16 government agencies:

17 (1) The Department of Health;

18 (2) The Office of the Chief Medical Examiner;

19 (3) The Department of Behavioral Health; and

20 (4) The Department of Health Care Finance.

21 (b) The Mayor shall appoint one voting member representing each of the following
22 categories:

23 (1) An obstetric registered nurse;

1 (2) One OB/GYN representative from each of the District birthing hospitals, but
2 not more than 7 total, at least 1 of which shall have a maternal-fetal medicine sub-specialty.

3 (3) A representative from the American Congress of Obstetricians and
4 Gynecologists;

5 (4) A certified nurse midwife from a District birthing center; and

6 (5) A District resident community member.

7 (c) The Committee shall elect a chairperson by a majority vote of the members. The
8 chairperson shall serve a one-year term. The chairperson may serve multiple consecutive terms
9 without limitation. When a chairperson is unable to complete a term or resigns, the Committee
10 may elect a new chairperson to fill the remainder of an unexpired term.

11 (d) The Committee and chairperson may invite community and government stakeholders
12 to attend or present at any relevant portion of a Committee meeting.

13 Sec. 3026. Terms.

14 (a) Government members shall serve at the pleasure of the Mayor.

15 (b) All other members shall be appointed for a three-year term, subject to removal by the
16 Mayor for cause. The terms of the members first appointed shall begin on the date a majority of
17 the first members are sworn, which shall be the anniversary date for all subsequent appointments.
18 Of the initial appointees, 3 shall be appointed for a term of 1 year, 4 shall be appointed for a term
19 of 2 years, and 4 shall be appointed for a term of 3 years. Members may serve in hold-over
20 capacity not to exceed 180 days from the date of the expired term to which they were appointed.

21 (c) If a Committee member accumulates three unexcused absences, as defined in
22 Committee rules and procedures, in a single calendar year, the Mayor shall remove that member

1 and appoint a replacement. A replacement for a non-government member shall be appointed to
2 complete the remainder of that member's unexpired term.

3 (d) Whenever a vacancy occurs as a result of a resignation, disability, death, or for other
4 reasons, the Mayor shall appoint a replacement to fill the remainder of that member's unexpired
5 term.

6 Sec. 3027. Duties.

7 (a) The Committee shall conduct a comprehensive, multi-disciplinary review of maternal
8 deaths occurring within the District and of maternal deaths of District residents regardless of
9 place of death.

10 (b) The review shall be conducted in accordance with Committee rules and procedures.

11 (c) The Committee may compile a report of aggregated data that does not include
12 individually identifiable information as needed for public distribution to encourage further case
13 studies of maternal deaths.

14 Sec. 3028. Information related to maternal mortality.

15 (a) Each health care provider, health care facility, clinic, laboratory, medical record
16 department, and District agency that receives information related to maternal death shall report
17 the information to the Department of Health.

18 (b) The Department of Health and the Committee may acquire maternal mortality
19 information from any provider, health care facility, clinic, laboratory, medical record department,
20 and District agency for Committee use.

21 (c) The Committee may have access to individually identifiable data relating to maternal
22 deaths. As used in this section, "individually identifiable data" includes:

23 (1) Hospital discharge data, prenatal, fetal, pediatric, infant medical records;

- 1 (2) Hospital or clinic records;
- 2 (3) Health insurance claim information, laboratory reports;
- 3 (4) Records of fetal deaths or induced termination of pregnancies;
- 4 (5) Public benefits, child abuse and neglect records, school records, mental health
- 5 records, police reports and autopsy reports.

6 (d) The Committee shall not disclose individually identifiable data for purposes other
7 than official Committee use.

8 (e) DOH and the Committee may retain identifiable information on facilities where
9 maternal deaths occur and geographic information on each case, for the purposes of trending and
10 analysis over time.

11 Sec. 3029. Subpoena Power.

12 When necessary for the discharge of its duties, the Committee shall have the authority
13 to issue subpoenas to compel production of books, papers, correspondence, memoranda,
14 documents, medical records, or other relevant records.

15 Sec. 3030. Confidentiality.

16 (a) Any information presented at a Committee meeting, including case review materials
17 or documents, shall be treated as confidential. No Committee member, no person who presents
18 information to the Committee, and no person attending a Commission meeting may disclose this
19 information to any person unless required by a court order or by other law. Nothing in this
20 subsection shall be construed to prohibit any person from disclosing information that the person
21 obtained independently of the Committee or that is public information.

22 (b) Proceedings of the Committee shall be closed to the public and shall not be subject
23 to the Open Meetings Act (D.C. Law 18-350; D.C. Official Code § 2-571 *et seq.*) when the

1 Committee is discussing a case of individual maternal or child death or when the identity of any
2 person, other than a person who has consented to be identified, can be ascertained. A person,
3 other than a Committee member, who attends any closed Committee meeting shall not disclose
4 information discussed at the meeting to anyone who was not in attendance, except when
5 disclosure is necessary for that person to comply with a request for information from the
6 Committee.

7 (c) All information, records of interviews, written reports, statements, notes, memoranda
8 or other data obtained or produced by the Committee members, while acting within the scope of
9 this Committee's duties, shall be exempt from disclosure under the Freedom of Information Act
10 of 1976, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.* (2012
11 Repl.)).

12 Sec. 3031. Penalties.

13 Whoever discloses, receives, makes use of, or knowingly permits the use of information
14 in violation of this subtitle may be removed from the Committee, and if the member is a
15 government member may also be subject to disciplinary action, by the Mayor.

16 Sec. 3032. Compensation.

17 Members shall serve without compensation. However, expenses of the commission may
18 be reimbursed with advance approval from the Office of the Chief Medical Examiner upon
19 identification of sufficient funding.

20 Sec. 3033. Rulemaking.

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

1 Sec. 3034. Conforming Amendment.

2 Section 204(a) of the District of Columbia Administrative Procedure Act, effective
3 March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-534(a)) is amended as follows:

4 (a) Paragraph (14) is amended by striking the word “and” at the end.

5 (b) Paragraph (15) is amended by striking the period at the end and inserting the phrase “;
6 and” in its place.

7 (c) A new paragraph (16) is added to read as follows:

8 “(16) Information exempt from disclosure under § xxxx(c) of the Maternal
9 Mortality Review Committee Establishment Act of 2016, as introduced on March __, 2016 (Bill
10 21-__).”.

11 **SUBTITLE D. PUBLIC SAFETY EXECUTIVE SERVICE PAY SCHEDULE**

12 **AMENDMENT**

13 Sec. 3041. Short title.

14 This subtitle may be cited as the “Executive Service Pay Schedule Amendment Act of
15 2016”.

16 Sec. 3042. The District of Columbia Government Comprehensive Merit Personnel Act of
17 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is
18 amended as follows:

19 (a) Section 1052(b) (D.C. Official Code 1-610.52(b)) is amended as follows:

20 (1) Paragraph (2) is amended to read as follows:

21 “(2) Notwithstanding paragraph (1) of this subsection, the Council approves a
22 compensation level of \$253,817 for Cathy Lanier, as Chief of the Metropolitan Police

1 Department, and a compensation level of \$292,520 for Kaya Henderson, as Chancellor of the
2 District of Columbia Public Schools.”.

3 (2) Paragraph (2A) is repealed.

4 (3) Paragraph (3) is amended by striking the phrase “and (2A)”.

5 (b) Section 1052a (D.C. Official Code § 1-610.52a) is amended as follows:

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

7 “(a) The Executive Service Public Safety, Health, and Education Schedule (“DX Public
8 Safety, Health, and Education Schedule”) shall be divided into 4 pay levels and shall be the basic
9 pay schedule for subordinate agencies heads in the public safety, health, and education cluster.”.

10 (2) Subsection (b) is amended by striking the phrase “public safety cluster” and
11 inserting the phrase “public safety, health, and education cluster” in its place.

12 (3) Subsection (c) is amended by striking the phrase “DX Public Safety
13 Schedule” and inserting the phrase “DX Public Safety, Health, and Education Schedule” in its
14 place.

15 (4) Subsection (g) is amended to read as follows:

16 “(g) For the purposes of this section, the term “public safety, health, and education
17 cluster” means the following District agencies or any successor agencies:

18 “(1) Department of Behavioral Health;

19 “(2) Department of Corrections;

20 “(3) Department of Forensic Sciences;

21 “(4) Department of General Services;

22 “(5) Department of Health;

23 “(6) Department of Youth Rehabilitation Services;

- 1 “(7) District of Columbia Public Schools;
- 2 “(8) Fire and Emergency Medical Services Department;
- 3 “(9) Homeland Security and Emergency Management Agency;
- 4 “(10) Metropolitan Police Department;
- 5 “(11) Office of the Chief Medical Examiner; and
- 6 “(12) Office of Unified Communications.”.

7 Sec. 3043. Section 2903(b) of the Establishment of the Office of the Chief Medical
8 Examiner Act of 2000, effective October 19, 2000 (D.C. Law 13–172; D.C. Official Code § 5–
9 1402(b)), is amended by striking the phrase “to be paid at an annual rate of \$206,000.”

10 Sec. 3044. The DX Public Safety Schedule for fiscal years 2015 through 2017,
11 previously approved by the Council pursuant to section 3 of the Executive Service
12 Compensation System Changes and Pay Schedule Approval Amendment Act of 2014, effective
13 May 2, 2015 (D.C. Law 20-267; 62 DCR 1543), is approved as the DX Public Safety, Health,
14 and Education Schedule for fiscal years 2015 through 2017.

15 Sec. 3045. Applicability.

16 This act shall apply as of January 1, 2015.

17 **SUBTITLE E. CORRECTIONS INFORMATION COUNCIL BOARD**

18 **AMENDMENT**

19 Sec. 3051. Short title.

20 This subtitle may be cited as the “Corrections Information Council Board Amendment
21 Act of 2016”.

1 Sec. 3052. Section 11201(b)(2)(A) of the National Capital Revitalization and Self-
2 Government Improvement Act of 1997, effective October 2, 2010 (D.C. Law 18-233; D.C.
3 Official Code § 24-101.01) is amended as follows:

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

5 (1) Subparagraph (A) is amended by striking the phrase “3 members, 2 of whom
6 shall be appointed by the Mayor with the advice and consent of the Council, and one of whom
7 shall be appointed by the Council” and inserting the phrase “5 members, 3 of whom shall be
8 appointed by the Mayor with the advice and consent of the Council, and 2 of whom shall be
9 appointed by the Council” in its place.

10 (2) A new subparagraph (B-1) is added to read as follows:

11 “(B-1) Notwithstanding subparagraph (B), of the two additional members
12 appointed pursuant to the Corrections Information Council Board Amendment Act of 2016, as
13 introduced on March __, 2016 (Bill 21-__), the initial Council appointee shall serve a term of
14 two years and the initial mayoral appointee shall serve a term of one year. Subsequent mayoral
15 and Council appointees shall serve two-year terms.”.

16 (b) Subsection (c) is amended by striking the phrase “2 members” wherever it appears
17 and inserting the phrase “3 members” in its place.

18 **SUBTITLE F. DEPARTMENT OF FORENSIC SCIENCES LABORATORY**
19 **FUND ESTABLISHMENT**

20 Sec. 3061. Short title.

21 This subtitle may be cited as the “DFS Laboratory Fund Establishment Act of 2016”.

1 Sec. 3062. (a) There is established as a non-lapsing fund the DFS Laboratory Fund
2 (“Fund”). The Fund shall be administered by the Director of the Department of Forensic
3 Sciences.

4 (a) The fund shall be funded with:

5 (1) Annual resources transferred from the United States Department of
6 Homeland Security for the BioWatch program; and

7 (2) All other revenue received for services that the DFS lab provides.

8 (b) The Fund shall be used solely to fund services, materials, non-grant funded
9 research, equipment, laboratory staff and trainings supporting the laboratories within the DFS to
10 enhance public health and the criminal justice process.

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

16 (d) All monies in the Fund shall be considered as supplementing and enhancing the
17 resources available to DFS to support public health and the criminal justice process and are not
18 intended to be used to supplant support for the Department provided through the general funds of
19 the District.

20 **SUBTITLE G. ANATOMICAL BOARD REPEAL**

21 Sec. 3071. Short title.

22 This subtitle may be cited as the “Anatomical Board Repeal Amendment Act of 2016”.

1 Sec. 3072. An Act For the promotion of anatomical science and to prevent the
2 desecration of graves in the District of Columbia, approved April 29, 1902 (32 Stat.173; D.C.
3 Official Code § 3-201 *et seq.*), is repealed.

4 Sec. 3073. Section 6 of the District of Columbia Funeral Services Regulatory
5 Amendment Act of 1984, effective May 22, 1984 (D.C. Law 5-84; D.C. Official Code § 3-405)
6 is amended as follows:

7 (a) Paragraph (h)(4)(C)(i) is amended by striking the phrase, “The Anatomical Board,
8 human tissue banks, and anatomical gifts;” and inserting the phrase, “Human tissue banks and
9 anatomical gifts;” in its place.

10 **SUBTITLE H. FIRE OFFICIALS’ SERVICE LONGEVITY AMENDMENT ACT**
11 **OF 2016**

12 Sec. 3081. Short title.

13 This subtitle may be cited as the “Fire Officials’ Service Longevity Amendment Act of
14 2016”.

15 Sec. 3082. Section 401(a)(3) of the District of Columbia Police and Firemen’s Salary Act
16 of 1958, approved August 1, 1958 (72 Stat. 484; D.C. Official Code § 5–544.01(a)(3)), is
17 amended by adding a new subsection (B–3) to read as follows:

18 “(B–3) Notwithstanding any other provision of this or any other law, each
19 Assistant Fire Chief, Deputy Fire Chief and Battalion Fire Chief in active service of the Fire
20 Department of the District of Columbia who has completed, or completes, fifteen (15) years of
21 total service, twenty (20) years of total service, twenty-five (25) years of total service, and thirty
22 (30) years of total service shall receive, per annum, a service longevity payment paid at a rate of
23 five percent (5%), ten percent (10%), fifteen percent (15%), and twenty percent (20%),

1 respectively, of his/her annual rate of pay as prescribed in the Salary Schedule that he/she
2 occupies.”.

3 **TITLE IV. PUBLIC EDUCATION**

4 **SUBTITLE A. UNIFORM PER STUDENT FUNDING FORMULA FOR PUBLIC**
5 **SCHOOLS AND PUBLIC CHARTER SCHOOLS AMENDMENT**

6 Sec. 4001. Short title.

7 This subtitle may be cited as the “Funding for Public Schools and Public Charter Schools
8 Amendment Act of 2016”.

9 Sec. 4002. The Uniform Per Student Funding Formula for Public Schools and Public
10 Charter Schools and Tax Conformity Clarification Amendment Act of 1998, effective March 26,
11 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901 *et seq.*), is amended as follows:

12 (a) Section 105 (D.C. Official Code § 38-2904) is amended by striking the tabular array
13 and inserting the following tabular array in its place:

“Grade Level	Weighting	Per Pupil Allocation in FY 2017
“Pre-Kindergarten 3	1.34	\$12,974
“Pre-Kindergarten 4	1.30	\$12,587
“Kindergarten	1.30	\$12,587
“Grades 1-5	1.00	\$9,682
“Grades 6-8	1.08	\$10,457
“Grades 9-12	1.22	\$11,812
“Alternative program	1.44	\$13,942
“Special education school	1.17	\$11,328
“Adult	0.89	\$8,617

”.

14
15 (b) Section 106(c) (D.C. Official Code § 38-2905(c)) is amended to read as follows:

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

18 “Special Education Add-ons:

“Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2017
“Level 1: Special Education	Eight hours or less per week of specialized services	0.97	\$9,392
“Level 2: Special Education	More than 8 hours and less than or equal to 16 hours per school week of specialized services	1.20	\$11,618
“Level 3: Special Education	More than 16 hours and less than or equal to 24 hours per school week of specialized services	1.97	\$19,074
“Level 4: Special Education	More than 24 hours per week of specialized services which may include instruction in a self-contained (dedicated) special education school other than residential placement	3.49	\$33,790
“Blackman Jones Compliance	Weighting provided in addition to special education level add-on weightings on a per- student basis for Blackman Jones compliance.	0.069	\$668
“Attorney’s Fees Supplement	Weighting provided in addition to special education level add-on weightings on a per- student basis for attorney’s fees.	0.089	\$862
“Residential	D.C. Public School or public charter school that provides students with room and board in a residential setting, in addition to their instructional program	1.67	\$16,169

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“General Education Add-ons:

“Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2017
“ELL	Additional funding for English Language Learners.	0.49	\$4,744
“At-risk	Additional funding for students in foster care, who are homeless, on TANF or SNAP, or behind grade level.	0.219	\$2,120

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“Residential Add-ons:

“Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2017
“Level 1: Special Education - Residential	Additional funding to support the after-hours level 1 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.368	\$3,563
“Level 2: Special Education - Residential	Additional funding to support the after-hours level 2 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	1.337	\$12,945
“Level 3: Special Education - Residential	Additional funding to support the after-hours level 3 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.891	\$27,991

“Level 4: Special Education - Residential	Additional funding to support the after-hours level 4 special education needs of limited and non-English proficient students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.874	\$27,826
“LEP/NEP - Residential	Additional funding to support the after-hours limited and non-English proficiency needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.668	\$6,468

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“Special Education Add-ons for Students with Extended School Year (“ESY”) Indicated in Their Individualized Education Programs (“IEPs”):

“Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2017
“Special Education Level 1 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs.	0.063	\$610
“Special Education Level 2 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.227	\$2,198

“Special Education Level 3 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.491	\$4,754
“Special Education Level 4 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.489	\$4,734

”.

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SUBTITLE B. DCPS CONTRACTING AND SPENDING FLEXIBILITY

3

AMENDMENT

4

Sec. 4011. Short title.

5

This subtitle may be cited as the “DCPS Contracting and Spending Flexibility

6

Amendment Act of 2016”.

7

Sec. 4012. (a) Section 413(17) of the Procurement Practices Reform Act of 2010,

8

effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-354.13(17)), is amended to

9

read as follows:

10

"(17) Professional development training, services, and goods valued at \$25,000 or less

11

which support principal, teacher, and student achievement at District of Columbia Public

12

Schools."

13

(b) Subject to the requirements of section 446 of the District of Columbia Home Rule

14

Act, effective December 24, 1973 (87 Stat. 101; D.C. Official Code § 1-204.46), and the

15

requirements of Title 47, Chapter 3, Subchapter IV of the D.C. Official Code, each DCPS school

1 may expend budgeted non-personnel services funds on non-personnel services needs without
2 regard to budget object class.

3 **SUBTITLE C. CLASSROOM ANIMAL FOR EDUCATIONAL PURPOSES**

4 Sec. 4021. Short title.

5 This subtitle may be cited as the “Classroom Animal for Educational Purposes
6 Amendment Act of 2016”.

7 Sec. 4022. Section 9(h) of the Animal Control Act of 1979, effective October 18, 1979
8 (D.C. Law 3-30; D.C. Official Code § 8-1808(h)), is amended by adding a new paragraph (6) to
9 read as follows:

10 “(6) Paragraph (1) of this subsection shall not apply to educational institutions
11 that possess animals for educational and instructional purposes, for which the educational
12 institutions maintain a permit from the Mayor that ensures that the care and management of the
13 animals complies with humane, sanitary, and safe treatment requirements, as set forth in section
14 502 of the Animal Protection Amendment Act of 2008, effective December 5, 2008 (D. C. Law
15 17-281 ; D.C. Official Code § 8-1851.02).”

16 **SUBTITLE D. HEALTHY TOTS ACT AMENDMENTS**

17 Sec. 4031. Short title.

18 This subtitle may be cited as the “Healthy Tots Amendment Act of 2016”.

19 Sec. 4032. The Healthy Tots Act of 2014, effective February 26, 2015 (D.C. Law 20-155;
20 D.C. Official Code § 38-281 *et seq.*), is amended as follows:

21 (a) Section 4073(B) (D.C. Official Code § 38-282) is amended by striking the
22 phrase “to receive free or reduced meals” and inserting the phrase “for subsidized child care” in
23 its place.

1 (b) Section 4073a (D.C. Official Code § 38-282.01) is amended as follows:

2 (1) Paragraph (a) is amended by striking the phrase “to participate in the
3 CACF Program” and inserting the phrase “for subsidized child care” in its place.

4 (2) Paragraph (c) is amended by striking the phrase “September 30, 2016”
5 and inserting the phrase “September 30, 2017” in its place.

6 **SUBTITLE E. NATIONAL EXTERNAL DIPLOMA PROGRAM**

7 Sec. 4041. Short title.

8 This subtitle may be cited as the “National External Diploma Program Amendment Act
9 of 2016”.

10 Sec. 4042. Section 7b of the State Education Office Establishment Act of 2000 effective
11 October 21, 2000 (D.C. Law 13-176; D.C. Official Code §§ 38-2608) is amended as follows:

12 (a) A new paragraph (g) is added to read as follows:

13 “(g) All diplomas awarded to residents for successfully completing the requirements of
14 the National External Diploma Program from January 1, 1980 through February 5, 2016 in the
15 District of Columbia are deemed legitimate and valid.”

16 **SUBTITLE F. FOSTER CARE EXTENDED ELIGIBILITY**

17 Sec. 4051. Short title.

18 This subtitle may be cited as the “Foster Care Extended Eligibility Amendment Act of
19 2016”.

20 Sec. 4052. Section 5a(a) of the Day Care Policy Act of 1979, effective April 13, 1999
21 (D.C. Law 12-216; D.C. Official Code § 4-404.01(a)), is amended as follows:

22 (a) Paragraph (4) is amended by striking the phrase "services; and" and inserting
23 the phrase "services;" in its place.

1 (b) Paragraph (5) is amended by striking the phrase “child.” and inserting the
2 phrase “child;” in its place.

3 (c) New paragraphs (6), (7), and (8) are added to read as follows:

4 “(6) Children of a teen parent under 21 years of age who is either in foster
5 care or a ward of the District and is either working or enrolled in a verified job training or
6 education program;

7 “(7) Children in foster care placement when the foster care provider is not
8 working but receives some form of verifiable income, such as social security or disability, and
9 the child care services are in the best interest of the child; and

10 “(8) Children in foster care placement when the foster care provider is not
11 working but enrolled in a verified job training or education program, and the child care services
12 are in the best interest of the child.”.

13 **SUBTITLE G. PUBLIC CHARTER SCHOOL ADVANCE PAYMENT**

14 **ADJUSTMENT**

15 Sec. 4061. Short title.

16 This subtitle may be cited as the "Public Charter School Advance Payment Adjustment
17 Amendment Act of 2016".

18 Sec. 4062. Section 107b of the Uniform Per Student Funding Formula for Public Schools
19 and Public Charter Schools and Tax Conformity Clarification Amendment Act of 1998, effective
20 March 26, 1999 (D.C. Law 12-207, D.C. Official Code § 38-2906.02), is amended as follows:

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

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

1 "(1) The basis of the July 15 payment to a public charter school shall be the
2 estimate used in the June 30 quarterly reports submitted by the eligible chartering authorities
3 pursuant to § 38-1804.02(a) and shall be 35% of an existing school's entitlement, and 45% of a
4 new school's entitlement."

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

6 "(2) The basis of the October 25 payment shall be the unaudited October
7 enrollment numbers for that school contained in the reports submitted by the eligible chartering
8 authorities on October 5 and shall be equal to 60% of an existing school's entitlement and 70% of
9 a new school's entitlement, less amounts paid in July."

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

11 "(3) The basis of the January 15 payment shall be the unaudited October
12 enrollment numbers for that school contained in reports submitted by the eligible chartering
13 authorities on October 5 and shall be equal to 80% of an existing school's entitlement and 85% of
14 a new school's entitlement, less amounts paid in July and October."

15 **SUBTITLE H. MY SCHOOL DC EDFEST SPONSORSHIP AND ADVERTISING**

16 Sec. 4071. Short title.

17 This subtitle may be cited as the "My School DC EdFest Sponsorship and Advertising
18 Amendment Act of 2016".

19 Sec. 4072. Section 4122 of the Fiscal Year 2016 Budget Support Act of 2015, effective
20 October 22, 2015 (D.C. Law 21-36; 62 DCR 10905), is amended as follows:

21 (a) Subsection (f) is amended by striking the word "December 31st" and inserting the
22 word "April 30th" in its place.

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

1 (1)"The Chief Financial Officer shall deposit all cash proceeds received from
2 advertisements and sponsorships pursuant to this section to the credit of the Common Lottery
3 Board Fund established in § 38-195 in the same manner as that used for donations under § 1-
4 329.01."

5 **SUBTITLE I. SCHOOL IMMUNIZATION REQUIREMENTS ENFORCEMENT**
6 **PERIOD AMENDMENT**

7 Sec. 4081. Short Title.

8 This subtitle may be cited as the "School Immunization Requirements Enforcement
9 Period Amendment Act of 2016."

10 Sec. 4082. Section 6 of the Health Immunization of School Students Act of 1979,
11 effective Sept. 28, 1979 (D.C. Law 3-20; D.C. Official Code § 38-505), is amended as follows:

12 (a) Section 6 is amended by striking the phrase "10 days" and inserting "20 school
13 days."

14 **SUBTITLE J. PUBLIC CHARTER SCHOOL AT RISK STUDENT**
15 **AMENDMENT**

16 This subtitle may be cited as the "Public Charter At-Risk and Limited English Proficient
17 Payment Amendment Act of 2016".

18 Sec. 4091. Section 107b of the Uniform Per Student Funding Formula for Public Schools
19 and Public Charter Schools and Tax Conformity Clarification Amendment Act of 1998, effective
20 March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2906.02), is amended as follows:

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

22 "(d)(1) Payments for special education, limited English proficient students, at-risk
23 students, and other add-on components of the Funding Formula shall be included in the

1 quarterly payments to public charter schools. Payments shall reflect one-quarter of the annual per
2 student amount for each add-on; provided, that add-ons for special education shall be added on a
3 pro-rata basis from the date on which a public charter school begins to provide add-on services
4 for such students, as set forth in subsection (g) of this section.”

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

6 “(g)(1) Charter schools offering special education services may receive payment, on a
7 pro-rata basis from the date on which the school begins to provide services for students enrolled
8 by October 5 with a newly identified or increased individualized education program (IEP) made
9 after October 5, upon application to the Chief Financial Officer of the District of Columbia. The
10 supplemental payments for these special education students shall be disbursed in addition to the
11 quarterly payments at the discretion of the Chief Financial Officer.

12 “(g)(2) Charter schools shall receive the full annual UPSFF per pupil amount payment for
13 at-risk or limited English proficient students who are enrolled by October 5 but not designated as
14 at-risk or limited English proficient students until after October 5.”

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

16 **SUBTITLE A. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES**

17 **AMENDMENT**

18 Sec. 5001. Short title.

19 This subtitle may be cited as the “Temporary Assistance for Needy Families Time Limit
20 Exemption and POWER Expansion Amendment Act of 2016”.

21 Sec. 5002. The District of Columbia Public Assistance Act of 1982, effective April 6,
22 1982 (D.C. Law 4-101; D.C. Official Code § 4-201.01 *et seq.*), is amended as follows:

23 (a) Section 552 (D.C. Official Code § 4-205.52) is amended as follows:

1 (1) Subsection (c-3) is amended as follows:

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

3 “(3A) For Fiscal Year 2017, the level of assistance payment shall be equal to the Fiscal
4 Year 2016 amount.”.

5 (B) Paragraph (4) is amended by striking the phrase “Fiscal Year 2017” and
6 inserting the phrase “Fiscal Year 2018” in its place.

7 **SUBTITLE B. DHCF MEDICAL ASSISTANCE PROGRAM AMENDMENTS**

8 Sec. 5011. Short title.

9 This subtitle may be cited as the “Department of Healthcare Finance Medical Assistance
10 Program Amendment Act of 2016”.

11 Sec. 5012. Section 1(a) of an Act To enable the District of Columbia to receive Federal
12 financial assistance under title XIX of the Social Security Act for a medical assistance program,
13 and for other purposes, approved December 27, 1967 (81 Stat. 744: DC Official Code § 1-
14 307.02(a)), is amended as follows:

15 (a) new paragraph __ is added to read as follows:

16 “() Review and approval by the Council of the Fiscal Year 2017 Budget
17 and Financial Plan shall constitute the Council review and approval required by paragraph (2) of
18 this subsection of any amendment, modification, or waiver of the state plan require to:

19 “Implement needed amendments to the ICF/IDD reimbursement methodology.

20 “Implement needed amendments to the payment methodology for hospital
21 services.

22 “Implement needed amendments to the payment methodology for nursing
23 homes.”

1 “Implement needed amendments to the payment methodology for
2 disproportionate share hospital program.”

3 “Implement needed amendments to the health homes program.”

4 “Implement needed amendments to renew and update the Elderly and Persons
5 with Disabilities waiver program and conforming changes to the state plan.

6 “Implement needed amendments to the payment methodology for prescribed
7 drugs”

8 **SUBTITLE C. CONTRIBUTION TO COST OF SUPPORTS FUND**

9 Sec. 5021. Short title.

10 This subtitle may be cited as the “Contribution to Cost of Supports Fund Act of 2016.”

11

12 Sec. 5022. The Developmental Disabilities Service Management Reform Amendment
13 Act of 2006, effective March 14, 2007 (D.C. Law 16-264; D.C. Official Code § 7-761.01 *et*
14 *seq.*), is amended by adding a new section 105b to read as follows:

15 “Sec. 105b. Contribution to Cost of Supports Fund.

16 “(a) There is established as a special fund the Contribution to Cost of Supports
17 Fund (‘Fund’), which shall be administered by DDS in accordance with subsection (c) of this
18 section.

19 “(b) The Fund shall consist of contributions to cost of supports which DDS shall
20 collect from persons with intellectual and developmental disabilities who are Medicaid-eligible
21 but not eligible for the maximum Supplement Security Income or Social Security Disability
22 Insurance payments or are not Medicaid-eligible but otherwise have been found eligible to
23 receive services from the Developmental Disabilities Administration. For purposes of this

1 section, DDS shall collect the contribution to cost of supports from each person who has the
2 ability to pay from other sources of income to the extent that DDS uses local dollars to fund the
3 costs of occupancy (*i.e.* rent), other personal expenses (*i.e.* food, clothing, and medical), supplies,
4 furnishings and equipment, and support services. Within 60 days of the effective date of the
5 Contribution to Cost of Supports Fund Act of 2016, DDS shall publish policy and procedures
6 establishing who has the ability to pay, the amount to be collected, and the method and timing of
7 payment(s) to DDS for such purposes.

8 “(c) The Fund shall be used by DDS to pay the cost of such residential and other
9 supports to persons with intellectual and developmental disabilities consistent with federal and
10 local law and the policy and procedures published in accordance with subsection (b).

11 “(d)(1) The money deposited into the Fund, and interest earned, shall not revert to the
12 unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal
13 year, or at any other time.

14 “(2) Subject to authorization by Congress, any funds appropriated in the Fund
15 shall be continually available without regard to fiscal year limitation.”.

16 **SUBTITLE D. DDS MEDICAL ASSISTANCE PROGRAM AMENDMENT**

17 Sec. 5031. Short title.

18 This subtitle may be cited as the “Department on Disability Services Medical Assistance
19 Program Amendment Act of 2016.”

20 Sec. 5032. Section 1(a) of An Act to enable the District of Columbia to receive Federal
21 financial assistance under title XIX of the Social Security Act for a medical assistance program,
22 and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-
23 307.02(a)), is amended by adding a new paragraph (10) to read as follows:

1 “(10) Review and approval by the Council of the Fiscal Year 2016 Budget and
2 Financial Plan shall constitute the Council review and approval required by paragraph (2) of this
3 subsection of any amendment, modification or waiver of the state plan required to implement
4 needed amendments to the Home and Community-Based Services Waiver for Persons with
5 Intellectual and Developmental Disabilities to ensure compliance with federal law and promote
6 best practices.”.

7 **SUBTITLE E. PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL**
8 **DISABILITIES RENT INCREASE RELIEF**

9 Sec. 5041. Short title.

10 This subtitle may be cited as the “Persons with Intellectual and Developmental
11 Disabilities Rent Increase Relief Act of 2016.”

12 Sec. 5042. The Rental Housing Act of 1985 (D.C. Law 6-10; DC Official Code § 42-
13 3501.01 *et seq.*) is amended as follows:

14 (a) Section 103 (D.C. Law 6-10; D.C. Official Code § 42-3501.03) is amended to add a
15 new paragraph (13A) to read as follows:

16 “(13A) ‘Home and community-based services waiver provider’ means an entity
17 that is enrolled to provide residential habilitation or supported living services under the Medicaid
18 Home and Community-Based Services Waiver for Persons with Intellectual and Developmental
19 Disabilities as approved under section 1915(c) of the Social Security Act (95 Stat. 809; 42
20 U.S.C. § 1396n).”.

21 (b) Section 205(a)(1) (D.C. Law 6-10; D.C. Official Code § 42-3502.05(a)(1)) is
22 amended by adding the phrase “or any unit rented by a home and community-based services

1 waiver provider and occupied by a tenant with a disability or co-leased by a home and
2 community-based services provider and a tenant with a disability” at the end of the sentence.

3 **SUBTITLE F. COMMISSION ON HEALTH EQUITY**

4 Sec. 5051. Short Title.

5 This title may be cited as the “Commission on Health Equity Amendment Act of 2016”.

6 Sec. 5052. Sections 2 through 4 of the Commission on Health Disparities Establishment
7 Act of 2014, effective March 10, 2015 (D.C. Law 20-192; D.C. Official Code §§ 7-755.01 - 7-
8 755.04) are amended to read as follows:

9 “Sec. 2. Establishment of the Commission on Health Equity.

10 “(a) There is established a Commission on Health Equity ("Commission") to prepare,
11 through the Department of Health’s Office of Health Equity, comprehensive recommendations to
12 the Department of Health, the Council, and the Mayor that examine and address health inequities
13 across the District and differing opportunities for health by demographic subpopulations and
14 geographic areas, to include each election ward of the District.

15 “(b) The Commission shall have 9 voting members, who shall be appointed as follows:

16 “(1)(A) Six voting members shall be appointed by the Mayor with the advice and
17 consent of the Council, in accordance with section 2(f) of the Confirmation Act of 1978,
18 effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)).

19 “(B) The Mayor's initial 6 appointments shall include 3 members
20 appointed to 3-year terms and 3 members appointed to 2-year terms. All subsequent
21 appointments by the Mayor shall be for 3-year terms.

22 “(2)(A) Three voting members shall be appointed by the Council.

1 “(B) The Council's initial 3 appointments shall be for 1-year terms. All
2 subsequent appointments by the Council shall be for 3-year terms.

3 “(3) Each voting member shall have expertise in at least one of the following
4 areas:

5 “(A) Health equity, social determinants and health disparities;

6 “(B) Social and human services, and vulnerable populations;

7 “(C) Early learning and education;

8 “(D) Minority communities and population health outcomes/improvement

9 “(E) Economic and community development; and

10 “(F) Ecology and the natural and built environment.

11 “(4) The Mayor shall appoint the Chairperson of the Commission from among its
12 voting members.

13 “(c)(l) The Commission shall include the following nonvoting advisory members:

14 “(A) The Chairperson of the Committee on Health, who shall serve as an
15 ex-officio member;

16 “(B) Three community advisory members, one each from Wards 5, 7, and
17 8, appointed by the Council;

18 “(C) One patient organization representative, appointed by the voting
19 members of the Commission; and

20 “(D) The presidents or chief executive officers of 2 District hospitals and a
21 representative from an insurance company who have access to health outcomes databases, or
22 their designees.

1 “(2) For the purposes of this subsection, the term "patient organization
2 representative" means an individual who works for a national or local healthcare or health
3 promotion organization.

4 “(d) All vacancies on the Commission shall be filled in the same manner in which the
5 initial appointment is made.

6 “(e) All members of the Commission shall be appointed within one year after the
7 effective date of this act.

8 “Sec. 3. Commission duties and functions.

9 “(a) The Commission shall advise the Department of Health’s Office of Health Equity
10 on:

11 “(1) Development of a baseline assessment of health equity across the District,
12 and differing opportunities for health by demographic subpopulations and geographic areas, to
13 include each election ward of the District.

14 “(2) Application of innovative data collection and dissemination strategies, to
15 augment the use of evidence based methods, tools and practices within a community based
16 participatory research (CBPR) framework.

17 “(3) Strengthening collaborative partnerships with communities impacted by
18 health inequities to identify and promote health equity strategies.

19 “(b) The Commission shall:

20 “(1) Gather information from public hearings, inquires, and studies to understand
21 how the District government may work to eliminate health disparities;

22 “(2) Seek federal grants, if available; and

1 “(3) Submit a formal city action plan by March 1st of each year to the Department
2 of Health, the Mayor, and the Council.

3 “(c) The formal city action plan required by subsection (b)(6) of this section shall be a
4 public document and shall include, at a minimum:

5 “(1) A report of the Commission's findings regarding health equity across the
6 District, and differing opportunities for health by demographic subpopulations and geographic
7 areas, to include each election ward of the District; with the identification of health indicators
8 studied that highlight the election ward and populations and/or neighborhoods most affected;
9 possible steps that can be taken by the District government to remedy these issues; and, expected
10 outcomes that will result from taking the recommended steps; and

11 “(2) Draft legislation, regulations, amendments to statutes or regulations, or any
12 other specific steps for implementing the recommendations described in paragraph (1) of this
13 subsection.

14 “Sec. 4 Commission procedure and powers.

15 “(a) The Commission shall meet at least once a quarter to share findings regarding the
16 prevalence and severity of health disparities that exist in each election ward.

17 “(b) The Chairperson of the Commission, or his or her designee, who must be a member
18 of the Commission, shall convene all Commission meetings.

19 “(c) A majority of the voting members appointed to the Commission at any given time
20 shall constitute a quorum for the transaction of official business. Official actions of the
21 Commission shall be taken by a majority vote of the voting members present at the meeting.

1 “(d) The Commission may use space and supplies owned or rented by the District
2 government and use staff loaned from the Council or detailed by the Mayor for purposes
3 consistent with this act as the Commission may determine.”.

4 Sec. 5053. Section 2(f)(53) of the of the Confirmation Act of 1978, effective March 3,
5 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)(53)) is amended to read as follows:

6 “(53) The Commission on Health Equity.”.

7 **SUBTITLE G. TEEN PREGNANCY PREVENTION FUND AMENDMENT**

8 Sec. 5061. Short Title.

9 This title may be cited as the “Teen Pregnancy Prevention Fund Amendment Act of
10 2016”.

11 Sec. 5062. Sections 5142 through 5147 of the Fiscal Year 2015 Budget Support Act of
12 2014, effective February 26, 2015, (D.C. Law 20-155; D.C. Official Code § 1-325.321 *et seq.*) is
13 amended to read as follows:

14 Sec. 5042. Definitions.

15 For the purposes of this subtitle, the term:

16 (1) “Fund” means the Teen Pregnancy Prevention Fund established in section 5143.

17 (2) “Grant–managing entity” means the Department of Health, as authorized by section
18 5146.

19 Sec. 5143. Teen Pregnancy Prevention Fund.

20 (a) There is established a Teen Pregnancy Prevention Fund to provide grants to nonprofit
21 organizations.

22 (b) The Fund is designed to provide grants to nonprofit organizations to implement
23 programs consistent with an evidence-based, community-wide teen pregnancy prevention model

1 including but not limited to health services for teens, reproductive health education, professional
2 development and training, research and policy development, and public education and
3 awareness. Grant awards from the Fund shall be made by the Department of Health for the
4 purposes identified in subsection (c) of this section.

5 (c) Grants shall be awarded, subject to the availability of funding, as follows:

6 (1) All grants shall be awarded on a competitive basis;

7 (2) The grant funds shall be used exclusively to serve District of Columbia residents; and

8 (3) All grants shall be subject to District transparency requirements, such as Freedom of
9 Information Act requests.

10 (d) The Fund shall be administered pursuant to the requirements set forth in the Grant
11 Administration Act of 2013, effective December 24, 2013 (D.C. Law 20–61; D.C. Official Code
12 § 1–328.11 *et seq.*).

13 Sec. 5144. Required information before approval.

14 (a) To be eligible to receive a grant from the grant-managing entity pursuant to section
15 5143, a grantee shall submit the following required documentation to the grant-managing entity,
16 as well as any additional information required by the grant-managing entity:

17 (1) Internal Revenue Service certification that the organization is tax-exempt under
18 section 501(c)(3) of the Internal Revenue Code of 1954, approved August 16, 1954 (68A 24
19 Stat. 163; 26 U.S.C. § 501(c)(3));

20 (2)(A) The organization's most recent financial audit, not more than 2 years old; or

21 (B) A recent financial statement, not more than one year old, prepared by a
22 certified accountant that shows that the organization is in good financial standing and
23 which delineates its:

1 (i) Existing assets and liabilities;
2 (ii) Pending lawsuits, if any; and
3 (iii) Pending and final judgments, if any;
4 (3) Internal Revenue Service Form 990 covering the organization's most recently
5 completed fiscal year;

6 (4) A notarized statement from the grantee certifying that:

7 (A) The organization is current on District and federal taxes;

8 (B) The grant-managing entity is authorized to verify the organization's
9 tax status with the Office of Tax and Revenue and the Office of Tax and Revenue is
10 authorized to release this information to the grant-managing entity;

11 (C) The grant-managing entity shall have access to the grantee's financial,
12 administrative, and operational records, including specific consent for the grant-
13 managing entity to access its books, accounts, records, findings, and documents related to
14 the grant; and

15 (D) The grantee is registered with the Department of Consumer and
16 Regulatory Affairs;

17 (5) A comprehensive program statement that includes a detailed:

18 (A) Scope of work; and

19 (B) Budget that describes how the grant funds shall be spent; and

20 (6) Any other document specified by the Department of Health in a request for
21 grant submissions

22 Sec. 5066. Reporting requirements.

1 Beginning December 1, 2017, the grant-managing entity shall submit a semi-annual
2 report to the Council of all District funds allocated, which includes:

- 3 (1) Detailed grantee data;
- 4 (2) Performance measures and performance outcomes under each grant;
- 5 (3) The specific services provided under each grant;
- 6 (4) The entity providing the services, if one other than the grantee;
- 7 (5) The time period of delivery of the services;
- 8 (6) The type of service provided;
- 9 (7) The actual amount paid for the services; and
- 10 (8) The amount of other expenditures under the grant, if any.

11 Sec. 5067. Authorization for grant-managing entity.

12 For Fiscal Year 2017 and each fiscal year thereafter, the Department of Health is
13 designated as the grant-managing entity.

14 Sec. 5068. Limitation on duplicative projects.

15 The grant-managing entity shall take steps to avoid awarding grants to a nonprofit that
16 has been awarded or is being awarded funds for the same or similar program purposes for which
17 it is applying for funding from the Fund.

18 **SUBTITLE H. MEDICAID HOSPITAL OUTPATIENT SUPPLEMENTAL**
19 **PAYMENT**

20 Sec. 5071. Short title.

21 This subtitle may be cited as the "Medicaid Hospital Outpatient Supplemental Payment Act of
22 2016".

23 Sec. 5072. Definitions.

1 For the purposes of this subtitle, the term:

2 (1) "Department" means the Department of Health Care Finance.

3 (2) "Hospital" shall have the same meaning as provided in section 2(a)(1) of the
4 Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983,
5 effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code § 44-501(a)(1)), but excludes any
6 hospital operated by the federal government.

7 (3) "Hospital system" means any group of hospitals licensed separately, but operated,
8 owned, or maintained by a common entity.

9 (4) "Medicaid" means the medical assistance programs authorized by Title XIX of the
10 Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 et seq.), and by section 1
11 of An Act To enable the District of Columbia to receive Federal financial assistance under title XIX of
12 the Social Security Act for a medical assistance program, and for other purposes, approved December
13 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02), and administered by the Department.

14 (5) "Outpatient gross patient revenue" means the amount calculated in accordance
15 with generally accepted accounting principles for hospitals that is reported as the sum of Lines 18 and
16 19; Column 2; Worksheet G-2 of the Hospital and Hospital Health Care Complex Cost Report (Form
17 CMS 2552-10), filed for the period ending between October 1, 2013, and September 30, 2014.

18 Sec. 5073. Hospital Provider Fee Fund.

19 (a) There is established as a special fund the Hospital Provider Fee Fund ("Fund"), which shall
20 be administered by the Department in accordance with subsections (c) and (d) of this section.

21 (b) Revenue from the following sources shall be deposited in the Fund:

22 (1) Fees collected under this subtitle; and

23 (2) Interest and penalties collected under this subtitle.

1 (c) Money in the Fund may only be used for the following purposes:

2 (1) Making Medicaid outpatient hospital access payments to hospitals as required
3 under section 5076;

4 (2) Payment of administrative expenses incurred by the Department or its agent in
5 performing the activities authorized by this subtitle in an amount not to exceed \$150,000 annually;
6 and

7 (3) Providing refunds to hospitals pursuant to section 5075.

8 (d) Money in the Fund may not be used to replace money appropriated to the Medicaid
9 program.

10 (e)(1) The money deposited into the Fund, and interest earned, shall not revert to the
11 unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or
12 at any other time.

13 (2) Subject to authorization in an approved budget and financial plan, any funds
14 appropriated in the Fund shall be continually available without regard to fiscal year limitation. Sec.
15 5074. Hospital provider fee.

16 (a) Beginning October 1, 2016, and subject to section 5075, the District may charge each
17 hospital a fee based on its outpatient gross patient revenue. The fee shall be charged at a uniform rate
18 necessary to generate the following:

19 (1) An amount equal to the non-federal share of the total available spending room
20 under the Medicaid upper payment limit for private hospitals applicable to District Fiscal Year
21 (“DFY”) 2017 consistent with the federal approval of the authorizing Medicaid State Plan
22 amendment; plus

1 (2) An amount equal to the non-federal share of the total available spending room
2 under the Medicaid upper payment limit for District operated hospitals applicable to DFY 2017
3 consistent with the federal approval of the authorizing Medicaid State Plan amendment; plus

4 (3) An amount equal to the Department's administrative expenses as described in
5 section 5073(c)(2).

6 (b) A psychiatric hospital that is an agency or a unit of the District government is exempt from
7 the fee imposed under subsection (a) of this section, unless the exemption is adjudged to be
8 unconstitutional or otherwise invalid, in which case a psychiatric hospital that is an agency or a unit of
9 the District government shall pay the fee imposed by subsection (a) of this section.

10 Sec. 5075. Applicability of fees.

11 (a) The fee imposed by section 5074 shall not be due and payable until such time that the
12 federal Centers for Medicare and Medicaid Services approves the Medicaid State Plan amendment
13 authorizing the Medicaid payments described in section 5076.

14 (b) The fee imposed by section 5074 shall cease to be imposed, and any moneys remaining in
15 the Fund shall be refunded to hospitals in proportion to the amounts paid by them, if:

16 (1) The Department makes changes in its rules that reduce the hospital inpatient or
17 outpatient Medicaid payment rates, including adjustment to payment rates that are in effect on October
18 1, 2014; or

19 (2) The payments to hospitals required under section 5076 are modified in any way
20 other than to secure federal approval of such payments as described in section 5076 or are not eligible
21 for federal matching funds under section 1903(w) of the Social Security Act, approved July 30, 1965
22 (70 Stat. 349; 42 U.S.C. §1396b(w)) (“Social Security Act”).

1 (c) The fee imposed by section 5074 shall not take effect or shall cease to be imposed if the fee
2 is determined to be an impermissible tax under section 1903(w)(3)(B) of the Social Security Act by
3 the Centers for Medicare and Medicaid Services.

4 (d) Should the fee imposed by section 5074 not take effect or cease to be imposed, moneys in
5 the Fund derived from the imposed fee shall be disbursed in accordance with section 5076 to the
6 extent federal matching is available. If federal matching is not available due to a determination by the
7 Centers for Medicare and Medicaid Services that the fee is impermissible, any remaining moneys
8 shall be refunded to hospitals in proportion to the amounts paid by them.

9 Sec. 5076. Medicaid outpatient hospital access payments.

10 (a)(1) For visits and services beginning October 1, 2016, quarterly Medicaid outpatient
11 hospital access payments shall be made to each private hospital.

12 (2) Each payment will be equal to the hospital's DFY 2014 outpatient Medicaid
13 payments divided by the total in District private hospital DFY 2014 outpatient Medicaid payments
14 multiplied by 1/4 of the total outpatient private hospital access payment pool.

15 (3) The total outpatient private hospital access payment pool is equal to the total
16 available spending room under the private hospital outpatient Medicaid upper payment limit for DFY
17 2017.

18 (c)(1) For visits and services beginning October 1, 2016, outpatient hospital access payments
19 shall be made to the United Medical Center.

20 (2) Each payment will be equal to one quarter of the total outpatient public hospital
21 access payment pool.

1 (3) The total outpatient public hospital access payment pool is equal to the total
2 available spending room under the District-operated hospital outpatient Medicaid upper payment limit
3 for DFY 2017.

4 (d) The quarterly Medicaid outpatient hospital access payments shall be made within 15
5 business days after the end of each DFY quarter for the Medicaid visits and services rendered during
6 that quarter.

7 (e) No payments shall be made under this section until such time that the federal Centers for
8 Medicare and Medicaid Services approves the Medicaid State Plan amendment authorizing the
9 Medicaid payments described in this subtitle.

10 (f) The Medicaid payment methodologies authorized under this subtitle shall not be altered in
11 any way unless such alteration is necessary to gain federal approval from the Centers for Medicare
12 and Medicaid Services.

13 Sec. 5077. Quarterly notice and collection.

14 (a) The fee imposed under section 5074, which shall be calculated, due, and payable on a
15 quarterly basis, shall be due and payable by the 15th of the last month of each DFY quarter; provided,
16 that the fee shall not be due and payable until:

17 (1) The District issues written notice that the payment methodologies for payments to
18 hospitals required under section 5076 have been approved by the federal Centers for Medicare and
19 Medicaid Services; and

20 (2) The District issues written notice to the hospital informing the hospital of its fee
21 rate, outpatient gross patient revenue subject to the fee, and the fee amount owed on a quarterly basis,
22 including, in the initial written notice from the District to the hospital, all fee amounts owed beginning

1 with the period commencing on October 1, 2016, to ensure all applicable fee obligations have been
2 identified.

3 (b)(1) If a hospital fails to pay the full amount of the fee in accordance with this subtitle, the
4 unpaid balance shall accrue interest at the rate of 1.5% per month or any fraction thereof, which shall
5 be added to the unpaid balance.

6 (2) The Chief Financial Officer may arrange a payment plan for the amount of the fee
7 and interest in arrears.

8 (c) The payment by the hospital of the fee created in this subtitle shall be reported as an
9 allowable cost for purposes of Medicaid hospital reimbursement.

10 Sec. 5078. Multi-hospital systems, closure, merger, and new hospitals.

11 (a) If a hospital system conducts, operates, or maintains more than one hospital licensed by the
12 Department of Health, the hospital system shall pay the fee for each hospital separately. (b)(1)
13 Notwithstanding any other provision in this subtitle, if a hospital system or person ceases to conduct,
14 operate, or maintain a hospital that is subject to a fee under section 5074, as evidenced by the transfer
15 or surrender of the hospital license, the fee for the DFY in which the cessation occurs shall be adjusted
16 by multiplying the fee computed under section 5074 by a fraction, the numerator of which is the
17 number of days in the year during which the hospital system or person conducted, operated, or
18 maintained the hospital, and the denominator of which is 365.

19 (2) Immediately upon ceasing to conduct, operate, or maintain a hospital, the hospital
20 system or person shall pay the fee for the year as so adjusted, to the extent not previously paid.

21 (c) Notwithstanding any other provision in this subtitle, a hospital system or person who
22 conducts, operates, or maintains a hospital, upon notice by the Department, shall pay the fee computed
23 under section 5074 and subsection (a) of this section in installments on the due date stated in the

1 notice and on the regular installment due dates for the DFY occurring after the due dates of the initial
2 notice.

3 Sec. 5079. Rules.

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

7 Sec. 5080. Sunset.

8 This subtitle shall expire on September 30, 2017.

9 **SUBTITLE I. MEDICAID HOSPITAL INPATIENT SUPPLEMENTAL PAYMENT**

10 Sec. 5081. Short title.

11 This subtitle may be cited as the "Medicaid Hospital Inpatient Rate Supplement Act of 2016".

12 Sec. 5082. Definitions.

13 For the purposes of this subtitle, the term:

14 (1) "Department" means the Department of Health Care Finance.

15 (2) "Hospital" shall have the same meaning as provided in section 2(a)(1) of the
16 Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983,
17 effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code § 44-501(a)(1)), but excludes any
18 hospital operated by the federal government and any specialty hospital, as defined by the District of
19 Columbia's Medicaid State Plan ("State Plan"), or a hospital that is reimbursed under a specialty
20 hospital reimbursement methodology under the State Plan.

21 (3) "Hospital system" means any group of hospitals licensed separately but operated,
22 owned, or maintained by a common entity.

1 (4) "Inpatient net patient revenue" means the amount calculated in accordance with
2 generally accepted accounting principles for hospitals as derived from each hospital's filed Hospital
3 and Hospital Health Care Complex Cost Report (Form CMS-2552-10), filed for the period ending
4 between October 1, 2013, and September 30, 2014, using the references below:

5 (A) The sum of: Worksheet G-2; Column 1; Lines 1, 2, 3, 4, 16 and 18.

6 (B) Minus: The ratio of the sum of Worksheet G-2; Column 1; Lines 5, 6, and
7 7 divided by Worksheet G-2; Column 1; Line 17 multiplied by Worksheet G-2; Column 1; Line 18.

8 (C) Divided by: Worksheet G-2; Column 3; Line 28

9 (D) Multiplied by: Worksheet G-2; Column 1; Line 3 (5) "Medicaid" means
10 the medical assistance programs authorized by Title XIX of the Social Security Act, approved July 30,
11 1965 (79 Stat. 343; 42 U.S.C. § 1396 et seq.) ("Social Security Act"), and by section 1 of An Act To
12 enable the District of Columbia to receive Federal financial assistance under title XIX of the Social
13 Security Act for a medical assistance program, and for other purposes, approved December 27, 1967
14 (81 Stat. 744; D.C. Official Code § 1-307.02), and administered by the Department.

15 Sec. 5083. Hospital Fund.

16 (a) There is established as a special fund the Hospital Fund ("Fund"), which shall be
17 administered by the Department in accordance with subsection (c) of this section.

18 (b) Revenue from the following sources shall be deposited in the Fund:

19 (1) Fees collected under this subtitle;

20 (2) Interest and penalties collected under this subtitle; and

21 (3) Other amounts collected under this subtitle.

22 (c) Money in the Fund shall be used solely as set forth in section 5084 (a)(2) of this subtitle.

1 (d)(1) The money deposited in the Fund, and interest earned, shall not revert to the unrestricted
2 fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other
3 time.

4 (2) Subject to authorization in an approved budget and financial plan, any funds
5 appropriated in the Fund shall be continually available without regard to fiscal year limitation;
6 provided, that any remaining money in the Fund at the end of each fiscal year shall be refunded to
7 hospitals in proportion to the amounts paid by them.

8 Sec. 5084. Hospital provider fee.

9 (a)(1) Beginning October 1, 2016, and except as provided in subsection (b) of this section and
10 section 5087, the District, through the Office of Tax and Revenue, may charge each hospital a fee
11 based on its inpatient net patient revenue.

12 (2) The fee shall be charged at a uniform rate necessary to generate no more than
13 \$10.4 million. Of this amount, \$1.4 million may be used to support the Medicaid Managed Care
14 Organization rates for inpatient hospitalization. The remaining amount shall be used to support the
15 maintenance of inpatient Medicaid Fee-for-Service rates at the District Fiscal Year (“DFY”) 2015
16 level of 98% of cost to non-specialty hospitals.

17 (3) The fee collected pursuant to this section shall be deposited in the Hospital Fund,
18 established by section 5083.

19 (b) A psychiatric hospital that is an agency or a unit of the District government is exempt from
20 the fee imposed under subsection (a) of this section, unless the exemption is adjudged to be
21 unconstitutional or otherwise invalid, in which case a psychiatric hospital that is an agency or a unit of
22 the District government shall pay the fee imposed by subsection (a) of this section.

1 (c) If necessary, by August 1, 2016, the Department shall submit a provider tax waiver
2 application to the Center for Medicare and Medicaid Services to ensure the provisions of this subtitle
3 qualify as a broad-based health care related tax, as that term is defined in section 1903(w)(3)(B) of the
4 Social Security Act.

5 Sec. 5085. Quarterly notice and collection.

6 (a) The fee imposed under section 5084 shall be due and payable by the 15th of the last month
7 of each DFY quarter.

8 (b) The fee imposed under section 5084 shall be calculated, due, and payable on a quarterly
9 basis, but shall not be due and payable until the District issues written notice to each hospital
10 informing the hospital of its fee rate, inpatient net patient revenue subject to the fee, and the fee
11 amount owed on a quarterly basis, including, in the initial written notice from the District to the
12 hospital, all fee amounts owed beginning with the period October 1, 2016, to ensure all applicable fee
13 obligations have been identified.

14 (c)(1) If a hospital fails to pay the full amount of its fee by the date required, the unpaid
15 balance shall accrue interest at the rate of 1.5% per month or any fraction thereof, which shall be
16 added to the unpaid balance.

17 (2) The Chief Financial Officer may arrange a payment plan for the amount of the fee
18 and interest in arrears.

19 (d) The payment by the hospital of the fee created in this subtitle shall be reported as an
20 allowable cost for purposes of Medicaid hospital reimbursement.

21 Sec. 5086. Multi-hospital systems, closure, merger, and new hospitals.

22 (a) If a hospital system conducts, operates, or maintains more than one hospital licensed by the
23 Department of Health, the hospital system shall pay the fee for each hospital separately. (b)(1)

1 Notwithstanding section 5084, if a hospital system or person that is subject to a fee under section 5084
2 ceases to conduct, operate, or maintain a hospital, as evidenced by the transfer or surrender of a
3 hospital license, the fee for the DFY in which the cessation occurs shall be adjusted by multiplying the
4 fee computed under section 5084 by a fraction, the numerator of which is the number of days in the
5 year during which the hospital system or person conducts, operates, or maintains the hospital and the
6 denominator of which is 365.

7 (2) Immediately upon ceasing to conduct, operate, or maintain a hospital, the hospital
8 system or person shall pay the fee for the year as so adjusted, to the extent not previously paid.

9 (c) Notwithstanding any other provision of this subtitle, a hospital system or person who
10 conducts, operates, or maintains a hospital, upon notice by the Department, shall pay the fee required
11 under 5084 in accordance with subsection (a) of this section on the due date stated in the notice and on
12 the regular installment due dates for the DFY occurring after the due date of the initial notice.

13 Sec. 5087. Federal determinations; suspension and termination of assessment.

14 (a) If the Centers for Medicare and Medicaid Services determines that an assessment imposed
15 on a hospital pursuant to this subtitle does not satisfy the requirements for federal financial
16 participation set forth in section 1903(w) of the Social Security Act that determination shall not affect
17 the validity, amount, applicable rate, or any other terms of an assessment on other hospitals imposed
18 by this subtitle.

19 (b) If the Centers for Medicare and Medicaid Services determines that an exclusion for
20 specialty hospitals under this subtitle would prevent an assessment imposed by this subtitle from
21 qualifying as a broad-based health care related tax, as that term is defined in section 1903(w)(3)(B) of
22 the Social Security Act, the exclusion of specialty hospitals shall not be made.

1 Sec. 5088. Rules. The Mayor, pursuant to Title I of the District of Columbia Administrative
2 Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.), may
3 issue rules to implement the provisions of this subtitle.

4 Sec. 5089. Sunset. This subtitle shall expire on September 30, 2017.

5 **SUBTITLE J. PROGRAM ON WORK, EMPLOYMENT, AND**
6 **RESPONSIBILITY (POWER) AMENDMENT**

7 Sec. 5091. Short title.

8 This subtitle may be cited as the “Program on Work, Employment, and Responsibility
9 Amendment Act of 2016”.

10 Sec. 5092. The District of Columbia Public Assistance Act of 1982, effective April 6,
11 1982 (D.C. Law 4-101; D.C. Official Code § 4-201.01 *et seq.*), is amended as follows:

12 (a) Section 572(a) (D.C. Official Code § 4-205.72(a)) is amended by striking the phrase
13 “and sections 573” and inserting the phrase “and sections 572a” in its place.

14 (b) Section 572a (D.C. Official Code § 4-205.72a) is amended as follows:

15 (1) Subsection (a)(1A) is repealed.

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

17 **SUBTITLE A. WILDLIFE PROTECTION RULEMAKING AUTHORITY**

18 Sec. 6001. This subtitle may be cited as the Wildlife Protection Rulemaking Amendment
19 Act of 2016.

20 Sec. 6002. The Wildlife Protection Act of 2010, effective March 8, 2011 (D.C. Law 18-
21 289; D.C. Official Code § 8-2201 *et seq.*) is amended as follows:

22 (a) Section 2 (D.C. Official Code § 8-2201) is amended as follows:

23 (1) Paragraph (2) is amended to read as follows:

1 “(2) “Department” means the Department of Energy and Environment.”.

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

3 “(3) “Director” means the Director of the Department.”.

4 (b) Section 10(b) (D.C. Official Code § 8-2209(b)) is repealed.

5 (c) Section 12 (D.C. Official Code § 8-2211) is amended as follows:

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

7 “(a) The Mayor, pursuant to the District of Columbia Administrative Procedure
8 Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2–501 *et seq.*), may issue
9 rules to implement the provisions of this act, including establishing fines and fees necessary to
10 support the implementation of this act.”.

11 (2) New subsections (c) and (d) are added to read as follows:

12 “(c) The Mayor may require reimbursement of costs for services, including
13 inspections, sample collection, document review, or other reasonable costs or fees incurred in
14 implementing this part or a regulation promulgated pursuant to this act.

15 “(d) The Mayor may impose civil infraction penalties, fines, and fees as
16 alternative sanctions for any violation of this act or a regulation promulgated pursuant to this act,
17 pursuant to the procedures of the Department of Consumer and Regulatory Affairs Civil
18 Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code§ 2-
19 1801.01 *et seq.*)”.

20 **SUBTITLE B. BROWNFIELD REVITALIZATION**

21 Sec. 6011. This subtitle may be cited as the Brownfields Revitalization Amendment Act
22 of 2016.

1 Sec. 6012. The Brownfields Revitalization Amendment Act of 2000, effective June 13,
2 2001 (D.C. Law 13-312; D.C. Official Code § 8-631.01*et seq.*), is amended as follows:

3 (a) Section 102 (D.C. Official Code § 8-631.02) is amended as follows:

4 (1) Section 102(2) is amended by:

5 (A) Striking the word “industrial” and inserting the phrase “underutilized”
6 in its place; and

7 (B) Striking the phrase “or redevelopment” and inserting the phrase “,
8 redevelopment, or reuse of which”.

9 (2) Section 102(4) is amended to read as follows:

10 “(4) “Department” means the Department of Energy and Environment.”

11 (3) Section 102(5) is amended to read as follows:

12 “(5) “Eligible property” means a brownfield or any contaminated property in the
13 District, unless the site is:

14 “(A) Listed on the National Priorities List pursuant to the Comprehensive
15 Environmental Response, Compensation, and Liability Act of 1980, approved December 11,
16 1980 (94 Stat. 2767; 42 U.S.C. 9601 *et seq.*);

17 “(B) The subject of a current cleanup action by the Environmental
18 Protection Agency; or

19 “(C) (i) Only contaminated by petroleum, (ii) the applicant previously
20 agreed to a cleanup plan for that site under the Department’s underground storage tank program,
21 and (iii) construction work (other than operation, maintenance, or monitoring work) to carry out
22 that plan is not yet complete.”.

1 (4) Section 102(8) is amended by striking “DDOE” and inserting “Department” in
2 its place.

3 (5) Section 102(10) is amended to read as follows:

4 “(10) “Institutional control” means any legal or administrative mechanism
5 meant to prevent contamination or the potential exposure to hazardous substances or to prevent
6 activities that could interfere with the effectiveness of a response action, including any measure
7 to ensure that the use of the property, after completion of response or cleanup action pursuant to
8 this chapter, remains consistent with the any hazardous substance concentrations, as approved by
9 the Department in the Certificate of Completion and an environmental covenant, pursuant to
10 Chapter 6C of this title.”.

11 (b) Section 201(c)(6)(H) (D.C. Official Code § 8-632.01(c)(6)(H)) is amended by striking
12 the word “DDOE” and inserting the phrase “the Department” in its place.

13 (c) Section 202 (D.C. Official Code § 8-632.02) is amended as follows:

14 (1) Section 202(a)(4) is amended by striking the phrase “, if reasonable
15 precautions were taken to prevent foreseeable releases” and inserting the phrase “in accordance
16 with 42 U.S.C. § 9607(b)(3)” in its place;

17 (2) Section 202(a)(5) is repealed;

18 (3) Section 202(a)(6) is amended by inserting the phrase “, consistent with the
19 standards in 42 U.S.C. § 9601(35)(B),” after the phrase “if due diligence had been exercised”;

20 (4) Section 202(b)(1) is amended by inserting the phrase “, in accordance with 42
21 U.S.C. § 9607(q)(1)(C),” after the phrase “operator of a facility shall not be liable” in its place;

22 and

23 (5) Section 202 is amended by adding a new paragraph (c) to read as follows:

1 “(c) A person shall not be liable pursuant to § 8-632.01(b) if that person
2 establishes, by a preponderance of the evidence, that it is an innocent landowner, in accordance
3 with 42 U.S.C. §§ 9601(35) and 9607(b)(3), or a contiguous property owner, in accordance with
4 42 U.S.C. § 9607(q)(1)(A), (B), and (D).”.

5 (c) Section 203(a) is amended by striking the word “DDOE” and inserting the phrase “the
6 Department” in its place.

7 (d) Section 301 (D.C. Official Code § 8-633.01) is amended as follows:

8 (1) Paragraph (a) is amended by:

9 (A) Striking the phrase “within DDOE” and inserting the phrase “within
10 the Department”; and

11 (B) Striking the phrase “The DDOE” and inserting the phrase “The
12 Department”.

13 (2) Paragraph (b) is amended by striking the phrase “the DDOE” and inserting the
14 phrase “the Department” in its place.

15 (3) By adding new paragraphs (c), (d), and (e) to read as follows:

16 “(c) The Department may implement a licensed site remediation program, which
17 shall allow certified individuals to perform professional remediation services following written
18 guidelines, supervise the remediation of contaminated sites, and protect the safety, health, and
19 welfare of the public. If the Department creates the program, it shall issue regulations to
20 implement the program. Any such program shall provide for an independent third-party review
21 of cleanups undertaken under that program for conformity with applicable requirements.

22 Independent review shall be at the cost of the applicant.”;

1 “(d) When applying the term “hazardous substance” to the Voluntary Cleanup
2 Program, the term shall also mean petroleum, as the term is used in D.C. Official Code § 8-
3 113.01(6).”; and

4 “(e) The Director shall address conditional certificates of completion and cleanup
5 standards in the next guidance document related to the Voluntary Cleanup Program.”.

6 (d) Section 302 (D.C. Official Code § 8-633.02) is amended as follows:

7 (1) Section 302(a) is amended by:

8 (A) Striking the phrase “by DDOE” and inserting the phrase “by the
9 Department” in its place;

10 (B) Subparagraph (a)(5) is amended to read as follows:

11 “(5) A descriptive summary of a proposed cleanup action plan that
12 conforms to Department cleanup standards;”

13 (C) Subparagraph (a)(6) is amended by striking the “;” at the end of the
14 line and inserting the phrase “; and” in its place;

15 (D) By adding new paragraphs (7) and (8) to read as follows:

16 “(7) (A) A certification under penalty of perjury that the applicant, any
17 contractor or any laboratory who is scheduled to work on the cleanup, and any of the
18 aforementioned entities’ supervisory employees likely to work on the cleanup:

19 “(i) Is not currently suspended or debarred from contracting
20 with the United States government, or any agency of the United States government, or from
21 contracting with the District government, or any agency of the District government;

22 “(ii) Is not currently under indictment for any felony under
23 federal, state, or District law;

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

2 (A) By striking the phrase “to DDOE” and inserting the phrase “to the
3 Department” in its place;

4 (B) By striking the phrase “DDOE cleanup standards” and inserting the
5 phrase “Department cleanup standards” in its place; and

6 (C) By striking the phrase “DDOE shall consider” and inserting the phrase
7 “the Department shall consider” in its place.

8 (3) Paragraph (b) is amended by striking the phrase “DDOE shall” wherever it
9 appears and inserting the phrase “the Department shall” in its place.

10 (4) Paragraph (c) is amended by striking the word “DDOE” and inserting the
11 phrase “the Department” in its place.

12 (5) Paragraph (e) is amended by striking the word “DDOE” and inserting the
13 phrase “the Department” in its place.”

14 (f) Section 304(b) (D.C. Official Code § 8-633.04(b)) is amended to read as follows:

15 “(b) A participant shall post with the Department a letter of credit, performance bond, or
16 comparable financial assurance mechanism approved by the Director, before the participant may
17 perform any cleanup action on the property. The Director shall determine the amount of the
18 posted letter of credit, performance bond, or comparable financial assurance mechanism, as
19 necessary to secure and stabilize the eligible property if the cleanup action plan is not
20 implemented in accordance with the approved plan. The financial assurance mechanism shall be
21 null and void upon the issuance of a Certificate of Completion to the participant, or 16 months
22 after the date of withdrawal if the participant withdraws from the Program. The obligation of the
23 financial assurance mechanism shall be due and payable upon notification by the Director that

1 action must be taken to fulfill the withdrawal requirements of this chapter to stabilize the
2 property.”.

3 (g) Section 305 (D.C. Official Code § 8-633.05) is amended as follows:

4 (1) Section 305(a) is repealed;

5 (2) Section 305(b) is amended by striking the phrase “Until the cleanup standards
6 required by subsection (a) of this section are adopted, the following guidelines shall apply to
7 voluntary cleanup actions:”;

8 (3) Section 305(b) is amended to read as follows:

9 “(b)(1) Participants shall select one or more of the following criteria that protects
10 public health and the environment, as may be appropriate when performing a voluntary cleanup
11 action:

12 “(A) Uniform numeric risk-based standards;

13 “(B) Measurable standards based on site-specific risk assessments;

14 “(C) Background levels;

15 “(D) Federal or State soil standards or water quality standards;

16 “(E) Standards based on federal or State maximum contaminant levels
17 (MCLs); or

18 “(F) Any other federal or state standards.

19 “(2) Cleanup standards shall account for the reasonably anticipated future use(s)
20 of the property.

21 “(3) Cleanup standards established by the Department based on the District’s
22 environmental laws or regulations in effect at the time of application into the Voluntary Cleanup
23 Program, shall apply when performing a voluntary cleanup action.”

1 (h) Section 306 (D.C. Official Code § 8-633.06) is amended as follows:

2 (1) Section 306 is amended by striking the word “business” wherever it appears
3 and inserting the word “calendar” in its place;

4 (2) By striking the word “DDOE” wherever it appears and inserting the phrase
5 “the Department” in its place;

6 (3) Paragraph (c) is amended by striking the phrase “notice pursuant to subsection
7 (a) of this section” and inserting “end of the required public notice period of § 8-636.01(b)” in its
8 place;

9 (4) Paragraph (e) is repealed;

10 (5) Paragraph (f) is amended by:

11 (A) Striking the phrase “If a Certificate of Completion is conditioned on
12 the permissible use of the property for commercial or industrial use, the” and inserting the word
13 “The” in its place; and

14 (B) Inserting the phrase “and provide a recordation receipt to the Director”
15 after the phrase “the Recorder of Deeds”;

16 (6) Subparagraph (i)(5) is amended by striking the word “maintain” and inserting
17 “comply with an” in its place;

18 (7) A new paragraph (k) is inserted to read as follows:

19 “(k) At the Director’s sole discretion, the Department may issue a conditional
20 Certificate of Completion to a participant or to a person who intends to apply to the Voluntary
21 Cleanup Program. The Director may issue a conditional Certificate of Completion at any time
22 before a participant submits the cleanup completion report required by paragraph (a). The
23 conditional Certificate of Completion shall state that the Department shall issue a Certificate of

1 Completion to the person if the person fully satisfies all requirements of the Voluntary Cleanup
2 Program, including the cleanup action plan.

3 “(1) A conditional Certificate of Completion shall apply only to the
4 specified property or properties.

5 “(2) A conditional Certificate of Completion shall be transferable.”.

6 (i) Section 307 (D.C. Official Code § 8-633.07) is amended by striking the word
7 “DDOE” and inserting the phrase “the Department” in its place.

8 (j) Section 411 (D.C. Official Code § 8-634.11) is amending by striking the word
9 “DDOE” and inserting the phrase “the Department” in its place.

10 (k) Section 501 (D.C. Official Code § 8-635.01) is amended as follows:

11 (1) By striking the word “DDOE” wherever it appears and inserting the phrase
12 “The Department” in its place;

13 (2) Paragraph (b) is amended by:

14 (A) Deleting the phrase “and properties adversely affected by” and
15 inserting the word “where” in its place;

16 (B) Deleting the phrase “from the cleaned up properties” and inserting the
17 phrase “are allowed to remain in place under applicable cleanup standards” in its place; and

18 (C) Deleting the phrase “The instruments shall include:”.

19 (D) Subparagraph 501(b)(1) is repealed;

20 (E) Subparagraph 501(b)(2) is repealed;

21 (F) Subparagraph 501(b)(3) is repealed;

22 (G) Subparagraph 501(b)(3A) is repealed; and

23 (H) Subparagraph 501(b)(4) is repealed;

1 (3) Subparagraph 501(d) is amended by:

2 (A) Striking the phrase “Any instruments issued” and inserting “Any
3 environmental covenant, and any instrument issued prior to January 1, 2017, issued” in its place;
4 and

5 (B) Striking the phrase “any other instrument issued pursuant to this
6 section” and inserting the phrase “any other instrument used in accordance with this section”;
7 and

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

9 “(e) The Department and other District agencies are encouraged to use
10 environmental covenants pursuant to Chapter 6C of this title, entitled Uniform Environmental
11 Covenants , D.C. Code Official § 8-671.01 *et seq.*, as the instrument of choice when an
12 institutional control or activity and use limitation is needed. The Department shall retain
13 authority to use other types of instruments, such as permits, orders, restrictive covenants,
14 easements, and notices.”.

15 (l) Section 601 (D.C. Official Code § 8-636.01) is amended as follows:

16 (1) Section 601(a) is amended to read as follows:

17 “(a) After the Department receives an application to the Voluntary Cleanup
18 Program, a public notice of the application shall be issued. Prior to approval of a cleanup action
19 plan, and before the issuance of a Certificate of Completion, public notice shall be issued giving
20 the public a 21-day period to comment on the proposed approval or issuance. The Department
21 shall consider public comments received pursuant to this section before approving a cleanup
22 action plan or issuing a Certificate of Completion.”;

23 (2) Section 601(b) is amended to read as follows:

1 “(b) The Department shall publish all public notices required under paragraph (a)
2 in the *District of Columbia Register* and may publish them on the Department website.”;

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

4 “(c) Within five (5) calendar days of receipt from the Department of a public
5 notice required under paragraph (a), the participant shall mail the public notice to the Advisory
6 Neighborhood Commission in the neighborhood where the eligible property is located and
7 publish the public notice in a newspaper of general circulation where the site is located, by
8 display advertisement, legal notice, or any other appropriate format, as determined by the
9 Department..”; and

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

11 “(d) All public notices required under paragraph (a) shall include:

12 “(1) A summary of the proposed action;

13 “(2) The name and address of the participant and eligible property;

14 “(3) The name, address, and telephone number of the office within the
15 Department from which information about the proposed action may be obtained;

16 “(4) An address, or e-mail address, to which persons may submit written
17 comments about the proposed action, if applicable; and

18 “(5) A deadline for the close of the public comment period by which
19 written comments must be received by the Department, if applicable.”.

20 (m) Section 602 (D.C. Official Code § 8-636.02) is amended by striking the word
21 “DDOE” and inserting the phrase “the Department” in its place.

22 (n) Section 702 (D.C. Official Code § 8-637.02) is amended by striking the word
23 “DDOE” and inserting the phrase “the Department” in its place.

1 **SUBTITLE C. AIR QUALITY ENFORCEMENT**

2 Sec. 6021. This subtitle may be cited as the “Air Quality Rulemaking Amendment Act of
3 2016”.

4 Sec. 6022. The District of Columbia Air Pollution Control Act of 1984, effective March
5 15, 1985 (D.C. Law 5–165; D.C. Official Code § 8-101.01 *et seq.*) is amended as follows:

6 (a) Section 5 (D.C. Official Code § 8-101.05) is amended by striking the phrase “the
7 District Department of the Environment” and inserting the phrase “Department of Energy and
8 Environment”; and

9 (b) Section 6 (D.C. Official Code § 8-101.06) is amended as follows:

10 (1) Paragraph (b) is repealed;

11 (2) Paragraph (c) is amended to read as follows:

12 “(c) The Mayor, pursuant to the District of Columbia Administrative Procedure
13 Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2–501 *et seq.*), may issue
14 rules to implement the provisions of this part, including establishing fines, permit fees, and other
15 fees necessary to support the implementation of this part.”; and

16 (3) By adding a new paragraph (d) to read as follows:

17 “(d) The Mayor may require reimbursement of costs for services, including
18 inspections, sample collection, document review, or other reasonable costs or fees incurred in
19 implementing this part or a regulation promulgated pursuant to this part.”.

20 **SUBTITLE D. ENERGY INNOVATION AND SAVINGS**

21 Sec. 6031. This subtitle may be cited as the “Energy Innovation and Savings Amendment
22 Act of 2016”.

1 Sec. 6032. The Energy Innovation and Savings Amendment Act of 2012, effective March
2 19, 2013 (D.C. Law 19-252; D.C. Official Code § 8-1772.01 *et seq.*) is amended as follows:

3 (a) Section 201 (D.C. Official Code § 8-1772.01) is amended as follows:

4 (1) Paragraph (2) is repealed.

5 (2) Paragraph (3) is amended by striking the phrase “; provided, that the term
6 “commercial property” shall not include a small store, hotel, or restaurant”.

7 (3) A new Paragraph (3A) is added to read as follows:

8 “(3A) “Department” means the Department of Energy and Environment.”.

9 (4) Paragraph (5) is repealed.

10 (b) Section 202 (D.C. Official Code § 8-1772.02) is amended to read as follows:

11 “(a) A commercial property shall keep exterior doors and windows closed when an air
12 conditioner that cools the adjacent area is in operation..

13 “(b) The Mayor shall identify, through rules adopted pursuant to section 6 of the District
14 of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C.
15 Official Code § 2-505), circumstances when, in the public interest, a commercial area may open
16 exterior doors or windows while an air conditioner that cools the adjacent area is in operation.

17 “(c) Subsection (a) shall not apply until the Mayor adopts rules pursuant to subsection
18 (b).”.

19 (c) Section 203(f) is amended by striking the phrase “the Director of the District
20 Department of the Environment” and inserting the phrase “the Department” in its place.

21 **SUBTITLE E. PRODUCT STEWARDSHIP PROGRAM**

22 Sec. 6041. This subtitle may be cited as the “Product Stewardship Program Establishment
23 Act of 2016”.

1 Sec. 6042. The Sustainable Solid Waste Management Amendment Act of 2014, effective
2 February 26, 2015 (D.C. Law 20-154; D.C. Official Code § 8-1031.01 *et seq.*) is amended as
3 follows:

4 (a) Section 101(6) (D.C. Official Code § 8-1031.01(6)) is amended to read as follows:

5 “(6) “DOEE” means the Department of Energy and Environment”;

6 (b) By deleting “DDOE” wherever it appears and inserting “DOEE” in its place;

7 (c) Section 115(8) (D.C. Official Code § 8-1041.01(8)) is amended by striking the word
8 “year” and inserting the phrase “calendar year” in its place where ever it appears;

9 (d) Section 117 (D.C. Official Code § 8-1041.03) is amended as follows:

10 (1) Paragraph (a) is amended by striking the phrase “January 1, 2016” and
11 inserting the phrase “June 1, 2017” in its place;

12 (2) Paragraph (b) is amended by striking the phrase “January 1, 2016” and
13 inserting the phrase “December 31, 2016” in its place;

14 (3) Paragraph (b)(9)(C) is amended by striking the phrase “, including how the
15 organization will take into account the economic value of different types of covered electronic
16 equipment”.

17 (4) Striking the word “year” and inserting the phrase “calendar year” in its place
18 where ever it appears; and

19 (5) Striking the phrase “program year” and inserting the phrase “calendar year” in
20 its place where ever it appears;

21 (e) Section 118 (D.C. Official Code § 8-1041.04) is amended as follows:

22 (1) By striking the word “year” and inserting the phrase “calendar year” in its
23 place where ever it appears; and

1 (2) Paragraph (d) is amended to read as follows: “Fees and fines collected under
2 this section shall be deposited in the Product Stewardship Fund established in section 6044 of the
3 Product Stewardship Program Establishment Act of 2016.”;

4 (f) Section 119 (D.C. Official Code § 8-1041.05) is amended as follows:

5 (1) Paragraph (a) is amended by striking the phrase “January 1, 2016” and
6 inserting the phrase “January 1, 2017” in its place;

7 (2) Paragraph (b)(1) is amended as follows:

8 (A) By striking subparagraph (A);

9 (B) Subparagraph (D) is amended by striking the phrase “calendar years”
10 and inserting the phrase “reporting years” in its place; and

11 (C) Subparagraph (E) is amended by striking the phrase “calendar years”
12 and inserting the phrase “reporting years” in its place; and

13 (3) Paragraph (e) is amended by striking the phrase “January 1, 2017” and
14 inserting the phrase “January 1, 2018” in its place;

15 (g) Section 124 (D.C. Official Code § 8-1041.10) is amended as follows:

16 (1) Paragraph (a) is amended by:

17 (A) Striking the phrase “March 1, 2017” and inserting the phrase “June 1,
18 2018” in its place; and

19 (B) Striking the phrase “April 1” and inserting the phrase “June 1” in its
20 place; and

21 (2) Paragraph (b) is amended by striking the phrase “March 1, 2019” and inserting
22 the phrase “June 1, 2019”; and

23 (h) Section 124 (D.C. Official Code § 8-1041.12) is amended as follows:

1 (1) By striking Paragraph (a)(1);

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

3 “(b) The Mayor may impose civil fines and penalties as sanctions for violations of
4 the provisions of this chapter or any rules issued under the authority of this subchapter, pursuant
5 to Chapter 18 of Title 2 (“Civil Infractions Act”). Enforcement and adjudication of an infraction
6 shall be pursuant to Chapter 18 of Title 2.”; and

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

8 “(c) In addition to the enforcement authority provided in subsection (b) of this
9 section, the Mayor may seek injunctive relief or other appropriate remedy in any court of
10 competent jurisdiction to enforce compliance with the provisions of this subchapter.”.

11 Sec. 6043. Section 5 of the Paint Stewardship Act of 2014, effective March 11, 2015
12 (D.C. Law 20-205; D.C. Official Code § 8-233.04) is amended as follows:

13 (a) Section 5(e) is amended by striking the sentence “Permit fees collected pursuant to
14 this section shall not exceed the cost of implementing and enforcing this subchapter.”; and

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

16 “(f) Permit fees collected pursuant to this section shall be deposited in the Product
17 Stewardship Fund established in section 6044 of the Product Stewardship Program
18 Establishment Act of 2016 and shall not exceed the cost of implementing and enforcing this
19 subchapter.”.

20 Sec. 6044. The Sustainable Solid Waste Management Amendment Act of 2014, effective
21 February 26, 2015 (D.C. Law 20-154; D.C. Official Code § 8-1041.01 *et seq.*) is amended by
22 adding a new Section 118a to read as follows:

23 “Section 118a. Product Stewardship Fund.”

1 “(a) There is established as a non-lapsing special purpose revenue fund, the Product
2 Stewardship Fund.

3 “(b) The registration and shortfall fees charged under section 118 of this act shall be
4 deposited into the Fund.

5 “(c) Permit fees collected pursuant to section 5 of the Paint Stewardship Act of 2014,
6 effective March 11, 2015 (D.C. Law 20-205; D.C. Official Code § 8-233.04).

7 “(d) The Fund may be used for the purposes of supporting and administering product
8 stewardship programs in the District of Columbia.

9 “(e) The money deposited into the Fund shall not revert to the General Fund of the
10 District of Columbia at the end of a fiscal year, or any other time.

11 “(f) Subject to authorization in an approved budget and fiscal plan, any funds
12 appropriated in the Fund shall be continually available without regard to fiscal year limitation.”.

13 **SUBTITLE F. DCSEU REPORTING TIMELINE**

14 Sec. 6051. This subtitle may be cited as the “Clean and Affordable Energy Amendment
15 Act of 2016”.

16 Sec. 6052. The Clean and Affordable Energy Act of 2008, effective October 22, 2008
17 (D.C. Law 17-250; D.C. Official Code § 8-1773.01 *et seq.*), is amended as follows:

18 (a) Section 101 (D.C. Official Code § 8-1773.01) is amended as follows:

19 (1) Paragraph (2) is amended to read as follows:

20 “(2) “Department” means the Department of Energy and Environment.”;

21 (2) By striking the phrase “District Department of the Environment” and inserting
22 the phrase “the Department” in its place wherever it appears; and

1 (3) By striking the phrase “the DDOE” and inserting “the Department” in its place
2 wherever it appears;

3 (b) By striking the phrase “the DDOE” and inserting the phrase “the Department” in its
4 place wherever it appears;

5 (c) By striking the word “DDOE” and inserting the phrase “the Department” in its place
6 wherever it appears;

7 (d) By striking the phrase “the District Department of the Environment” and inserting the
8 phrase “the Department” in its place wherever it appears;

9 (e) By striking the phrase “the Energy Office” and inserting the phrase “the Department”
10 in its place wherever it appears;

11 (f) Section 204(g) (D.C. Official Code § 8-1774.04(g)) is amended to read as follows:

12 “(g) The Board shall annually prepare and present a report on the progress of the SEU to
13 the Council within 90 days after the conclusion of the independent review of the performance
14 and expenditures of the SEU. The Department shall make this document available to the public
15 on its website within 10 days of its submission to the Council.”.

16 **SUBTITLE G. STREETCAR AUTHORIZATION AMENDMENT**

17 Sec. 6061. Short title.

18 This subtitle may be cited as the “Streetcar Authorization Amendment Act of 2016”.

19 Sec. 6062. Section 5 of the District Department of Transportation DC Streetcar
20 Amendment Act of 2012, effective April 20, 2013 (D.C. Law 19-268; D.C. Official Code § 50-
21 921.71, note), is repealed

22 **TITLE VII. FINANCE AND REVENUE**

23 **SUBTITLE A. SUBJECT TO APPROPRIATIONS AMENDMENTS**

1 Sec. 7001. Short title.

2 This subtitle may be cited as the “Subject to Appropriations Amendment Act of 2016”.

3 Sec. 7002. Section 4 of the Access to Emergency Epinephrine in Schools Amendment
4 Act of 2015, effective March 9, 2016 (D.C. Law 21-77; 63 DCR 759), is repealed.

5 Sec. 7003. Section 3 of the Injured Worker Fair Pay Amendment Act of 2015, effective
6 December 15, 2015 (D.C. Law 21-39; 62 DCR 13744), is repealed.

7 **SUBTITLE B. PRIOR BUDGET ACT AMENDMENTS**

8 Sec. 7011. Short title

9 This subtitle may be cited as the “Prior Budget Act Amendments of 2016”.

10 Sec. 7012. The Fiscal Year 2016 Budget Support Act of 2015, effective October 22, 2015
11 (D.C. Law 21-036; 62 DCR ____), is amended as follows:

12 (a) Section 2072 is amended by striking the phrase “Office of Cable Television, Film,
13 Music, and Entertainment” wherever it appears and inserting the phrase “Office of Film,
14 Television, and Entertainment” in its place.

15 (b) Section 6192 is amended by repealing section (h)(6) (D.C. Official Code § 35-
16 233(h)(6)).

17 (c) Section 6193 is amended by striking the phrase “2016” and inserting the phrase
18 “2017” in its place.

19 **SUBTITLE C. COMBINED REPORTING AMENDMENT**

20 Sec. 7021. Short title.

21 This subtitle may be cited as the “Combined Reporting Amendment Act of 2016”.

22 Sec. 7022. Section 47-1810.08(b) of the D.C. Official Code is amended by striking the
23 phrase “5th year” and inserting the phrase “10th year” in its place.

1 **SUBTITLE D. SUPERMARKET TAX INCENTIVES CLARIFICATION**

2 Section 7031. Short title.

3 This subtitle may be cited as the “Supermarket Tax Incentives Clarification Act of 2016”

4 Section 7032. Chapter 38 of title 47 of the District of Columbia Official Code is
5 amended to revise the definition of “Eligible Area” as follows:

6 (a) A new section 47-3801(1D) (C) is added to read as follows:

7 “(C) Square 2960.”

8 **TITLE VIII. CAPITAL BUDGET**

9 **SUBTITLE A. FY 2017 CAPITAL PROJECT FINANCING REALLOCATION**

10 **APPROVAL**

11 Sec. 8001. Short title.

12 This subtitle may be cited as the "Fiscal Year 2017 Capital Project Reallocation Approval
13 Act of 2016".

14 Sec. 8002. (a) Pursuant to and in accordance with Chapter 3 of Title 47 of the District of
15 Columbia Official Code, the Council approves the Mayor's request to reallocate \$180,809.546 in
16 general obligation bond proceeds from District capital projects listed in Table A to the District
17 capital projects, in the amounts specified, listed in Table B.

18 (b) The current allocations were made pursuant to the Fiscal Year 2010 Income Tax
19 Secured Revenue Bond and General Obligation Bond Issuance Emergency Approval Act of
20 2009, effective December 4, 2009 (D.C. Act 18-240; 56 DCR 9265); the Fiscal Year 2012
21 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Approval Resolution
22 of 2011, effective December 6, 2011 (D.C. Res. 19-315; 58 DCR 10556), the Fiscal Year 2013
23 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Approval Resolution

1 of 2012, effective October 16, 2012 (D.C. Res.19-635; 59 DCR 12818), the Fiscal Year 2014
2 Income Tax Secured Revenue Bond and General Obligation Approval Resolution of 2013,
3 effective November 5, 2013 (D.C. Res. 20-321; 60 DCR 15794), and the Fiscal Year 2015
4 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Approval Resolution
5 of 2014, effective November 28, 2015 (D.C. Res. 20-687; 61 DCR 12738).
6

TABLE A.

Owner Agency Name	Project Number	Implementing Agency	Project Title	Bond Issuance Series	Amount
Office of the Chief Financial Officer	BF2	OCFO	CFOSolve	2010A	140,465
Department of General Services	BC1	DGS	Facility Condition Assessment	2012C I.T.	113,644
Department of Parks and Recreation	BSM	DGS	Benning Stoddert Modernization	2012C I.T.	3,124,785
Department of Parks and Recreation	QH7	DPR	Park Improvements - Project Management	2012C I.T.	393,520
Department of Parks and Recreation	QJ8	DGS	Friendship Park	2012C I.T.	529,131
Department of Parks and Recreation	QN4	DGS	Ward 2 Public Park Rehabilitation	2012C I.T.	334,244
District Department of Transportation	ED1	DDOT	Rhode Island Avenue NE Small Area Plan	2012C I.T.	599,509
District Department of Transportation	EDS	DDOT	Great Streets Initiative	2012C I.T.	292,359
District Department of Transportation	STC	DDOT	Streetscars	2012C I.T.	43,409
District of Columbia Public Schools	MO3	DGS	Moten ES Modernization	2012C I.T.	1,565,607
District of Columbia Public Schools	ND4	DGS	Deal JHS Modernization/Renovation	2012C I.T.	11,664
District of Columbia Public Schools	NJ8	DGS	McKinley Modernization	2012C I.T.	11,442
District of Columbia Public Schools	PE3	DGS	Drew ES Modernization/Renovation	2012C I.T.	39,641
Fire and Emergency Management Services	LB7	FEMS	Engine Company 16 Renovation	2012C I.T.	2,268,528
Metropolitan Police Department	ECS	MPD	Automation Of Report Generation & Purchase	2012C I.T.	300,000
Office of the Chief Technology Officer	N60	OCTO	Transportation Infrastructure Modernization	2012C I.T.	481,728
Department of Behavioral Health	XA6	OCTO	St. Elizabeths Info Tech System	2013A G.O.	81,575
Department of Behavioral Health	XA8	DBH	Integrated Care Applications Mgmt	2013A G.O.	145,551
Department of Corrections	CRF	DOC	Roof Refurbishment At DOC Facilities	2013A G.O.	508,089
Department of Healthcare Finance	MPM	DHCF	Medicaid Payment Management System	2013A G.O.	1,313,068
Department of Parks and Recreation	QE5	DGS	ADA Compliance	2013A G.O.	75,757
Department of Parks and Recreation	QJ8	DGS	Friendship Park	2013A G.O.	351,837
Department of Public Works	FS1	DPW	Upgrade To DPW Fueling Sites	2013A G.O.	76,846
Deputy Mayor for Planning and Economic Development	AWR	DMPED	Saint Elizabeths E Campus Infrastructure	2013A G.O.	1,546,808
District Department of Employment Services	UIM	DOES	Unemployment Insurance Modernization Project	2013A G.O.	2,354,064
District Department of Transportation	BRI	DDOT	Pedestrian Bridge - Parkside	2013A G.O.	1,678,669
District Department of Transportation	ED1	DDOT	Georgetown Streetscape Improvements	2013A G.O.	500,000
District Department of Transportation	FLD	DDOT	Prevention Of Flooding In Bloomingdale/Ledroit Pk	2013A G.O.	39,030
District Department of Transportation	PM0	DDOT	Planning, Management & Compliance	2013A G.O.	148,484
District of Columbia Public Schools	PK3	DGS	Martin Luther King ES Modernization	2013A G.O.	538,150
Office of the Chief Technology Officer	EQ1	OCTO	DC Cable Net	2013A G.O.	83,199
Office of the Chief Technology Officer	N60	OCTO	Transportation Infrastructure Modernization	2013A G.O.	99,732
D.C. Public Library	WOD	DCPL	Woodbridge Library	2013A GO	791,863
Office of the Secretary	AB1	DGS	Archives	2013A GO	784,215
Department of General Services	BC1	DGS	Facility Condition Assessment	2014 A/B GO	25,054
D.C. Public Library	WOD	DCPL	Woodbridge Library	2014C G.O.	2,300,000
Department of Corrections	CEV	DOC	DOC Elevator Refurbishment	2014C G.O.	1,566,292
Department of Corrections	CRF	DOC	Roof Refurbishment At DOC Facilities	2014C G.O.	1,500,000
Department of General Services	BC1	DGS	Facility Condition Assessment	2014C G.O.	950,000
Department of Parks and Recreation	QS5	DGS	Barry Farm Recreation Center	2014C G.O.	3,927,608
Deputy Mayor for Planning and Economic Development	EB0	DMPED	New Communities	2014C G.O.	9,000,000
District Department of Employment Services	UIM	DOES	Unemployment Insurance Modernization Project	2014C G.O.	2,500,000
District Department of Transportation	6EQ	DDOT	Equipment Acquisition - DDOT	2014C G.O.	3,526,564
District Department of Transportation	BRI	DDOT	Pedestrian Bridge - Parkside	2014C G.O.	8,000,000
District Department of Transportation	FLD	DDOT	Prevention of Flooding In Bloomingdale/Ledroit Pk	2014C G.O.	1,469,644
Office of the Secretary	AB1	DGS	Archives	2014C G.O.	2,500,000
Office of the Chief Financial Officer	BF2	OCFO	CFOSolve	2015A G.O.	429,148
D.C. Public Library	CAV	DCPL	Capitol View Library	Pending	4,500,000
D.C. Public Library	CPL	DCPL	Cleveland Park Library	Pending	4,125,000
D.C. Public Library	PAL	DCPL	Paisades Library	Pending	5,700,000
District Department of Employment Services	UIM	DOES	Unemployment Insurance Modernization Project	Pending	2,500,000
Deputy Mayor for Planning and Economic Development	STH	DMPED	Strand Theatre	Pending	1,000,000
Metropolitan Police Department	PEQ	MPD	Specialized Vehicles - MPD	Pending	2,000,000
Fire and Emergency Management Services	LC4	DGS	Engine 22 Firehouse Replacement	Pending	3,000,000
Fire and Emergency Management Services	LC4	DGS	Engine 27 Major Renovation	Pending	2,000,000
Department of Corrections	CEV	DGS	DOC Elevator Refurbishment	Pending	33,708
District of Columbia Public Schools	JOH	DGS	Johnson MS Renovation/Modernization	Pending	2,886,000
District of Columbia Public Schools	NX8	DGS	Coolidge HS Modernization/Renovation	Pending	3,000,000
District of Columbia Public Schools	SG3	DGS	Maintenance Improvements	Pending	7,738,513
State Superintendent of Education	SIS	OSSE	Single State-Wide Student Information System	Pending	1,800,000
Special Education Transportation	BU4	SET	Bus Facility Upgrades	Pending	2,740,000
Special Education Transportation	BU5	SET	DOT GPS System	Pending	1,000,000
Department of Parks and Recreation	FTD	DGS	Fort Davis Recreation Center	Pending	2,000,000
Department of Parks and Recreation	IVY	DGS	Ivy City Community Center	Pending	1,925,000
Department of Parks and Recreation	Q10	DGS	Fort Greble Recreation Center	Pending	1,000,000
Department of Parks and Recreation	Q11	DGS	Hilcrest Recreation Center	Pending	1,500,000
Department of Parks and Recreation	QF4	DGS	Benning Park Recreation Center Rehab	Pending	1,400,000
Department of Parks and Recreation	WBR	DGS	Edgewood Recreation Center	Pending	14,000,000
Department of Healthcare Finance	MPM	DHCF	MMIS System Upgrade	Pending	2,300,000
Department of Healthcare Finance	H11	DHCF	District Operated Health Information System	Pending	3,145,040
District Department of Transportation	AW0	DDOT	S Capitol St/Frederick Douglass Bridge	Pending	40,000,000
District Department of Transportation	CDT	DDOT	Railroad Bridges	Pending	10,340
District Department of Transportation	PLU	DDOT	Power Line Undergrounding	Pending	4,000,000
District Department of Transportation	TRF	DDOT	Traffic Operations Center	Pending	1,500,000
Office of the Chief Technology Officer	N90	OCTO	DC Government New Data Center Build-out	Pending	3,000,000
Office of the Chief Technology Officer	N91	OCTO	DC Government Citywide IT Security Program	Pending	1,500,000
Office of the Chief Technology Officer	N92	OCTO	Citywide Disk Based Backup Infrastructure	Pending	445,022
TOTAL					\$180,809,546

TABLE B.					
Owner Agency Name	Project Number	Implementing Agency	Project Title	Bond Issuance Series	Amount
District of Columbia Public Schools	BRK	DGS	Brookland MS Modernization	N/A	8,200,000
District of Columbia Public Schools	GM1	DGS	Major Repairs/Maintenance	N/A	6,100,000
District of Columbia Public Schools	GM3	DGS	High School Labor - Program Management	N/A	5,000,000
District of Columbia Public Schools	NA6	DGS	Ballou SHS	N/A	20,100,000
District of Columbia Public Schools	NR9	DGS	Roosevelt HS Modernization	N/A	15,500,000
State Superintendent of Education	SFF	OSSE	Evans Campus	N/A	2,000,000
Deputy Mayor for Economic Development	AMS	DMPED	McMillan Site Redevelopment	N/A	1,467,000
WMATA	SA5	DDOT	WMATA CIP Contribution	N/A	693,923
Fire and Emergency Management Services	LF2	DGS	FEMS Scheduled Capital Improvements	Pending	2,275,000
Department of Parks and Recreation	WBR	DGS	Edgewood Recreation Center	Pending	14,000,000
Department of Parks and Recreation	QE2	DGS	Ridge Road Recreation Center	Pending	9,730,000
Department of Parks and Recreation	QN7	DPR	Park Improvements	Pending	19,000,000
Department of Human Services	CMS	DHS	Case Management System - GO Bond	Pending	14,000,000
District Department of Transportation	CEL	DDOT	Alley Rehab	Pending	3,000,000
WMATA	SA3	DDOT	WMATA Fund - PRIAA	Pending	20,000,000
WMATA	SA5	DDOT	WMATA CIP Contribution	Pending	39,743,623
TOTAL					\$180,809,546

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2

SUBTITLE B. CAPITAL PROJECT REVIEW AND RECONCILIATION

3

AMENDMENT

4

Sec. 8011. Short title

5

This subtitle may be cited as the “Capital Project Review and Reconciliation Amendment Act of 2016”.

6

7

Sec. 8012. Capture and use of District surplus capital funds.

8

Any surplus capital budget, notwithstanding budget backed by Master Lease financing (fund detail 0302), that the Director of Capital Improvements identifies following the 30-day reconciliation period shall be transferred to the Alley Rehabilitation Project and be made available for use, or reprogramming to authorized capital projects. Any funds backed by Master Lease budget shall be transferred to the WMATA Fund Project (SA311C) and be made available for reprogramming to authorized capital projects.

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SUBTITLE C. REVERSE PAYGO REPROGRAMMING CLARIFICATION

15

Sec. 8021. Short title

16

1 This subtitle may be cited as the “Reverse Paygo Reprogramming Clarification Act of
2 2016”.

3 Sec. 8022. Section 47-361 of the D.C. Official Code is amended by adding a new section
4 (15) as follows:

5 “(15) “Reverse paygo transfer” means the movement of authorized pay-as-you-go capital
6 budget funds back to the operating budget.

7 Sec. 8023. Section 47-363(a) of the D.C. Official Code is amended to read as follows:

8 “(a)(1) The Mayor shall submit to the Council for approval a reprogramming request that
9 individually or on a cumulative basis would result in a change to the original appropriated
10 authority, along with certification by the Chief Financial Officer of the availability of funds for
11 the reprogramming. The request shall include an analysis of its effect on the budget and on the
12 purposes for which the funds were originally appropriated.

13 “(2) The amounts of reverse paygo transfers that reallocate funds from different projects
14 or subprojects to the operating budget shall not be aggregated for the purpose of determining
15 whether a transfer constitutes a reprogramming that requires Council approval. If these transfers
16 are assigned to a single capital project account for transaction recording and tracking purposes,
17 they shall not constitute a single capital project for the purpose of this subchapter.

18 **TITLE IX. SPECIAL PURPOSE AND DEDICATED REVENUE FUND**
19 **AMENDMENTS AND TRANSFERS**

20 **SUBTITLE A. DESIGNATED FUND TRANSFERS**

21 Sec. 9011. Short title.

22 This subtitle may be cited as the “Designated Fund Transfer Act of 2016”.

1 Sec. 9012. Notwithstanding any provision of law limiting the use of funds in the accounts
2 listed in the following chart, the Chief Financial Officer shall transfer the identified amounts
3 from certified fund balances in those accounts to the General Fund as described below:
4 (a) \$36.5 million shall be made available in fiscal year 2017;
5 (b) \$1.4 million shall be made available in fiscal year 2020;
6 (c) \$7.2 million shall be allocated to Pay-as-you-go capital in FY 2017 in accordance
7 with the budget and financial plan:

Designated Fund Balance ~ Overview			
Code	Fund No	Fund Name	FY 2015
Budget Support Act:			
AE0		Pay for Success Contract Fund	\$2,699,287
		Total	\$2,699,287
Budget Reserves:			
EN0		Micro Loan / Small business Capital Access Fund	\$228,362
EN0		Streetscape Loan Relief Fund	\$1,584,297
GDO		Credit Enhancement, Geneva Funds	\$9,411,800
		Total	\$11,224,459
Dedicated Taxes:			
HT0	0111	Healthy DC Fund	\$6,000,000
LQ0	0110	Dedicated Taxes	\$400,000
		Total	\$6,400,000
Purpose Restrictions and Other Special Purposes:			
AT0	0606	Recorder of Deeds Surcharge	\$3,000,000
BH0		Unemployment Compensation Fund	\$1,000,000
CR0	6030	Green Building Fund	\$1,409,850
CR0	6013	Basic Business License Fund	\$268,332
CR0	6020	Board of Engineers Fund	\$697,203
CR0	6040	Corporate Recordation Fund	\$112,879
CR0	0645	Vending Regulations Fund	\$984,622
CT0	0600	Cable Franchise Fees	\$7,113,314
FE0/FQ0	0620	Crime Victims Assistance Fund	\$2,600,000
HCO	0632	Pharmacy Protection	\$2,100,000
JA0	0603	SSI Payback	\$1,000,000
JM0	0611	Cost of Care-Non-Medicaid Clients	\$772,757
KA0	6901	DDOT Enterprise Fund-Non Tax Revenues	\$3,000,000
SR0	2911	Foreclosure Mediation Fund (Temporary)	\$340,500
TO0	0602	DC Net Service Support	\$4,800,000
		Total	\$29,199,457
TOTAL			\$49,523,203

1 Sec. 9043. The \$4,411,800 of remaining funds in GD0 – Credit Enhancement, Geneva
2 Funds shall be swept and allocated in FY 2017 to fund 0610, the Charter School Credit
3 Enhancement Fund within the Office of the State Superintendent of Education.

4 Sec. 9044. Applicability date.

5 This subtitle shall apply as of September 30, 2016.

6 **TITLE X. FISCAL IMPACT AND EFFECTIVE DATE**

7 Sec. 1001. Fiscal impact statement.

8 The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal
9 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
10 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

11 Sec. 1002. Effective date.

12 This act shall take effect following approval by the Mayor (or in the event of veto by the
13 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
14 provided in 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973
15 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia
16 Register.