

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To enact and amend, on an emergency basis, provisions of law necessary to support the fiscal year 2013 budget.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Fiscal Year 2013 Budget Support Emergency Act of 2012”.

**TITLE I. GOVERNMENT DIRECTION AND SUPPORT**

**SUBTITLE A. [Reserved]**

**SUBTITLE B. HEALTH BENEFIT PLAN DISTRICT CONTRIBUTION  
AMENDMENT**

Sec. 1011. Short title.

This subtitle may be cited as the “Health Benefit Plan District Contribution Emergency Amendment Act of 2012”.

Sec. 1012. Section 2109 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective October 1, 1987 (D.C. Law 7-27; D.C. Official Code § 1-621.09), is amended as follows:

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

(1) Strike the phrase “an amount equal to 72%” and insert the phrase “an amount equal to 75%” in its place.

(2) Strike the phrase “exceed 72%” and insert the phrase “exceed 75%” in its place.

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

(1) Paragraph (1) is amended by striking the phrase “exceed 72%” and inserting the phrase “exceed 75%” in its place.

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

(A) Strike the phrase “an amount equal to 72%” and insert the phrase “an amount equal to 75%” in its place.

(B) Strike the phrase “contribute 28%” and insert the phrase “contribute 25%” in its place.

(3) Paragraph (3) is amended as follows:

(A) Strike the phrase “an amount equal to 72%” and insert the phrase “an amount equal to 75%” in its place.

(B) Strike the phrase “contribute 28%” and insert the phrase “contribute 25%” in its place.

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

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

(A) Strike the phrase “an amount equal to 72%” and insert the phrase “an amount equal to 75%” in its place.

(B) Strike the phrase “contribute 28%” and insert the phrase “contribute 25%” in its place.

(2) Paragraph (2) is amended by striking the phrase “shall not exceed 72%” and inserting the phrase “shall not exceed 75%” in its place.

(d) Subsection (l) is amended as follows:

(1) Strike the phrase “an amount equal to 72%” and insert the phrase “an amount equal to 75%” in its place.

(2) Strike the phrase “contribute 28%” and insert the phrase “contribute 25%” in its place.

**SUBTITLE C. DEPARTMENT OF GENERAL SERVICES FACILITIES SERVICES REQUEST FUND ESTABLISHMENT**

Sec. 1021. Short title.

This subtitle may be cited as the “Facilities Service Request Fund Establishment Emergency Amendment Act of 2012”.

Sec. 1022. The Department of General Services Establishment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 10-551.01 *et seq.*), is amended by adding a new section 1028a to read as follows:

“Sec.1028a. Establishment of the Facilities Service Request Fund.

“(a) There is established within the General Fund of the District of Columbia a lapsing account to be known as the Facilities Service Request Fund (“Fund”). All funds received by the Department from non-District government tenants in District government facilities for facility-related services, including maintenance, janitorial, security, construction, or other services, provided by the Department in accordance with this subtitle shall be deposited into the Fund.

“(b) All funds deposited into the Fund, and any interest earned on those funds, shall revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of each fiscal year.

“(c) The Fund shall be administered by the Department, and shall be used for facility-related services at real property owned or leased by the District of Columbia and under the control of the Department.”.

**SUBTITLE D. PUBLIC SECTOR WORKERS’ COMPENSATION RETURN TO WORK CLARIFICATION**

Sec. 1031. Short title.

This subtitle may be cited as the “Public Sector Workers’ Compensation Return to Work Clarifying Emergency Amendment Act of 2012”.

Sec. 1032. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) Section 2306(b) (D.C. Official Code § 1-623.06(b)) is amended to read as follows:

“(b)(1) The Mayor shall require each employee receiving benefits under this title to report his or her earnings from employment or self-employment by affidavit, including by providing copies of tax documents and authorizing the Mayor to obtain copies of tax documents, within 30 days of a written request for a report of earnings.

“(2) An employee shall forfeit his or her right to workers’ compensation with respect to any period for which the report of earnings was required if the employee:

“(A) Fails to file a complete report of earnings within 30 days of a written request for a report of earnings; or

“(B) Knowingly omits or understates any part of his or her earnings.

“(3) Workers’ compensation forfeited under this section, if already paid, may be recovered by a deduction from future workers’ compensation payments owed to the employee or otherwise recovered under section 2329.

“(4) The Mayor shall notify any employee receiving workers’ compensation benefits, on forms prescribed by the Mayor, of that employee’s affirmative duty to report earnings and shall specifically notify the employee that a failure to report earnings may subject him or her to termination from the program and civil or criminal liability. The notice by the Mayor may be satisfied by printing the notice on the employee payee statement portion of indemnity check sent to the employee.

“(5) For the purposes of this subsection, the term “earnings” includes any cash, wages, or salary received from self-employment or from any other employment aside from the employment in which the worker was injured. The term “earnings” also includes commissions, bonuses, and the cash value of all payments and benefits received in any form other than cash. Commissions and bonuses earned before disability but received during the time the employee is receiving workers’ compensation benefits do not constitute earnings that must be reported.”.

(b) Section 2313(b) (D.C. Official Code § 1-623.13(b)) is amended by striking the phrase “If an employee, whose date of hire was before January 1, 1980,” and inserting the phrase “If an individual,” in its place.

#### **SUBTITLE E. DELINQUENT DEBT RECOVERY**

Sec. 1041. Short title.

This subtitle may be cited as the “Delinquent Debt Recovery Emergency Act of 2012”.

#### **Part. A.**

Sec. 1042. Definitions.

For the purposes of this subtitle, the term:

(1) “Central Collection Unit” means the Central Collection Unit established within the Office of Finance and Treasury of the Office of the Chief Financial Officer to implement this act.

(2) “Delinquent debt” means any financial obligation owed by a person to a District agency that remains unpaid more than 90 days after it was due; provided, that the term shall not include tax debts or child-support debts.

(3) “Delinquent Debt Fund” or “Fund” means the Delinquent Debt Fund established by section 1045.

(4) “District agency” means any District office, department, or agency, including independent agencies, but not including the District of Columbia Water and Sewer Authority.

(5) “Person” means any natural person, trust, corporation, limited liability corporation, partnership, limited liability partnership, or any other business organization.

Sec. 1043. Responsibility of District agencies to transfer and refer delinquent debt to the Central Collection Unit for collection.

(a) Notwithstanding any other provision of law, regulation, or Mayor’s order, each District agency shall transfer and refer delinquent debts to the Central Collection Unit within 60 days after a financial obligation owed by a person to the District becomes a delinquent debt.

(b) A transfer and referral of a delinquent debt to the Central Collection Unit shall include all documentation and information relating to the delinquent debt, including:

- (1) Documents that verify the existence and amount of the delinquent debt;
- (2) The name and last known address of the delinquent debtor; and
- (3) Any notices issued to the delinquent debtor demanding payment.

(c) The procedure for transfer and referral of delinquent debt by each District agency to the Central Collection Unit, including the format and means of delivery of the information, shall be established by the Central Collection Unit within 120 days of the effective date of the Fiscal Year 2013 Budget Support Act of 2012, passed on 2<sup>nd</sup> reading on June 5, 2012 (Enrolled version of Bill 19-743).

Sec. 1044. Imposition of costs and fees.

(a) The Central Collection Unit may prescribe, impose, and collect fees from debtors to cover actual costs or expenses associated with the collection of delinquent debt.

(b) In addition to the authority to impose and collect fees to cover actual costs or expenses associated with the collection of delinquent debt, the Central Collection Unit may prescribe and impose a fee to be paid by each person who tenders in payment of a financial obligation owed to the District, including a tax, assessment, fee, citation, or charge, a check that is subsequently dishonored or not duly paid, or whose delinquent debt is transferred and referred to the Central Collection Unit for action. The amount of the fee shall be set by regulations established by the Central Collection Unit.

Sec. 1045. Delinquent Debt Fund.

There is established within the General Fund of the District of Columbia a special nonlapsing fund known as the Delinquent Debt Fund (“Fund”). Funds allocated to the Central Collection Unit through the District’s annual Budget and Financial Plan, all delinquent debts collected by the Central Collection Unit, and all fees authorized by section 1044 shall be

deposited into the Fund; provided, that any funds deposited in the Fund before the then-current fiscal year, including any interest earned on such funds before the then-current fiscal year, the money remaining in the Fund after the payment of all costs and expenses accrued before the then-current fiscal year, less 10% of such remainder, which shall be retained as a reserve operating balance, shall be transferred or revert to the General Fund of the District of Columbia. All funds deposited in the Fund shall be administered and used by the Central Collection Unit, subject to appropriation by Congress, to conduct the authorized activities of the Central Collections Unit.

Sec. 1046. Lien for delinquent debt.

(a) If a person liable to pay a delinquent debt neglects or refuses to pay the delinquent debt after demand by the Central Collection Unit, the amount, including any interest and any fees imposed for collection of the delinquent debt that may accrue, shall be a lien in favor of the District of Columbia upon all property (including rights to property), whether real or personal, belonging to the person, and shall have the same effect as a lien created by judgment. The lien shall attach to all real or personal property (including rights to property) belonging to, or acquired by, the person at any time during the period of the lien.

(b) The lien imposed by subsection (a) of this section shall be deemed to have arisen on the 91<sup>st</sup> day after the debt became due and owing to the District and shall continue until the delinquent debt is satisfied or becomes unenforceable.

(c) The lien imposed by subsection (a) of this section shall not be valid against a bona fide purchaser for value, holder of a security interest, mechanic's lien, or judgment lien creditor until the lien has been filed with the Recorder of Deeds by the Central Collection Unit.

(d) Upon transferring a delinquent debt to the Central Collection Unit, a transferring agency's authority to file a lien for that debt shall terminate.

Sec. 1047. Payment plans; discharge of delinquent debt; sale of delinquent debt; report to credit agencies.

(a) Subject to subsection (b) of this section, the Central Collection Unit, in its discretion, may:

(1) Enter into payment plan agreements with persons for payment of delinquent debt; provided, that no payment plan shall exceed a term of 5 years;

(2) Discharge as uncollectible a delinquent debt that is older than 10 years;

(3) Settle a delinquent debt for less than the full amount owed;

(4) Report delinquent debts to credit agencies;

(5) Sell delinquent debt; and

(6) Refer a delinquent debt to the Office of the Attorney General for the District of Columbia for civil or administrative collection or enforcement actions.

(b) The authority described in subsection (a) of this section shall become effective upon the issuance of an order by the Mayor delegating the Mayor's authority, pursuant to An Act Authorizing the Commissioners of the District of Columbia to settle claims and disputes against

the District of Columbia, approved February 11, 1929 (45 Stat. 1160; D.C. Official § 2-402 *et seq.*), as is necessary to carry out the purposes of this act.

**Sec. 1048. Suspension of licenses and permits.**

(a) Each District agency that transfers and refers a delinquent debt of more than \$100 to the Central Collection Unit for collection shall, within 5 days of the transfer and referral, suspend the granting or issuance of any District license or permit to the delinquent debtor. The suspension shall remain in effect until the Central Collection Unit notifies the appropriate District agency that the delinquent debt has been satisfied.

(b) Each District agency that suspends the granting or issuance of a District license or permit pursuant to this section shall provide written or electronic notice of the suspension to the Central Collection Unit within 5 days of the suspension.

(c) The Central Collection Unit shall provide to all District agencies, within 10 days of the end of the preceding month, a list of the names of all persons currently subject to suspension of the granting or issuing of a District license or permit due to delinquent debt of more than \$100.

**Sec. 1049. Reciprocal agreements.**

The Central Collection Unit may enter into reciprocal agreements for the collection of delinquent debts with any state, local, or municipal government.

**Sec. 1050. Offset of delinquent debt against District employee pay and against contractual obligations to District contractors.**

(a)(1) The Central Collection Unit may collect delinquent debt from District employees by deducting delinquent debt from the biweekly pay of District employees, in an amount not to exceed 10% of an employee's gross biweekly pay, until the delinquent debt is fully satisfied.

(2) If a District employee's wages are subject to a preexisting attachment or attachments, the Central Collection Unit shall not exercise its authority under paragraph (1) of this subsection until the preexisting attachments have been satisfied, in order of priority.

(b)(1) The Central Collection Unit may collect delinquent debt from District contractors by deducting the delinquent debt from any amounts owed to a District contractor pursuant to a contractual obligation between the District and the contractor.

(2) For the purposes of this section, the term:

(A) "District contractor" includes any person who receives payments from the District pursuant to a contract or a grant agreement that requires the grantee to perform services in consideration for the payment of the grant amount.

(B) "Contractual obligation" includes an obligation arising from a contract or a grant agreement described in subparagraph (A) of this paragraph that is entered into after the effective date of the Fiscal Year 2013 Budget Support Act of 2012, passed on 2<sup>nd</sup> reading on June 5, 2012 (Enrolled version of Bill 19-743).

(c) The Central Collection Unit may collect delinquent debts by offsetting District tax refunds and District lottery winnings against delinquent debts owed to the District.

Sec. 1051. Consumer protection.

The Central Collection Unit and any outside parties it engages to collect delinquent debt shall fully comply with the Fair Debt Collection Practices Act, approved September 20, 1977 (91 Stat 874; 15 U.S.C. § 1692 *et seq.*), the District of Columbia Consumer Protection Procedures Act, effective July 22, 1976 (D.C. Law 1-76; D.C. Official Code § 28-3901 *et seq.*), and all other federal and District laws and rules that govern collection of delinquent debt.

Sec. 1052. Report to the Council.

On or before March 1 of each year, the Central Collection Unit shall issue a report to the Mayor and the Council that includes:

- (1) The amount of delinquent debt collected in the preceding fiscal year;
- (2) The amount of uncollected delinquent debt owed to the District; and
- (3) A summary of the efforts made to collect delinquent debt owed to the District and the challenges that remain for collecting it.

Sec. 1053. Rules.

Within 120 days of the effective date of the Fiscal Year 2013 Budget Support Act of 2012, passed on 2<sup>nd</sup> reading on June 5, 2012 (Enrolled version of Bill 19-743), the Chief Financial Officer shall issue rules to implement the provisions of this subtitle.

Part. B.

Sec. 1054. Conforming amendments.

(a) Section 1 of An Act To authorize the Commissioners of the District of Columbia to prescribe penalties for the handling and collection of dishonored checks, approved September 28, 1965 (79 Stat. 844; D.C. Official Code § 1-333.11), is repealed.

(b) Chapter 28 of title 47 of the District of Columbia Official Code is amended as follows:

- (1) Section 47-2862(a) is amended as follows:
  - (A) Paragraph (5) is amended by striking the word “or”.
  - (B) Paragraph (6) is amended by striking the period and inserting the phrase “; or” in its place.
  - (C) A new paragraph (7) is added to read as follows:

“(7) Owes the District more than \$100 in outstanding fines, penalties, or interest.”

- (2) Section 47-2866(a) is amended as follows:
  - (A) Paragraph (1) is amended by striking the phrase “On or before June 1, 2007, the Mayor shall implement” and inserting the phrase “Consistent with the Delinquent Debt Recovery Emergency Act of 2012, passed on emergency basis on June 5, 2012 (Enrolled version of Bill 19-796), and the Delinquent Debt Recovery Act of 2012, passed on 2<sup>nd</sup> reading on June 5, 2012 (Enrolled version of Bill 19-743), the Chief Financial Officer shall implement” in its place.

- (B) Paragraph (2) is amended by striking the phrase “the Mayor” and inserting the phrase “the Chief Financial Officer” in its place.

(b) Section 105(b) of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.05(b)), is amended by striking the last sentence.

Part. C.

Sec. 1055. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended by adding a new section 2905 to read as follows:

“Sec. 2905. Authority to collect infraction fines from responsible District employees.

“(a) If a notice of infraction is issued pursuant to section 303 of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2303.03) (“Traffic Act”), or section 902 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.02), for an infraction committed by a vehicle owned or leased by the District of Columbia government, the responsible individual shall be required to pay any fine or fee imposed as a result of that notice of infraction.

“(b) The responsible individual may challenge any notice of infraction issued for a moving violation as provided in Title II of the Traffic Act (D.C. Official Code § 50-2302.01 *et seq.*), or any notice of infraction issued for a parking, standing, or stopping infraction as provided in Title III of the Traffic Act (D.C. Official Code § 50-2303.01 *et seq.*).

“(c) If a responsible individual fails to pay a fine or fee imposed, the period for challenging the issuance of the notice of infraction has expired, and there is no final order dismissing the charges that led to the issuance of the notice of infraction, the Mayor may collect the amount owed, as provided for in section 2904, or by any other means authorized by law.”

“(d) For the purposes of this section, the term “responsible individual” means the District government employee, contractor, or volunteer who had registered, or signed, to use the vehicle that was the subject of the notice of infraction, or who had been assigned to drive the vehicle that was the subject of the notice of infraction, at the time when the notice of infraction was issued.”

**SUBTITLE F. DISTRICT OF COLUMBIA RETIREMENT BOARD ACTUARIAL METHOD**

Sec. 1061. Short title.

This subtitle may be cited as the “District of Columbia Retirement Board Actuarial Method Emergency Amendment Act of 2012”.

Sec. 1062. Section 133 of the Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Plan Act of 1998, effective September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-907.03), is amended to read as follows:

“Sec. 133. Calculation of District of Columbia payment to the Funds.

“(a)(1) When specified in paragraph (2) of this subsection, the Retirement Board shall engage an enrolled actuary, who may be the enrolled actuary engaged pursuant to section 162(a)(4)(A) of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 885; D.C. Official Code § 1-732(a)(4)(A)), to make the following determinations as of a

specified date on the basis of the entry age normal funding method and in accordance with generally accepted actuarial principles and practices with respect to each separate fund comprising the Funds:

“(A) The normal cost, determined as a level percentage of covered annual payroll;

“(B) The unfunded accrued liability payment; which, for the purposes of this section, means the level amount or the level percentage of covered annual payroll that, when contributed annually to the Fund for a period of not greater than 30 years, would be sufficient to fund the liability for benefits accrued by participants as of the valuation date (“accrued liability”) in excess of the current value of assets of the Funds (“unfunded accrued liability”);

“(C) The current value of the assets in the Funds;

“(D) The estimated covered annual payroll; and

“(E) Such additional information as the Retirement Board may need to make the determinations specified in paragraph (4) of this subsection and in subsection (b) of this section.

“(2) Unless the actuary engaged by the Retirement Board pursuant to paragraph (1) of this subsection determines that a more frequent valuation is necessary to support the actuary’s opinion, the actuary shall make the determinations described in paragraph (1) of this subsection upon the request of the Retirement Board and at least once every 2 years.

“(3) On the basis of the most recent determinations made under paragraph (1) of this subsection, the enrolled actuary shall certify to the Retirement Board each year, at a time specified by the Retirement Board, the following information for the next fiscal year with respect to each separate fund comprising the Funds:

“(A) The normal cost;

“(B) The present value of future benefits payable from the Funds for covered employees as of the valuation date;

“(C) The unfunded accrued liability payment;

“(D) The current value of assets as of the valuation date; and

“(E) The value of assets used in developing the amortization of unfunded accrued liability payment.

“(4) On the basis of the most recent certification submitted by the enrolled actuary under paragraph (3) of this subsection, the Retirement Board shall certify the sum of the normal cost and the unfunded accrued liability payment (“amount of the District payment”) for the next fiscal year for each separate fund comprising the Funds.

“(b)(1) On the basis of the most recent determinations made under subsection (a)(4) of this section, the Retirement Board shall, no fewer than 30 days before the date on which the Mayor is required to submit the annual budget for the District of Columbia government to the Council, pursuant to section 442 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.42), certify to the Mayor and the Council the amount of the District payment for each separate fund comprising the Funds.

“(2) The Mayor, in preparing each annual budget for the District of Columbia pursuant to section 442 of the District of Columbia Home Rule Act, approved December 24,

1973 (87 Stat. 798; D.C. Official Code § 1-204.42), and the Council, in adopting each annual budget in accordance with section 446 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 801; D.C. Official Code § 1-204.46) shall, for each separate fund comprising the Funds, include in the budget no less than the amount of the District payment for each separate fund comprising the Funds certified by the Retirement Board under paragraph (1) of this subsection. The Mayor and the Council may comment and make recommendations concerning any such amount certified by the Retirement Board.

“(c)(1) Before the enactment of any law, resolution, regulation, rule, or agreement producing any change in benefits under a retirement program, the Mayor shall engage and pay for an enrolled actuary, who may be the enrolled actuary engaged pursuant to section 162(a)(4)(A) of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 885; D.C. Official Code § 1-732(a)(4)(A)), to estimate the effect of that change in benefits over the next 5 fiscal years on the:

“(A) Accrued liability of the retirement program;

“(B) Unfunded accrued liability of the retirement program;

“(C) Unfunded accrued liability payment with respect to the retirement program; and

“(D) Normal cost with respect to the retirement program.

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

“(d) The Mayor shall transmit the estimates of the actuary to the Retirement Board, the Secretary of the Treasury, and the Council, and the change in benefits shall not become effective until the end of a 30-day period of review, which shall begin on the date that the 3 required transmittals have been effected.”.

Sec. 1063. Applicability.

This subtitle shall apply as of October 1, 2012.

## **SUBTITLE G. FINANCIAL DISCLOSURE AND ETHICS REFORM CLARIFICATION**

Sec. 1071. Short title.

This subtitle may be cited as the “Financial Disclosure and Ethics Reform Clarification Emergency Amendment Act of 2012”.

Sec. 1072. The Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01 *et seq.*), is amended as follows:

(a) Section 224(c) (D.C. Official Code § 1-1162.24(c)) is amended as follows:

(1) Strike the phrase “October 2<sup>nd</sup>” and insert the phrase “May 15<sup>th</sup>” in its place.

(2) Strike the phrase “October 1<sup>st</sup>” and insert the phrase “May 15<sup>th</sup>” in its place.

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- (3) Strike the phrase “November 2<sup>nd</sup>” and insert the phrase “June 15<sup>th</sup>” in its place.
- (b) Section 225 (D.C. Official Code § 1-1162.25) is amended as follows:
- (1) Subsection (a) is amended by striking the phrase “October 2<sup>nd</sup>” and inserting the phrase “May 15<sup>th</sup>” in its place.
- (2) Subsection (c) is amended as follows:
- (A) Strike the phrase “September 1<sup>st</sup>” and insert the phrase “April 15<sup>th</sup>” in its place.
- (B) Strike the phrase “September 15<sup>th</sup>” and insert the phrase “May 1<sup>st</sup>” in its place.
- (c) A new section 310a is added to read as follows:
- “Sec. 310a. Fund balance requirements of principal campaign committees.
- “Within the limitations specified in this act, any surplus, residual, or unexpended campaign funds received by or on behalf of an individual who seeks nomination for election, or election to office, shall be:
- “(1) Contributed to a political party for political purposes;
- “(2) Used to retire the proper debts of his or her political committee that received the funds;
- “(3) Transferred to a political committee, a charitable organization in accordance with D.C. Official Code § 47-1803.03(a)(8), or, in the case of an elected official, an established constituent services fund; or
- “(4) Returned to the donors as follows:
- “(A) In the case of an individual defeated in an election, within 6 months following the election;
- “(B) In the case of an individual elected to office, within 6 months following the election; and
- “(C) In the case of an individual ceasing to be a candidate, within 6 months thereafter.”
- (d) Section 601 (D.C. Official Code § 1-1164.01) is amended as follows:
- (1) Subsection (b) is amended by adding a sentence at the end to read as follows:
- “The Elections Board shall enforce Title II, Subtitle C, until October 1, 2012, after which pending matters shall be transferred to the Ethics Board for enforcement.”
- (2) Subsection (c) is amended by striking the phrase “October 1, 2012,” and inserting the phrase “October 1, 2012, except that the Office of Campaign Finance shall administer and enforce the subtitle, including receiving and reviewing the necessary disclosures, until January 1, 2013.” in its place.

Sec. 1073. Any matter arising after January 29, 2012, from a violation of Title I, Subtitle C of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Emergency Amendment Act of 2012, effective January 29, 2012 (D.C. Act 19-298; 59 DCR 683), or Title II, Subtitle C of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2012, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01 *et seq.*), may be enforced by the

Elections Board until October 1, 2012, after which pending matters shall be transferred to the Ethics Board for enforcement.

Sec. 1074. Applicability.

Section 1072(a) and (b) shall apply as of January 1, 2013.

**SUBTITLE H. HOME RULE ACT 40<sup>TH</sup> ANNIVERSARY**

Sec. 1081. Short title.

This subtitle may be cited as the “Home Rule Act 40<sup>th</sup> Anniversary Celebration and Commemoration Emergency Act of 2012”.

Sec. 1082. Definitions.

For the purposes of this subtitle, the term:

(1) “Commission” means the Home Rule Act 40<sup>th</sup> Anniversary Celebration and Commemoration Commission established in section 1083.

(2) “Fund” means the Home Rule 40<sup>th</sup> Anniversary Celebration and Commemoration Fund established in section 1085.

(3) “Home Rule Act” means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

Sec. 1083. Home Rule Act 40th Anniversary Celebration and Commemoration Commission.

(a) There is established a Home Rule 40<sup>th</sup> Anniversary Celebration and Commemoration Commission. The purpose of the Commission shall be to coordinate, plan, and promote events related to the 40<sup>th</sup> anniversary of the adoption of the Home Rule Act, and to administer the Fund.

(b) The Commission shall be composed of 5 members, as follows:

(1) One Chairperson, appointed by the Mayor;

(2) Two members appointed by the Mayor; and

(3) Two members appointed by the Chairman of the Council.

(c) The members of the Commission shall serve until the sunset of this subtitle.

(d) A vacancy in the Commission resulting from the death or resignation of a member shall not affect its powers and shall be filled in the same manner in which the original appointment was made.

(e) Each member of the Commission shall serve without compensation; provided, that each member may be reimbursed for actual expenses pursuant to section 1108 of the District of Columbia Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.08).

(f) A majority of the members of the Commission shall constitute a quorum to conduct business.

Sec. 1084. Staffing.

(a) The Commission shall appoint staff as needed who shall be paid from the Fund.

(b) Upon request of the Commission, the Mayor may detail staff, at no cost to the Commission, at any time to assist the Commission in carrying out its duties.

Sec. 1085. Home Rule 40<sup>th</sup> Anniversary Celebration and Commemoration Fund.

(a) There is established as a nonlapsing fund the Home Rule Act 40<sup>th</sup> Anniversary Celebration and Commemoration Fund, which shall be administered by the Commission, to be used for the purposes set forth in subsection (c) of this section.

(b)(1) Deposits into the Fund shall include:

(A) Federal funds, if any;

(B) Gifts, grants, and donations; and

(C) Proceeds from the sale of memorabilia and information related to the 40<sup>th</sup> anniversary of the adoption of the Home Rule Act.

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

(c) The Commission may expend monies in the Fund to celebrate and commemorate the 40<sup>th</sup> anniversary of the adoption of the Home Rule Act, including:

(1) Planning, developing, and executing appropriate programs and activities;

(2) Purchasing and selling merchandise related to the Home Rule Act, such as:

(A) Books;

(B) Pamphlets;

(C) Memorabilia; or

(D) Other material;

(3) Identifying appropriate displays and activities to showcase the history of home rule and the quest by residents and officials instrumental in the passage of the Home Rule Act to gain self-determination for the District of Columbia;

(4) Identifying possible amendments to the Home Rule Act;

(5) Outlining programs to involve the public in learning more about the Home Rule Act and self-determination in the District;

(6) Making grants available, subject to the availability of funds in the Fund, through a competitive process, for educational programs to public schools, public charter schools, and other organizations;

(7) Encouraging educational, historical, civic, and other organizations to participate in the anniversary activities to expand the understanding of the Home Rule Act and self-determination in the District;

(8) Assuring that the observances appropriately recognize former mayors and members of the Council, and other people, who have contributed to the growth and development of elected government in the District;

(9) Facilitating other activities, such as receptions, parades, or festivals, and the provision of food, snacks, entertainment, and non-alcoholic beverages to the general public participating in the activities; and

(10) Examining the Home Rule Act to determine the authority that shall be used to advance democracy for the District.

**Sec. 1086. Reporting requirement.**

(a) Beginning on September 30, 2012, the Commission shall submit quarterly reports to the Mayor and the Council, to include:

(1) An accounting of the revenue and expenditures of the Commission, including a list of each:

(A) Gift, grant, or donation with a value of \$100 or greater, and the name, address, and occupation of each donor; and

(B) Expenditure of \$100 or greater, including the name and address of the recipient;

(2) A summary of the proposed activities programs; and

(3) Any recommendations for legislative or executive action.

(b) Not later than September 30, 2014, the Commission shall submit a final report to the Mayor and the Council that includes:

(1) A final accounting of the revenue and expenditures of the Commission, including a list of each gift, grant, or donation with a value of \$100 or greater, and the name, address, and occupation of each donor;

(2) A summary of the Commission's activities; and

(3) Any recommendations for amendments to the Home Rule Act.

**Sec. 1087. Implementation.**

The Secretary of the District of Columbia shall be the implementing agency of the provisions of this subtitle.

**Sec. 1088. Use of District funds.**

Except as provided in section 1083(e), no local funds shall be used to carry out this subtitle.

**Sec. 1089. Sunset.**

This subtitle shall expire on October 1, 2014.

**SUBTITLE I. COMPREHENSIVE MERIT PERSONNEL AMENDMENTS**

**Sec. 1091. Short title.**

This subtitle may be cited as the "Merit Personnel Clarification and Leave Restoration Emergency Amendment Act of 2012".

Sec. 1092. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) Section 902 (D.C. Official Code § 1-609.02) is amended by adding a new subsection (d) to read as follows:

“(d) The provisions of this section shall not apply to employees of the Council of the District of Columbia.”

(b) Section 1203(h) (D.C. Official Code § 1-612.03(h)) is amended by striking the phrase “20 days” wherever it appears and inserting the phrase “30 days” in its place

**SUBTITLE J. ANTI-DEFICIENCY ACT AMENDMENTS.**

Sec. 1101. Short title.

This subtitle may be cited as the “Anti-Deficiency Emergencies and Capital Projects Emergency Act of 2012”.

Sec. 1102. Chapter 3 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-355.01 is amended by adding a new paragraph (2A) to read as follows:

“(2A) “Emergencies involving the safety of human life or the protection of property” does not include ongoing, regular functions of government, the suspension of which would not imminently threaten the safety of human life or the protection of property.”

(b) Section 47-355.02 is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “agency or fund” and inserting the phrase “agency, fund, or capital project” in its place.

(2) Paragraph (2) is amended by striking the phrase “unless authorized by law” and inserting the phrase “unless authorized by law; provided, that this paragraph shall not prohibit the acceptance of voluntary services or employment of personal services exceeding that authorized by law during emergencies involving the safety of human life or the protection of property” in its place.

(3) Paragraph (7) is amended by striking the word “or” at the end.

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

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

“(9) Make or authorize an expenditure or obligation for one capital project from another capital project.”

**SUBTITLE K. [Reserved]**

**SUBTITLE L. [Reserved]**

**TITLE II. ECONOMIC DEVELOPMENT AND REGULATION**

**SUBTITLE A. UNEMPLOYMENT COMPENSATION ADDITIONAL BENEFITS TRUST FUND STABILIZATION**

Sec. 2001. Short title.

This subtitle may be cited as the “Unemployment Compensation Additional Benefits Trust Fund Stabilization Emergency Amendment Act of 2012”.

Sec. 2002. An Act To provide for unemployment compensation in the District of Columbia, authorize appropriations, and for other purposes, approved August 28, 1935 (49 Stat. 946; D.C. Official Code § 51-101 *et seq.*), is amended as follows:

(a) Section 3(c)(8)(C) (D.C. Official Code § 51-103(c)(8)(C)) is repealed.

(b) Section 7(i) (D.C. Official Code § 51-107(i)) is repealed.

**SUBTITLE B. [Reserved]**

**SUBTITLE C. ECONOMIC DEVELOPMENT SPECIAL ACCOUNT REVIVAL AMENDMENT ACT**

Sec. 2021. Short title.

This subtitle may be cited as the “Economic Development Special Account Revival Emergency Amendment Act of 2012”.

Sec. 2022. The National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Act of 2008, effective March 26, 2008 (D.C. Law 17-138; D.C. Official Code § 2-1225.01 *et seq.*), is amended as follows:

(a) Section 102(g)(3) (D.C. Official Code § 2-1225.02(g)(3)) is amended to read as follows:

“(3) Operating funds transferred pursuant to this subsection shall be deposited into the Economic Development Special Account established by section 301.”.

(b) Section 301 (D.C. Official Code § 2-1225.21) is revived as of September 14, 2011, and amended to read as follows:

“Sec. 301. Economic Development Special Account.

“(a) There is established as a nonlapsing fund the Economic Development Special Account (“Account”), which shall be used solely for the purposes set forth in this section.

“(b)(1) Deposits into the Account shall include:

“(A) All operating funds transferred from the Anacostia Waterfront Corporation Enterprise Fund, established by section 114 of the Anacostia Waterfront Corporation Act of 2004, effective December 7, 2004 (D.C. Law 15-219; D.C. Official Code §2-1223.14);

“(B) All operating funds transferred from the National Capital Revitalization Corporation Enterprise Fund, established by section 9 of the National Capital Revitalization Corporation Act of 1998, effective September 11, 1998 (D.C. Law 12-144; D.C. Official Code § 2-1219.08);

“(C) All fees, revenues, and other income from real property or other assets formerly under the authority of the National Capital Revitalization Corporation (“NCRC”) or the Anacostia Waterfront Corporation (“AWC”), or any of their subsidiaries, which include the RLA Revitalization Corporation, Southwest Waterfront Development Corporation, Southwest Waterfront Holdings Corporation, and Economic Development Finance Corporation;

“(D) Funds authorized by an act of Congress, reprogramming, or intra-District transfer to be deposited into the Account;

“(E) Any other monies designated by law to be deposited into the Account; and

“(F) Interest on money deposited in the Account.

“(2) Funds deposited into the Account pursuant to this subsection shall be maintained in segregated sub-accounts associated with each revenue source as the Chief Financial Officer determines necessary.

“(3) The funds deposited into the Account, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsections (c) and (d) of this section without regard to fiscal year limitation, subject to authorization by Congress.

“(c) Monies credited to the Account shall be allocated annually to the Office of the Deputy Mayor for Planning and Economic Development in an aggregate amount that is equal to the total deposits and earnings that are estimated to remain unspent in the Account at the end of the preceding fiscal year plus all deposits and earnings that are estimated to be received during the fiscal year for which the allocation is made.

“(d) Monies may be used to pay the costs of operating and administering properties and programs under the authority of the Deputy Mayor for Planning and Economic Development, including properties and programs formerly operated and administered by the NCRC and the AWC, to provide economic development assistance, including the provision of grants, loans, and credit support or enhancement, and to implement other programs, projects, and initiatives that:

“(1) Are consistent with and in furtherance of the economic development goals or activities of the District;

“(2) Further meeting the requirements of providing jobs for District residents, creating affordable housing, and restoring the District’s waterways pursuant to Title IV;

“(3) Support the development of a workforce intermediary pursuant to section 403; or

“(4) Facilitate the implementation of the environmental standards pursuant to subtitle B of Title IV.

“(e)(1) Fees, revenue, and other income that otherwise would be deposited into the Account under this section but that are subject to Community Development Block Grant

regulations shall be deposited into a segregated sub-account designated for Community Development Block Grant funds and shall be subject to applicable reporting to the United States Department of Housing and Urban Development.

“(2) The funds in the segregated sub-account shall be included as a segregated line item in the budget of the Department of Housing and Community Development that the Mayor is required to submit to the Council pursuant to section 442 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 798; D.C. Official Code § 1-204.42), and shall be designated for use by the Deputy Mayor for Planning and Economic Development, consistent with the requirements of the Community Development Block Grant Program.”.

Sec. 2023. Section 9027(b) of the Fiscal Year 2012 Budget Support Act of 2011, effective September 14, 2011 (D.C. Law 19-21; 58 DCR 6225), is repealed as of September 14, 2011.

**SUBTITLE D. DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT LIMITED GRANT-MAKING AUTHORITY**

Sec. 2031. Short title.

This subtitle may be cited as the “Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Emergency Act of 2012”.

Sec. 2032. The Deputy Mayor for Planning and Economic Development shall have grant-making authority for the purpose of providing:

- (1) Funds in support of the Skyland project; and
- (2) Commercial revitalization services for properties adjacent to the Skyland project.

Sec. 2033. The Deputy Mayor for Planning and Economic Development may make grants for fiscal year 2013 as follows:

- (1) An amount of \$100,000 for sector consultants;
- (2) An amount of \$350,000 for local business promotion;
- (3) An amount of \$75,000 for regional economic development;
- (4) An amount of \$50,000 for the Bank on DC program;
- (5) An amount of up to \$700,000 for the purpose of providing interior tenant improvement assistance to an entity that agrees to operate a table service restaurant at 3220 Pennsylvania Avenue, S.E., also commonly known as the Penn Branch Shopping Center; and
- (6) An amount of \$800,000 for the purpose of providing assistance to a mixed-use development located in Ward 7, including 100% affordable housing units supporting former Lincoln Heights residents.

Sec. 2034. The Deputy Mayor for Planning and Economic Development shall have grant-making authority for the purposes set forth in section 2037(c).

Sec. 2035. (a) There is established as a nonlapsing fund the Neighborhood Parade and Festival Fund (“Fund”), which shall be administered by the Deputy Mayor for Planning and Economic Development, to be used for the purposes set forth in subsection (c) of this section.

(b)(1) Deposits into the Fund shall include:

(A) Federal funds, if any; and

(B) Gifts, grants, and donations.

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

(c) The Fund shall be used for parades, festivals, and any other celebrations sponsored by a neighborhood or civic association.

Sec. 2036. The Deputy Mayor for Planning and Economic Development shall have the authority to make grants and issue loans for the creation of affordable housing for District residents.

**SUBTITLE E. [Reserved]**

**SUBTITLE F. [Reserved]**

**SUBTITLE G. [Reserved]**

**SUBTITLE H. [Reserved]**

**SUBTITLE I. [Reserved]**

**SUBTITLE J. [Reserved]**

**SUBTITLE K. [Reserved]**

**SUBTITLE L. [Reserved]**

**SUBTITLE M. [Reserved]**

**SUBTITLE N. HOUSING PRODUCTION AND JOB TRAINING FUNDING.**

Sec. 2131. Short title.

This subtitle may be cited as the “Housing Production and Job Training Funding Emergency Act of 2012”.

Sec. 2132. Section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801), is amended by adding a new subsection (d-4) to read as follows:

“(d-4)(1) Notwithstanding subsections (a) through (d) and subsection (e) of this section, the Mayor shall dispose of the property located at 35-41 K Street, N.E., designated for tax and assessment purposes as Lot 0838 in Square 0675 (“K Street property”), through a solicitation to be issued no later than October 1, 2013; provided, that if the contingency set forth in paragraph (2)(B) of this subsection is met, the Mayor may dispose of the K Street property through a solicitation to be issued no later than October 1, 2013.

“(2)(A) Except as provided in paragraph (3) of this subsection, the net proceeds from the disposition by sale, as authorized by subsection (b)(8) of this section, of the K Street property shall be deposited into the Housing Production Trust Fund, established by section 3 of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2802) (“HPTF”), unless the HPTF has been fully funded pursuant to subparagraph (B) of this paragraph and paragraph (3) of this subsection.

“(B) If, before the K Street property disposition, the Chief Financial Officer certifies that there is revenue available to fund section 10002(a)(4) of the Revised Revenue Estimate Contingency Priority List Act of 2012, passed on May 8, 2012 (Enrolled version of Bill 19-743) (“priority number 4”), the certified available revenue shall be deposited into the HPTF.

“(3) If, after the K Street property disposition and the deposit of the net proceeds into the HPTF, the Chief Financial Officer certifies that there is revenue available to fund priority number 4, the certified available revenue, less any shortfall of the \$18 million provided for in priority number 4 that was not deposited into the HPTF, which shall be deposited into the HPTF, shall be available to fund NoMa in accordance with priority number 4.”.

Sec. 2133. The Chief Financial Officer shall recognize \$550,000 of the local funds revenue certified for fiscal year 2012 in the revised revenue estimate of the Chief Financial Officer dated February 29, 2012, as fiscal year 2013 revenue for adult job training under the Office of the State Superintendent of Education.

**SUBTITLE O. [Reserved]**

**SUBTITLE P. PENNSYLVANIA AVENUE, S.E., RETAIL PRIORITY AREA**

Sec. 2151. Short title.

This subtitle may be cited as the “Pennsylvania Avenue, S.E., Retail Priority Area Emergency Amendment Act of 2012”.

Sec. 2152. Section 4 of the Retail Incentive Act of 2004, effective September 8, 2004 (D.C. Law 15-185; D.C. Official Code § 2-1217.73), is amended as follows:

(a) Subsection (b)(2) is amended by striking the phrase “\$30 million” and inserting the phrase “\$25 million” in its place.

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

“(b-1) The maximum aggregate principal amount of bonds that may be issued with respect to the Pennsylvania Avenue, S.E., Retail Priority Area, approved by the Council in section 3(6) of the Great Streets Neighborhood Retail Priority Areas Approval Resolution of

2007, effective July 10, 2007 (Res. 17-257; 54 DCR 7194), is increased from \$10 million to \$15 million.”.

**SUBTITLE Q. H STREET NE RETAIL PRIORITY AREA AMENDMENTS**

Sec. 2161. Short Title.

This subtitle may be cited as the “H Street NE Retail Priority Area Incentive Emergency Amendment Act of 2012”.

Sec. 2162. The H Street NE Retail Priority Area Incentive Act of 2010, effective April 8, 2011 (D.C. Law 18-704; D.C. Official Code § 1-325.171 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 1-325.171) is amended as follows:

(1) Paragraph (6) is amended by adding the phrase “or services” after the phrase “personal property”.

(b) Section 4 (D.C. Official Code § 1-325.173) is amended as follows:

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

“(b) Eligible development projects shall include businesses engaged in the sale of home furnishings, apparel, books, art, groceries, and general merchandise to specialized customers or service-oriented businesses providing a direct service to specialized customers or artistic endeavors, such as art galleries, theaters, or performing arts centers. Special consideration shall be given to businesses that include entrepreneurial and innovative retail elements. Eligible retail development projects shall not include liquor stores, restaurants, nightclubs, phone stores, or businesses with 20 or more locations in the United States.”.

(2) Subsection (c)(3) is repealed.

**SUBTITLE R. [Reserved]**

**SUBTITLE S. [Reserved]**

**SUBTITLE T. [Reserved]**

**TITLE III. PUBLIC SAFETY AND JUSTICE**

**SUBTITLE A. [Reserved]**

**SUBTITLE B. [Reserved]**

**SUBTITLE C. [Reserved]**

**SUBTITLE D. [Reserved]**

**SUBTITLE E. OFFICE OF UNIFIED COMMUNICATIONS E-911 FUND  
CLARIFICATION**

Sec. 3041. Short title.

This subtitle may be cited as the “Office of Unified Communications E-911 Fund Clarification Emergency Amendment Act of 2012”.

Sec. 3042. The Emergency and Non-Emergency Number Telephone Calling Systems Fund Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 34-1801 *et seq.*), is amended as follows:

(a) Section 603(a) (D.C. Official Code § 34-1802(a)) is amended as follows:

(1) Strike the phrase “The Fund shall be funded by a tax imposed under sections 604 and 604b” and insert the phrase “The Fund shall be funded by a tax imposed under 604, 604a, and 604b” in its place.

(2) Strike the phrase “All monies deposited into the Fund shall not revert to the General Fund of the District of Columbia” and insert the phrase “All monies deposited into the Fund shall not revert to, or be transferred to, the General Fund of the District of Columbia” in its place.

(b) A new section 604a is added to read as follows:

“Sec. 604a. Additional revenues.

“(a) All revenues from the following sources shall be deposited into the Fund:

“(1) Steam (including arrearage payments) for the Correctional Treatment Facility received by the District since October 1, 2007; and

“(2) Aggregate revenues in excess of \$88 million received in any one fiscal year beginning on or after October 1, 2012, from fines paid due to automated photo enforcement; except, that in fiscal year 2014, it shall be in excess of \$92.5 million.”.

Sec. 3043. Funds transfer.

(a) Section 802(a) of the Fiscal Year 2011 Transfer of Special Purpose Funds Act of 2010, effective April 8, 2011 (D.C. Law 18-370; 58 DCR 1008), is amended by striking the “472,000” transfer from the 911 and 311 Assessment Fund (1630) within the Office of Unified Communications (UCO) from the column entitled “FY 2012”.

(b) The source of funding for subsection (a) of this section shall be \$472,000 of the local funds revenues certified for fiscal year 2012 in the revised revenue estimate of the Chief Financial Officer dated February 29, 2012.

**SUBTITLE F. FLEET REPLACEMENT, METROPOLITAN POLICE  
DEPARTMENT**

Sec. 3051. Short title.

This subtitle may be cited as the “MPD Fleet Replacement Funding Designation Emergency Act of 2012”.

Sec. 3052. The Chief Financial Officer shall recognize \$4,270,000 of the local funds revenues certified for fiscal year 2012 in the revised revenue estimate of the Chief Financial Officer dated February 29, 2012 as fiscal year 2013 revenue for paygo funds to replace Metropolitan Police Department vehicles.

**TITLE IV. PUBLIC EDUCATION AND LIBRARIES**

**SUBTITLE A. FUNDING FOR PUBLIC SCHOOLS AND PUBLIC CHARTER SCHOOLS**

Sec. 4001. Short title.

This subtitle may be cited as the “Funding for Public Schools and Public Charter Schools Emergency Amendment Act of 2012”.

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

(a) Section 104 (D.C. Official Code § 38-2903) is amended by striking the phrase “\$8,945 per student for fiscal year 2012” and inserting the phrase “\$9,124 per student for fiscal year 2013” in its place.

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

Grade Level	Weighting	Per Pupil Allocation in FY 2013
Pre-School	1.34	\$12,226
Pre-Kindergarten	1.30	\$11,861
Kindergarten	1.30	\$11,861
Grades 1-3	1.00	\$9,124
Grades 4-5	1.00	\$9,124
Grades 6-8	1.03	\$9,398
Grades 9-12	1.16	\$10,584

Alternative program	1.17	\$10,675
Special education school	1.17	\$10,675
Adult	0.75	\$6,843

(c) Section 106(c) (D.C. Official Code § 38-2905(c)) is amended to read as follows:  
“(c) The supplemental allocations shall be calculated by applying weightings to the foundation level as follows:

**ENROLLED ORIGINAL**

“General Education Add-ons:

“Level/ Program	Definition	Weighting	Per Pupil Supplemental FY 2013
“LEP/NEP	Limited and non-English proficient students	0.45	\$4,106
“Summer	An accelerated instructional program in the summer for students in targeted grade spans or grades pursuant to promotion policies of the District of Columbia Public Schools and public charter schools	0.17	\$1,551

“Special Education Add-ons:

Level/ Program	Definition	Weighting	Per Pupil Supplemental FY 2013
“Level 1: Special Education	Eight hours or less per week of specialized services	0.58	\$5,292
“Level 2: Special Education	More than 8 hours and less than or equal to 16 hours per school week of specialized services.	0.81	\$7,390
“Level 3: Special Education	More than 16 hours and less than or equal to 24 hours per school week of specialized services	1.58	\$14,416
“Level 4: Special Education	More than 24 hours per week which may include instruction in a self-contained (dedicated) special education school other than residential placement	3.10	\$28,284

**ENROLLED ORIGINAL**

“Special Education Capacity Fund	Weighting provided in addition to special education level add-on weightings on a per student basis for each student identified as eligible for special education.	0.40	\$3,650
“Special Education Compliance Fund	Weighting provided in addition to special education level add-on weightings on a per student basis for each student identified as eligible for special education.	0.16	\$1,460
“Residential	D.C. Public School or public charter school that provides students with room and board in a residential setting, in addition to their instructional program	1.70	\$15,511

“Residential Add-ons

“Level/ Program	Definition	Weighting	Per Pupil Supplemental FY 2013
“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	0.374	\$3,412
“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	1.360	\$12,409

**ENROLLED ORIGINAL**

“Level 3: Special Education - Residential	Additional funding to support the after-hours level 3 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.941	\$26,834
“Level 4: Special Education - Residential	Additional funding to support the after-hours level 4 special education needs of limited and non- English proficient students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.924	\$26,679
“LEP/NEP - Residential	Additional funding to support the after-hours Limited and non-English proficiency needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.68	\$6,204

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

“Level/ Program	Definition	Weighting	Per Pupil Supplemental FY 2013
“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.	0.064	\$584
“Special Education Level 2 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.231	\$2,108

“Special Education Level 3 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.500	\$4,562
“Special Education Level 4 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.497	\$4,535”.

Sec. 4003. (a) Notwithstanding any other provision of law, the District of Columbia Public Schools may make competitive grants to charitable organizations for fiscal year 2013 as follows:

- (1) An amount of \$100,000 for a journalism mentorship program in the District of Columbia Public Schools; and
- (2) An amount of \$100,000 for a mathematics literacy program in the District of Columbia Public Schools.

(b) Notwithstanding the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901 *et seq.*), and the District of Columbia School Reform Act of 1995, approved April 26, 1996 (Pub. L. No.104-134; D.C. Official Code § 38-1800.01), the allocations described in subsection (a) of this section shall not be construed to create an obligation to provide additional funding to any local education agency except the District of Columbia Public Schools.

**SUBTITLE B. [Reserved]**

**SUBTITLE C. LIBRARY**

Sec. 4021. Short title.

This subtitle may be cited as the “Books and Other Library Materials Account Emergency Amendment Act of 2012”.

Sec. 4022. An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896 (29 Stat. 244; D.C. Official Code § 39-101 *et seq.*), is amended as follows:

(a) Section 7 (D.C. Official Code § 39-107) is amended by striking the phrase “ into the unrestricted fund balance of the General Fund of the District of Columbia” and inserting the phrase “into the Books and Other Library Materials Account, established by section 14” in its place.

(b) A new section 14 is added to read as follows:

“Sec. 14. Books and Other Library Materials Account.

“(a) There is established as a nonlapsing account the Books and Other Library Materials Account (“Account”) into which shall be deposited:

“(1) All receipts from the sale of used books and other library materials;

“(2) Proceeds from the sale of library-related merchandise;

“(3) Gifts, grants, and donations designated for collections; and

“(4) Such amounts as may be appropriated for books and other library materials.

“(b) The Account shall be used solely for the purpose of procuring books and other library materials, including compact disks, electronic materials, or other records and materials, to maintain and enhance the collection of the District of Columbia Public Library.

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

#### **SUBTITLE D. UDC RIGHT-SIZING**

Sec. 4031. Short title.

This subtitle may be cited as the “University of the District of Columbia Right-Sizing Plan Emergency Act of 2012”.

Sec. 4032. University of the District of Columbia Right- Sizing Plan.

(a) By October 1, 2012, the University of the District of Columbia (“University”) shall transmit to the Council a right-sizing plan that has been approved by the Board of Trustees and outlines the steps that the University shall take, starting in fiscal year 2013, to bring the University’s costs, staff, and faculty size in line with other comparable public universities. The University shall develop this plan in consultation with the Deputy Mayor for Education. Consistent with preserving and enhancing the mission of the University, the plan shall include:

(1) A vision for the University of the District of Columbia system that explains the mission, roles, responsibilities, and scope of the flagship university, the community college, and the law school, and how they relate to each other;

(2) An enrollment plan that sets forth reasonable enrollment projections for the next 5 years based on recent enrollment trends and includes an analysis of potential student demand for the flagship university and community college;

(3) An analysis of all academic programs that identifies under-enrolled and under-performing programs and an associated timeline and plan for improving or eliminating those programs;

(4) A compensation market analysis to determine appropriate compensation levels for staff and faculty and a strategy and timeline to bring salaries and wages in line with these levels;

(5) An analysis of current and planned facilities and a revised capital spending plan that reflects the University’s actual enrollment size and realistic enrollment projections;

(6) A tuition analysis and timeline to bring tuition more in line with actual costs associated with a student's education, with particular emphasis on the non-District resident tuition rates, including the metro-area resident rate; and

(7) A staff and faculty reduction strategy and timeline, including an assessment of the initial and subsequent budgetary impacts of implementing this strategy.

(b) For the purposes of developing the right-sizing plan required by this section, the University shall use, in consultation with the Board of Trustees, any remaining funds from the \$500,000 allocated to support the development of a transition plan for an independent community college pursuant to section 4704 of the Fiscal Year 2012 Budget Support Act of 2011, effective September 14, 2011 (D.C. Law 19-021; 58 DCR 6226).

**SUBTITLE E. UDC COMMUNITY COLLEGE BRANCH STATUS APPLICATION.**

Sec. 4041. Short title.

This subtitle may be cited as the "University of the District of Columbia Community College Autonomy Emergency Act of 2012".

Sec. 4042. University of the District of Columbia Community College Autonomy

(a) By November 1, 2012, the University of the District of Columbia shall transmit to the Middle States Commission on Higher Education a request for approval of a substantive change to reclassify the University of the District of Columbia Community College as a Branch Campus of the University of the District of Columbia. A copy of this request shall also be transmitted to the Council of the District of Columbia.

(b) By October 1, 2012, the Chief Executive Officer of the University of the District of Columbia Community College shall be responsible for the day-to-day management of the Community College and shall have direct spending authority over the Community College budget, identified as Division (8000) in the University of the District of Columbia operating budget and shall regularly report directly to the Board of Trustees, or a subcommittee of the Board of Trustees respecting the affairs of the Community College.

**SUBTITLE F. DISTRICT OF COLUMBIA SCHOOL REFORM AMENDMENT**

Sec. 4051. Short title.

This subtitle may be cited as the "District of Columbia School Reform Emergency Amendment Act of 2012".

Sec. 4052. The District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1800.01 *et seq.*), is amended by adding a new section 2214a to read as follows:

"Sec. 2214a. Charter schools admissions task force.

"(a) There is established a task force that shall study providing a neighborhood preference in charter school admissions for the 2013-2014 school year. The task force shall consist of:

"(1) The following 5 government officials, or their designees, the:

- “(A) Chairman of the Public Charter School Board;
  - “(B) Chairman of the Council of the District of Columbia;
  - “(C) State Superintendent of Education;
  - “(D) Deputy Mayor for Education; and
  - “(E) Chancellor of the District of Columbia Public Schools; and
- “(2) The following nongovernment members:
- “(A) Two representatives from charter support organizations;
  - “(B) A representative from the education department of a national research organization;
  - “(C) A representative from a national charter school organization;
  - “(D) Two charter school leaders selected by the Public Charter School Board Chair; and
  - “(E) A labor representative.
- “(b) The task force shall:
- “(1) Be chaired by the Chairman of the Public Charter School Board, or his or her designee;
  - “(2) Meet at an agreed to location as often as determined necessary by the Chairman of the task force;
  - “(3) Explore the feasibility of offering a neighborhood preference in charter school admissions for the 2013-2014 school year; and
  - “(4) By September 1, 2012, submit a report to the Council of its findings, which shall include:
    - “(A) Consideration of the various ways in which a neighborhood preference can be designed, including:
      - “(i) The pros and cons of a weighted lottery;
      - “(ii) Setting aside of a certain percentage of new seats;
      - “(iii) A geographically limited preference; and
      - “(iv) A preference based on rankings in a city-wide application process;
    - “(B) A definition of neighborhood for the purpose of setting boundaries in admissions;
    - “(C) An examination of models that are being used in other jurisdictions and evaluation of their applicability to the District; and
    - “(D) Recommendations based on its findings.”.

**SUBTITLE G. HEALTHY SCHOOLS AMENDMENTS**

Sec. 4061. Short title.

This subtitle may be cited as the “Healthy Schools Emergency Amendment Act of 2012”.

Sec. 4062. The Healthy Schools Act of 2010, effective October 20, 2011 (D.C. Law 19-37; D.C. Official Code § 38-821.01 *et seq.*), is amended as follows:

(a) Section 102 (D.C. Official Code § 38-821.02) is amended as follows:

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

(A) Paragraph (1) is amended by striking the phrase “and participating private schools” and inserting the phrase “participating private schools, and organizations participating in the Summer Food Service Program” in its place.

(B) Paragraph (3) is amended by striking the phrase “40 cents for each lunch meal served to students who qualify for reduced-price meals” and inserting the phrase “40 cents for each lunch meal that meets the requirements of sections 202 and 203 and is served to students who qualify for reduced-price meals” in its place.

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

“(4) To provide resources to implement the breakfast-in-the-classroom program under section 203(a)(2), the Office of the State Superintendent of Education shall provide a one-time subsidy of \$7 per student to new public schools, new public charter schools, and new private schools that have not previously received the funds and that participate in the National School Lunch Program, in which more than 40% of students qualify for free or reduced-price meals.”.

(2) Subsection (e) is amended by striking the phrase “do not meet the requirements” and inserting the phrase “do not meet any or all of the requirements” in its place.

(3) Subsection (g) is amended by striking the period and inserting the phrase “, and to further improve health, wellness, and nutrition in schools.” in its place.

(b) Section 202(b)(1)(C)(ii) (D.C. Official Code § 38-822.02(b)(1)(C)(ii)) is amended by striking the phrase “August 1, 2020” and inserting the phrase “July 1, 2022” in its place.

(c) Section 203(c) (D.C. Official Code § 38-822.03(c)) is amended by striking the phrase “are encouraged to” and inserting the word “shall” in its place.

(d) Section 204(c) (D.C. Official Code § 38-822.04(c)) is amended by striking the phrase “The Department of Real Estate Services” and inserting the phrase “The Department of General Services” in its place.

(e) Section 205 (D.C. Official Code § 38-822.05) is amended as follows:

(1) Subsection (a)(3) is amended by striking the phrase “; and” and inserting the phrase “if requested by parents and legal guardians; and” in its place.

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

(A) The lead-in language is amended by striking the word “post” and inserting the word “provide” in its place.

(B) Subparagraph (A) is amended by striking the word “and”.

(C) Subparagraph (B) is amended as follows:

(i) Strike the word “Online” and insert the phrase “Online,” in its place.

(ii) Strike the period and insert the phrase “; and” in its place.

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

“(C) To parents and legal guardians upon request.”.

(f) Section 206(b) (D.C. Official Code § 38-822.06(b)) is amended as follows:

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

(2) Paragraph (4) is amended by striking the period and inserting the phrase “; and” its place.

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

“(5) Food not consumed or marketed to students.”.

(g) A new section 301a is added to read as follows:

“Sec. 301a. Comprehensive food services plan.

“(a) Before February 15, 2013, the City Administrator shall transmit to the Council and to the Healthy Schools and Youth Commission a comprehensive food services plan that shall include:

“(1) A plan to reduce the cost of providing food services in the District of Columbia Public Schools (“DCPS”), without reducing the quality, taste, or nutritional standards of the food being served, including an:

“(A) Examination of how similar jurisdictions provide food services in schools;

“(B) Explanation of the cost drivers in the DCPS food services program;

“(C) Accounting of:

(i) The local funds subsidies (net losses) required by federal programs for each year since fiscal year 2007, including the total subsidy per year and the subsidy per meal served per year;

(ii) Whether the District has received all of the rebates, credits, and other funds owed by its current food-service vendors;

“(D) An evaluation of whether preparing meals internally without an outside vendor would reduce costs; and

“(E) An implementation plan and timeline for the DCPS food services program to become cost-neutral;

“(2) An analysis of the efficiencies and savings that could be gained by combining the food services programs in:

“(A) The Department of Corrections;

“(B) The Department of Human Services;

“(C) The Department of Mental Health;

“(D) The Department of Parks and Recreation;

“(E) The District of Columbia Public Schools;

“(F) The Office of Aging; and

“(G) Other agencies;

“(3) An analysis of whether a centralized food services program could offer public charter schools the opportunity to purchase meals from it, instead of from a private vendor; and

“(4) An analysis of how the District’s food service programs can become more sustainable.

“(b) The Office of Planning shall be assisted in preparing the plan required by subsection (a) of this section by the:

“(1) District of Columbia Public Schools;

“(2) Office of the State Superintendent of Education;

“(3) Department of General Services;

- “(4) Mayor’s Office of Budget and Finance;
- “(5) Council’s Budget Office;
- “(6) Office of the Chief Financial Officer; and
- “(7) City Administrator.”.

(h) Section 303 (D.C. Official Code § 38-823.03) is amended by striking the phrase “September 30” and inserting the phrase “June 30” in its place.

(i) A new section 402a is added to read as follows:

“Sec. 402a. Interscholastic athletics plan.

“(a) On or before February 15, 2013, the Office of the State Superintendent of Education shall transmit to the Council a strategic plan for increasing access to, participation in, and the quality of an interscholastic athletics program in District of Columbia Public Schools and public charter schools by the 2014-2015 school year.

“(b) The strategic plan shall include a description of:

- “(1) The level of programs needed to ensure greater access to interscholastic athletics;
- “(2) The resources required to operate a robust interscholastic athletics program throughout the public schools;
- “(3) How District facilities may be better utilized to provide for interscholastic athletics;
- “(4) The effect of a robust athletics program on student health and community involvement.”.

(j) Section 501 (D.C. Official Code § 38-825.01) is amended as follows:

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

(A) The lead-in language is amended by striking the phrase “Office of Public Education Facilities Modernization” and inserting the phrase “Department of General Services” in its place.

(B) Subparagraph (H) is amended by striking the word “and” at the end.

(C) Subparagraph (I) is amended by striking the period and inserting the phrase “; and” in its place.

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

“(J) Establish a composting program in the District of Columbia Public Schools.”.

(2) Subsection (b) is amended by striking the phrase “December 31, 2010” and inserting the phrase “December 31, 2012” in its place.

(3) Subsection (c) is amended by striking the phrase “December 31, 2011” and inserting the phrase “December 31, 2012” in its place.

(k) Section 503(a)(1) (D.C. Official Code § 38-825.03(a)(1)) is amended by striking the phrase “Office of Public Education Facilities Modernization” and inserting the phrase “Department of General Services” in its place.

(l) Section 603 (D.C. Official Code § 38-826.03) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “Office of Public Education Facilities Modernization” and inserting the phrase “Department of General Services” in its place.

(2) Subsection (c) is amended by striking the phrase “December 31, 2011” and inserting the phrase “December 31, 2012” in its place.

(m) Section 602(d) (D.C. Official Code § 38-826.02(d)) is amended by striking the number “14” and inserting the number “30” in its place.

(n) Section 701(c) (D.C. Official Code § 38-827.01(c)) is amended by striking the phrase “September 30” and inserting the phrase “November 30” in its place.

Sec. 4063. Applicability.

This subtitle shall apply as of June 20, 2012.

**SUBTITLE H. [Reserved]**

**SUBTITLE I. CHARTER SCHOOL RELOCATION ASSISTANCE**

Sec. 4081. Short title.

This subtitle may be cited as the “Charter School Relocation Assistance Emergency Act of 2012”.

Sec. 4082. The Deputy Mayor for Education may provide a grant of up to \$500,000 in fiscal year 2013 to a high school chartered under the District of Columbia School Reform Act of 1995, effective April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1800.01 *et seq.*), that is co-located with a public high school that must relocate because of the renovation of the public high school.

**TITLE V. HEALTH, HUMAN SERVICES, AND RECREATION**

**SUBTITLE A. DEPARTMENT OF MENTAL HEALTH ENTERPRISE FUND ESTABLISHMENT**

Sec. 5001. Short title.

This subtitle may be cited as the “Department of Mental Health Enterprise Fund Establishment Emergency Amendment Act of 2012”.

Sec. 5002. The Department of Mental Health Establishment Amendment Act of 2001, effective December 18, 2001 (D.C. Law 14-56; D.C. Official Code § 7-1131.01 *et seq.*), is amended by adding a new section 115f to read as follows:

“Sec 115f. Department of Mental Health Enterprise Fund.

“(a) There is established as a nonlapsing fund the Department of Mental Health Enterprise Fund (“Fund”) into which shall be deposited all fees, proceeds, and revenues collected from the activities and operations of a food cafeteria managed and operated by the Department of Mental Health to serve department staff and patients on the Saint Elizabeths Hospital campus, which funds shall be used only for the management and operation of the food cafeteria.

(b) All funds deposited into the Fund, and any interest earned on those funds shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or of any other time, but shall be continually available for the uses and purposes

set forth in subsection (a) of this section without regard to fiscal year limitation, subject to authorization by Congress.”.

**SUBTITLE B. REPORTING REQUIREMENTS.**

Sec. 5011. Short title.

This subtitle may be cited as the “Reporting Requirements Emergency Act of 2012”.

Sec. 5012. Department of Mental Health reporting requirements.

(a) By October 1, 2012, the Department of Mental Health (“Department”) shall submit to the Council:

(1) A plan to expand, by the beginning of fiscal year 2014, the Juvenile Behavioral Diversion Program, which serves youth who have been classified as Persons In Need of Supervision, including:

(A) A timetable for the expansion of the program;

(B) A list of the services that will be provided to youth as a result of the expansion; and

(C) An estimated budget for the expansion of the program;

(2) A report on efforts to implement policies and procedures to allow mental-health providers to become credentialed with various payors, such as through a national credentialing organization as authorized by the Centers for Medicaid and Medicare Services, to approve providers certified by the Department;

(3) An update on the Department’s compliance with the exit criteria set forth in the *LaShawn v. Gray* Consent Decree, including:

(A) A fiscal year 2013 plan of action; and

(B) A fiscal year 2013 spending plan;

(4) A report on the recruitment and retention of nurses at Saint Elizabeths Hospital, including:

(A) Efforts undertaken during fiscal year 2012 to fill vacancies;

(B) A recruitment and retention plan for fiscal year 2013;

(C) Any barriers to filling the vacant positions; and

(D) Any impact on the proposed fiscal year 2013 budget if the vacant positions are not filled;

(5) A report on the implementation of the Department of Mental Health Nurse Training Program, as established by the Department of Mental Health Nurse Training Program Amendment Act of 2012, passed on 2<sup>nd</sup> reading on June 5, 2012 (Enrolled version of Bill 19-743); and

(6) A report on the appropriate number of core service agencies to serve the population.

(b) By December 31, 2012, the Department shall submit to the Council a report on the progress of Saint Elizabeths Hospital in meeting conditions required by the Department of Justice settlement agreement, including the fiscal year 2013 spending plan to meet the required conditions.

Sec. 5013. Department of Health reporting requirements.

By October 1, 2012, the Department of Health (“DOH”) shall submit to the Council:

(1) A plan to establish a professional development program for DOH employees, which includes, at a minimum, tuition assistance or provides for remote learning, with institutions of higher learning within the District to prepare DOH employees for advancement to management positions within DOH;

(2) A report on all federal grants for which DOH has received authority to carry over prior year funds into fiscal year 2013, including:

- (A) The amount of the carryover;
- (B) A spending plan for the carryover; and
- (C) The employee responsible for the grant;

(3) An update on efforts to resolve any issues raised in the fiscal year 2010 single state audit, including any additional steps necessary to resolve the issue in fiscal year 2013 related to the:

- (A) Women, Infants, and Children program;
- (B) Housing Opportunities for Persons with AIDS program;
- (C) HIV emergency relief grants; and
- (D) HIV Care Formula Grant;

(4) A report on the District’s participation in the AIDS 2012 conference and action plans for fiscal year 2013 based on deliverables as identified during the conference;

(5) A report on the HIV/AIDS, Hepatitis, STD, and Tuberculosis Administration’s compliance with the recommendations from the 2011 audit by the U.S. Department of Housing and Urban Development (“HUD audit”) on the District’s Housing Opportunities for Persons with AIDS program, which shall include the actions taken in fiscal year 2012 and plans for fiscal year 2013 to resolve all concerns outlined in the HUD audit, including those expressed in the findings;

(6) A report on action taken in fiscal year 2012 or planned for fiscal year 2013 to resolve any outstanding issues as identified by the U.S. Department of Health and Human Services, Health Resources Services Administration (“HRSA”) surrounding the management of HRSA federal grant awards regarding HIV/AIDS;

(7) An update on efforts undertaken in fiscal year 2012 and planned for fiscal year 2013 to train providers to appropriately bill Medicaid for substance-abuse services approved as part of the State Plan Amendment (“SPA”), approved in March 2012, including any barriers to the implementation of the SPA;

(8) An update on efforts to identify and obtain additional local, grant, or federal funding for tobacco-control programs during fiscal year 2013;

(9) A report on the DOH’s efforts to fully implement the Health Care Facilities Improvement Amendment Act of 2010, effective April 29, 2010 (D.C. Law 18-145; 57 DCR 1834), including a fiscal year action plan;

(10) A report on the implementation of the medical marijuana program, including the status of each cultivation center licensee and each dispensary licensee; and

(11) A report on mosquito abatement efforts planned for fiscal year 2013, including an action plan, delineated by ward, along with a fiscal year spending plan.

Sec. 5014. Department of Health Care Finance reporting requirements.

By October 1, 2012, the Department of Health Care Finance (“Department”) shall submit to the Council:

(1) A report on efforts to allow behavioral-health providers to bill for communications between a provider and any party determined by that provider to be necessary to make a diagnosis or to develop and implement a treatment plan;

(2) A report on the Department’s compliance with the findings set forth in the November 2011 Centers for Medicare and Medicaid Services report regarding the District’s management and oversight of the Home and Community Based Services Intellectual Disabilities/Developmental Disabilities waiver, including a fiscal year 2013 action plan to resolve any outstanding issues and a timetable to ensure the timely submission of all compliance reports required during fiscal year 2013;

(3) The status of the rebasing of nursing home-provider rates, including a timeline for implementation during fiscal year 2012 and any impact on the approved fiscal year 2013 budget;

(4) A report on the status of the Department’s enrollment and updated enrollment projections for fiscal year 2013;

(5) A report on the feasibility of basing reimbursement rates for mental-health services provided to both children and adults, on the acuity level of the consumer, including the potential budgetary impact of adopting this rate system in fiscal year 2013 and beyond;

(6) A report on the feasibility and structure for requiring D.C. Health Care Alliance beneficiaries to contribute toward their premium payments based on their income levels;

(7) A report on the status of all state plan amendments submitted to the federal government during fiscal year 2012 and proposed for fiscal year 2013, including for each:

(A) The date, or the anticipated date, of submission;

(B) The date, or anticipated date, of approval;

(C) A descriptive narrative of the changes outlined in the state plan amendment; and

(D) An analysis of the impact of each state plan amendment on the fiscal year 2013 budget; and

(8) A report on the feasibility and structure for requiring co-pays for certain Medicaid services.

Sec. 5015. Office of the Deputy Mayor for Health and Human Services reporting requirements.

By October 1, 2012, the Office of the Deputy Mayor for Health and Human Services (“DMHHS”) shall submit to the Council:

(1) A report on all efforts undertaken by DMHHS in fiscal year 2012 and plans for fiscal year 2013, including a spending plan, to coordinate cluster agency actions to enable the District to exit the remaining consent decrees;

(2) A recommendation on how to transition the Medicaid program to entirely a Fee-for-Service program, which shall include, at minimum:

(A) The rationale for the recommendation, including supporting data and information; and

(B) If appropriate and feasible, a comprehensive transition plan, with a timetable, for the transition to an entirely Fee-for-Service program;

(3) A recommendation on instituting a Health Care Navigator program within the Department of Health Care Finance to assist individuals with high utilization rates to better manage their care;

(4) A recommendation on whether individuals with diagnoses of mental health issues, with HIV/AIDS, who are chronically homeless, or who are developmentally disabled, or victims of domestic violence should be given priority consideration for housing provided through the Housing Production Trust Fund, which shall include, at minimum:

(A) The rationale for the recommendation, including supporting data and information; and

(B) A plan to implement priority consideration for housing through the Housing Production Trust Fund;

(5) A recommendation regarding the creation of a truancy reduction committee in every public school to reduce truancy and related behavioral health issues;

(6) A report on the coordination of care for individuals with mental health issues and co-occurring chronic diseases, including:

(A) Information on the systems currently in place to track the coordination of services across different agencies, providers, and networks;

(B) A plan of action developed jointly with other District government agencies to provide appropriate and timely services to these individuals; and

(C) A spending plan for fiscal year 2013 that identifies areas in which coordination for co-occurring conditions can take place; and

(7) A report on the feasibility of requiring all providers that receive a payment for healthcare services to agree to the most favored nation status, which requires a provider to grant the District the lowest rate for a service that they accept from any other insurance carrier, which includes:

(A) A delineation of adopting this policy for each of the agencies within the DMHHS cluster;

(B) Recommendations for implementing this requirement in fiscal year 2013 and beyond; and

(C) Any savings associated with the adoption of this policy across the agencies.

Sec. 5016. Not-For-Profit Hospital Corporation reporting requirements.

By October 1, 2012, the Not-For-Profit Hospital Corporation shall submit to the Council a detailed work plan to implement a navigator program at the Not-For-Profit Hospital Corporation to assist patients with diabetes, including those with co-occurring illnesses, in accessing appropriate treatment and care, which shall include:

- (1) A scope of work for the program and each navigator;
- (2) The goals for the program as a whole and for each navigator; and
- (3) A detailed spending plan for fiscal year 2013.

**SUBTITLE C. [Reserved]**

**SUBTITLE D. [Reserved]**

**SUBTITLE E. [Reserved]**

**SUBTITLE F. HEALTH NAVIGATOR COORDINATION PROGRAM**

Sec. 5051. Short title.

This subtitle may be cited as the “Health Navigation Coordination Emergency Act of 2012”.

Sec. 5052. (a) By January 1, 2013, the Department of Health shall enter into a memorandum of understanding with the Not-For-Profit Hospital Corporation (“NPHC”) for the transfer of at least \$285,000 from the Diabetes Control Program within the Community Health Administration for the purpose of implementing a navigator program at the NPHC to assist patients with diabetes, including those with co-occurring illnesses, in accessing appropriate treatment and care.

(b) The completion of the memorandum of understanding described in subsection (a) of this section shall be contingent upon the submission of a work plan for the funding to the Council and the Department of Health by October 1, 2012.

**SUBTITLE G. [Reserved]**

**SUBTITLE H. [Reserved]**

**SUBTITLE I. [Reserved]**

**SUBTITLE J. RESTORATION OF DC HEALTHCARE ALLIANCE.**

Sec. 5091. Short title.

This subtitle may be cited as the “Restoration of DC HealthCare Alliance Emergency Act of 2012”.

Sec. 5092. Revenue from rebasing recognized.

Of the revenues collected during fiscal year 2012 as the result of the rebasing of District-owned nursing homes, \$5,300,000 shall be deposited in the Healthy DC and Health Care

Expansion Fund established by section 15b of the Hospital and Medical Services Corporation Regulatory Act of 1996, effective March 2, 2007 (D.C. Law 16-192; D.C. Official Code § 31-3514.02), to fund the preservation of hospital-based services as a part of managed care contracts within the DC HealthCare Alliance, established pursuant to the Health Care Privatization Amendment Act of 2001, effective July 12, 2001 (D.C. Law 14-18; D.C. Official Code § 7-1401 *et seq.*), in fiscal year 2013.

**SUBTITLE K. HOUSING FOR HOMELESS FAMILIES ACT OF 2012**

Sec. 5101. Short title.

This subtitle may be cited as the “Housing for Homeless Families Emergency Amendment Act of 2012”.

Sec. 5102. The Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01 *et seq.*), is amended by adding a new section 8b to read as follows:

“Sec. 8b. Fiscal years 2012 and 2013 rapid re-housing.

“(a)(1) Beginning in June 2012, the Department shall identify at least 200 homeless families from hotels, motels, severe-weather shelters, temporary shelters, or transitional housing, and ensure that at least 100 of these families are placed in or are residing in apartment-style housing units that meet the requirements of the Rent Supplement Program, established by section 26a of the District of Columbia Housing Authority Act, effective March 2, 2007 (D.C. Law 13-105; D.C. Official Code § 6-226) by before September 30, 2012.

“(2) By October 1, 2012, the Department shall ensure that all homeless families that were residing in hotels or motels have been placed into shelter or housing.

“(3) Placements made by the Department pursuant to subsection (a) of this section shall be done in coordination with the District of Columbia Housing Authority (“DCHA”). The Department shall develop rules for selecting homeless families that will be converted onto the Rent Supplement Program’s tenant-based vouchers and submit them to Council within 45-days of the approval of this act.

“(3) Once there are vacancies in temporary shelters, severe-weather shelters, or transitional housing, the Department shall use all available resources currently budgeted for homeless families to place new family-shelter applicants who cannot access other housing arrangements, as defined in section 7(c)(4) into shelters or housing.

“(b) Beginning in fiscal year 2013, and for each fiscal year thereafter, an additional \$4 million shall be included in the DCHA Subsidy to provide tenant-based rental assistance to between 200 and 300 eligible families in accordance with the Rent Supplement Program, established by section 26a of the District of Columbia Housing Authority Act of 1999, effective March 2, 2007 (D.C. Law 16-192; D.C. Official Code § 6-226). DCHA shall provide tenant-based rental assistance through the Rent Supplement Program to all families placed in housing pursuant to subsection (a) of this section who meet the eligibility criteria established for sponsor-based housing assistance under the Rent Supplement Program, set forth in section 9508 of Title 14 of the District of Columbia Municipal Regulations (14 DCMR § 9508).”.

**SUBTITLE L. HEALTHCARE ALLIANCE PRESERVATION**

Sec. 5111. Short title.

This subtitle may be cited as the “DC HealthCare Alliance Preservation Emergency Amendment Act of 2012”.

Sec. 5112. Section 7(c) of the Health Care Privatization Amendment Act of 2001, effective July 12, 2001 (D.C. Law 14-18; D.C. Official Code § 7-1405(c)), is amended as follows:

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

(b) The newly designated paragraph (1) is amended by striking the phrase “insurance laws, a health” and inserting the phrase “insurance laws and subject to paragraph (2) of this subsection, a health” in its place.

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

“(2) A contract between the District of Columbia and a health maintenance organization or a managed care organization that provides health care services to persons enrolled in the DC HealthCare Alliance shall, for fiscal year 2013, include coverage for all services, including hospital-based services, being provided to DCHealth Care Alliance enrollees as of January 1, 2012; provided, that for fiscal year 2013, the Department of Health Care Finance shall have the authority to exclude coverage for those hospital-based emergency services that are eligible for Medicaid reimbursement under 8 U.S.C. § 1611(b)(1)(A), 42 U.S.C. 1396b(v)(3), and 42 C.F.R. §440.255(c).”.

**SUBTITLE M. [Reserved]**

**SUBTITLE N. [Reserved]**

**SUBTITLE O. SOUTH CAPITOL STREET MEMORIAL AMENDMENT ACT  
FUNDING DESIGNATION**

Sec. 5141. Short title.

This subtitle may be cited as the “South Capitol Street Memorial Emergency Amendment Act Funding Designation Act of 2012”.

Sec. 5142. (a) Beginning on June 1, 2012, unspent funds from Medicaid under-enrollment, calculated on a fiscal year basis, shall be set aside in a fund to offset the costs to implement the South Capitol Street Memorial Amendment Act of 2012, effective June 7, 2012 (D.C. Law 19-141; 59 DCR 3083) (“South Capitol Street Memorial Amendment Act”).

(b) This section shall not be applicable if and when the South Capitol Street Memorial Amendment Act is fully funded, as certified by the Chief Financial Officer, either by the terms of this section or pursuant to section 10002 of the Revised Revenue Estimate Contingency Priority List Act of 2012, passed on 2<sup>nd</sup> reading on June 5, 2012 (Enrolled version of Bill 19-743).

**SUBTITLE P. MEDICAID STATE PLAN AMENDMENTS AND WAIVERS**

Sec. 5151. Short title.

This subtitle may be cited as the “Medical Assistance Program Emergency Amendment Act of 2012”.

Sec. 5152. Section 1(a) of An Act to enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02(a)), is amended by adding a new paragraph (6) to read as follows:

“(6) Review and approval by the Council of the Fiscal Year 2013 Budget and Financial Plan shall constitute the Council review and approval required by paragraph (2) of this subsection of any modification or waiver to the state plan required to:

“(A) Update the diagnosis-related group (“DRG”) grouper the agency uses to pay hospitals for inpatient care and other characteristics of the reimbursement system, such as base rates, DRG weights, outlier thresholds and transfer policy to adjust the average payment to cost ratio for inpatient care at DRG hospitals from 114% to 98%.

“(B) Update the reimbursement methodology model to one based on acuity for Intermediate Care Facilities for the Intellectually Disabled.

“(C) Exclude the cost of therapies, including physical therapy, occupational therapy, and speech therapy, from the calculation of the nursing and resident care component of the nursing home rate.

“(D) Transition beneficiaries to the replenishing pharmacy network for antiretroviral medications.”.

**SUBTITLE Q. [Reserved]**

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

**SUBTITLE A. [Reserved]**

**SUBTITLE B. [Reserved]**

**SUBTITLE C. [Reserved]**

**SUBTITLE D. [Reserved]**

**SUBTITLE E. [Reserved]**

**SUBTITLE F. [Reserved]**

**SUBTITLE G. DDOT POLICY COMPENDIUM**

Sec. 6061. Short title.

This subtitle may be cited as the “District Department of Transportation Policy Compendium Emergency Act of 2012”.

Sec. 6062. Policy compendium.

(a) On or before September 30, 2013, the District Department of Transportation shall prepare a policy compendium listing all of the agency’s policies and procedures that affect the management of the transportation network and public space.

(b) The District Department of Transportation shall make the policy compendium available online.

Sec. 6063. Reports.

On or before October 1, 2012, January 1, 2013, April 1, 2013, and July 1, 2013, the District Department of Transportation shall submit a report to the Council on the status of the policy compendium, the progress made in the preceding quarter, and the projected timeline for completion.

**SUBTITLE H. [Reserved]**

**SUBTITLE I. [Reserved]**

**TITLE VII. FINANCE AND REVENUE**

**SUBTITLE A. SUBJECT TO APPROPRIATIONS REPEALERS**

Sec. 7001. Short title.

This subtitle may be cited as the “Subject to Appropriations Repealers Emergency Amendment Act of 2012”.

Sec. 7002. Section 3 of the United House of Prayer for All People Real Property Tax Exemption Act of 2011, effective December 2, 2011 (D.C. Law 19-51; 58 DCR 8949), is repealed.

Sec. 7003. Section 4 of the Samuel J. Simmons NCBA Estates No. 1 Limited Partnership Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 2010, effective March 12, 2011 (D.C. Law 18-311; 57 DCR 12396), is repealed.

Sec. 7004. Section 601 of the South Capitol Street Memorial Amendment Act of 2012, signed by the Mayor on April 10, 2012 (D.C. Act 19-344; 59 DCR 3083), is amended to read as follows:

“Sec. 601. Applicability.

“Sections 302(b)(1), 304, and 502(a) shall apply upon the inclusion of their fiscal effect in an approved budget and financial plan.”.

**ENROLLED ORIGINAL**

Sec. 7005. Section 47-4605(d) of the District of Columbia Official Code is amended by adding a new paragraph (3) to read as follows:

“(3) The real property tax exemption granted by paragraph (1) of this subsection shall apply to Square 5190, lots 806, 807, and 808, and Square 5348 lots 1, 2, 3, 4, 5, 6, 7, and 8 for the consecutive real property tax years beginning with Tax Year 2003.”.

Sec. 7006. Section 3 of the Washington Ballet Equitable Real Property Tax Relief Act of 2011, effective January 12, 2012 (D.C. Law 19-77; 58 DCR 10100), is repealed.

Sec. 7007. Section 3 of the Lottery Amendment Repeal Amendment Act of 2012 effective May 23, 2012 (D.C. Act 19-322; 59 DCR 2254), is repealed.

Sec. 7008. Section 3 of the Community Council for the Homeless at Friendship Place Equitable Real Property Tax Relief Act of 2011, effective December 2, 2011 (D.C. Law 19-42; 58 DCR 8926), is repealed.

Sec. 7009. Section 701 of the Raising the Expectations for Education Outcomes Omnibus Act of 2012, signed by the Mayor on April 20, 2012 (D.C. Act 19-345; 59 DCR 3642), is amended to read as follows:

“Sec. 701. Applicability.

“(a) This act shall apply through September 30, 2013.

“(b) Beginning on October 1, 2013, this act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.”.

Sec. 7010. Section 3 of the Accountant Mobility Act of 2011, effective December 2, 2011 (D.C. Law 19-43; 58 DCR 8929), is repealed.

Sec. 7011. Section 3 of the Corrections Information Council Amendment Act of 2010, effective October 2, 2010 (D.C. Law 18-233; 57 DCR 4514), is repealed.

Sec. 7012. Section 3 of the District of Columbia Public Schools and Public Charter School Student Residency Fraud Prevention Amendment Act of 2012, effective May 9, 2012 (D.C. Law 19-126; 59 DCR 1939), is repealed.

Sec. 7013. Section 3 of the Long-Term Care Ombudsman Program Amendment Act of 2012, effective March 14, 2012 (D.C. Law 19-111; 59 DCR 455), is repealed.

Sec. 7014. There is allocated \$400,000 from the fiscal year 2013 operating margin as partial funding for the New Issue Bond Program Tax Exemption Amendment Act of 2011, effective December 13, 2011 (D.C. Law 19-60; 58 DCR 9169).

Sec. 7015. Section 19 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-94; 59 DCR 213), is amended to read as follows:

“Sec. 19. Applicability.

“(a) This act shall apply through September 30, 2014.

“(b) Beginning on October 1, 2014, this act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.”.

Sec. 7016. Sections 7002, 7003, 7005, 7006, 7008, 7010, 7012, 7013, and 7014 shall apply as of October 1, 2012.

**SUBTITLE B. TARGETED RETIREMENT DISTRIBUTION WITH HOLDING**

Sec. 7021. Short title.

This subtitle may be cited as the “Targeted Retirement Distribution Withholding Emergency Act of 2012”.

Sec. 7022. Section 47-1812.08(m) of the District of Columbia Official Code is amended to read as follows:

“(m)(1) Except as provided in paragraph (2) of this subsection, if a resident payee receives a payment from a retirement plan or retirement account that is a lump-sum distribution, District income tax shall be withheld on the lump-sum distribution by the payor at the highest District individual income tax rate that is in effect at the time of the distribution.

“(2) Paragraph (1) of this subsection shall not apply to:

“(A) Any portion of a lump-sum payment that was previously subject to tax;

“(B) An eligible rollover distribution that is effected as a direct trustee-to-trustee transfer; or

“(C) A rollover from an individual retirement account to a traditional or Roth individual retirement account that is effected as a direct trustee-to-trustee transfer.

“(3) For the purposes of this subsection, the term:

“(A) “Lump-sum distribution” means a payment from a payor to a resident payee of the resident payee’s entire account balance, exclusive of any other tax withholding and any administrative charges and fees.

“(B) “Retirement account” or “retirement plan” means:

“(i) A qualified employee plan;

“(ii) A qualified employee annuity plan;

“(iii) A defined contribution plan;

“(iv) A defined benefit plan;

“(v) A tax-sheltered annuity plan;

“(vi) An individual retirement account;

“(vii) Any combination of the plans and account listed in subparagraphs (i) through (vi) of this subparagraph; or

“(viii) Any similarly situated account or plan as defined by the Internal Revenue Code of 1986.

“(4) This subsection shall apply within 5 days of the effective date of the Targeted Retirement Distribution Withholding Emergency Act of 2012, effective February 24, 2012 (D.C. Act 19-316; 59 DCR 1709).”.

**SUBTITLE C. [Reserved]**

**SUBTITLE D. [Reserved]**

**SUBTITLE E. [Reserved]**

**SUBTITLE F. [Reserved]**

**SUBTITLE G. [Reserved]**

**SUBTITLE H. [Reserved]**

**SUBTITLE I. [Reserved]**

**SUBTITLE J. COOPERATIVE HOUSING ASSOCIATION ECONOMIC INTEREST RECORDATION TAX**

Sec. 7101. Short title.

This subtitle may be cited as the “Cooperative Housing Association Economic Interest Recordation Tax Emergency Amendment Act of 2012”.

Sec. 7102. The District of Columbia Real Estate Deed Recordation Tax Act, approved March 2, 1962 (76 Stat. 11; D.C. Official Code § 42-1101 *et seq.*), is amended as follows:

(a) Section 302 (D.C. Official Code § 42-1102) is amended as follows:

(1) Paragraph (16) is repealed as of October 1, 2009.

(2) Paragraph (27) is amended by striking the word “and” at the end.

(3) Paragraph (28)(B)(ii)(II) is amended by striking the period and inserting a semicolon in its place.

(4) New paragraphs (29) and (30) are added to read as follows:

“(29) Beginning October 1, 2009, a security interest instrument pertaining to a cooperative housing association;

“(30) Beginning October 1, 2009, a deed of economic interest pertaining to a limited-equity cooperative, as defined under D.C. Official Code § 47-802(11); and”.

(b) Section 302b(c) (D.C. Official Code § 42-1102.02(c)) is amended to read as follows:

“(c) Notwithstanding any other provision of this section, as of October 1, 2009, every transfer of an interest in a cooperative housing association in connection with the grant, transfer, or assignment of a proprietary leasehold or other proprietary interest, in whole or in part, shall be a transfer of an economic interest.”.

(c) Section 303 (D.C. Official Code § 42-1103) is amended as follows:

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

(A) Strike the phrase “provided, that in the case of a transfer of shares” and insert the phrase “provided, that, beginning October 1, 2009, in the case of a transfer of an economic interest” in its place.

(B) Strike the phrase “, in whole or in part,”.

(2) Subsection (c) is amended by striking the period and inserting the phrase “; provided further, that, beginning October 1, 2009, in the case of a deed that evidences a transfer of an economic interest in a cooperative housing association, the cooperative housing association shall be jointly and severally liable with the parties to the deed for the payment of taxes imposed by this section regardless of whether the cooperative housing association itself is a party to the deed.” in its place.

### **SUBTITLE K. ONLINE VENDORS REMITTANCE OF HOTEL TAXES**

Sec. 7111. Short title.

This subtitle may be cited as the “Procedures for Remittance of Hotel Taxes by Online Vendors Emergency Amendment Act of 2012”.

Sec. 7112. Section 47-2001 of the District of Columbia Official Code is amended as follows:

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

“(a-1) “Additional charges” means the excess of the sale or charge receipts received by a room remarketer over the net charges.”.

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

“(h-1) “Net charges” means the sale or charge receipts for any room or rooms, lodgings, or accommodations furnished to transients, received from a room remarketer by the operator of a hotel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients for a consideration.”.

(c) Subsection (n)(C) is amended to read as follows:

“(C) The sale or charge, to include net charges and additional charges, for any room or rooms, lodgings, or accommodations furnished to transients by any hotel, room remarketer, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients for a consideration.”.

(d) A new subsection (v-2) is added to read as follows:

“(v-2) “Transient” means any person who occupies, or has the right to occupy, any room or rooms, lodgings, or accommodations for a period of 90 days or less during any one continuous stay.”.

Sec. 7113. Section 47-2015(a-1) of the District of Columbia Official Code is amended to read as follows:

“(a-1) For the purposes of this chapter and Chapter 22 of this title, a room remarketer shall be deemed a vendor with respect to additional charges and shall file returns and remit tax with respect to such additional charges. The room remarketer shall collect and remit the tax imposed by this chapter and Chapter 22 of this title with respect to the net charges for the accommodations to the operator of the hotel, inn, tourist camp, tourist cabin, or any other place

in which rooms, lodgings, or accommodations are regularly furnished to transients for a consideration. The operator shall be deemed a vendor with respect to such net charges and shall file returns and remit tax with respect to such net charges.”.

Sec. 7114. Section 47-2201(j) of the District of Columbia Official Code is amended to read as follows:

“(j) The definitions of “additional charges,” “business,” “District,” “food or drink,” “gross receipts,” “Mayor,” “net charges,” “person,” “purchaser’s certificate,” “retail establishment,” “return,” “room remarketer,” “sale” and “selling,” “sales price,” “semipublic institution,” “tangible personal property,” “tax,” “tax year,” “taxpayer,” and “transient” as defined in Chapter 20 of this title, are incorporated in and made applicable to this chapter.”.

#### **SUBTITLE L. RECORDATION TAX ON REFINANCES OF SECURITY INTEREST INSTRUMENTS**

Sec. 7121. Short title.

This subtitle may be cited as the “Recordation Tax on Refinances of Security Interest Instruments Clarification Emergency Act of 2012”.

Sec. 7122. Section 303(a) of the District of Columbia Deed Recordation Tax Act, approved March 2, 1962 (76 Stat. 11; D.C. Official Code § 42-1103(a) *et seq.*), is amended as follows:

(a) Strike the phrase “taxed at the rate of 1.1%” wherever it appears and insert the phrase “taxed at the rate of 1.1% (to complete the calculation of total recordation tax due at time of recording, see also additional tax in subsection (a-4) of this section)” in its place.

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

“(3)(A) Notwithstanding paragraph (1) of this subsection, at the time a security interest instrument is submitted for recordation, it shall be taxed at a rate of 1.1% (to complete the calculation of total recordation tax due at time of recording, see also additional tax in subsection (a-4) of this section) of the total amount of debt incurred that is secured by the interest in real property; provided, that if the existing debt is refinanced, the rate shall be applied only to the principal amount of the new debt in excess of the principal balance due on the existing debt to the extent that such existing debt (including any prior debt that was previously refinanced by the existing debt) was:

“(i) Previously taxable under this paragraph and the tax thereon was timely and properly paid; or

“(ii) Exempt under section 302 or not otherwise taxable, including purchase money mortgages described in section 302(5).

“(B) Any amendment, modification, or restatement of a security interest instrument shall be deemed a refinance of the entire aggregate debt owed, unless the amendment, modification, or restatement is a supplemental deed. With such a deemed refinance, the rate in subparagraph (A) of this paragraph shall be applied only to the principal amount of the modified debt (including amounts paid to the borrower on the existing security interest instrument during the preceding 12 months) in excess of the principal balance due on the existing debt (before any

such payment) to the extent that the existing debt (including any prior debt that was previously refinanced by the existing debt) was:

“(i) Previously taxable under this paragraph and the tax thereon was timely and properly paid; or

“(ii) Exempt under section 302 or not otherwise taxable, including purchase money mortgages described in section 302(5).”.

**SUBTITLE M. [Reserved]**

**SUBTITLE N. [Reserved]**

**SUBTITLE O. [Reserved]**

**TITLE VIII. BUDGET SUPPORT ACT CONFORMING AND TECHNICAL AMENDMENTS**

**SUBTITLE A. PRIOR BUDGET SUPPORT ACT AMENDMENTS**

Sec. 8001. Short title.

This subtitle may be cited as the “Prior Budget Support Act Emergency Amendment Act of 2012”.

Sec. 8002. Section 1(i)(1) of An Act To grant additional powers to the Commissioners of the District of Columbia, and for other purposes, approved December 20, 1944 (58 Stat. 819; D.C. Official Code § 1-301.01(i)(1)), is amended by striking the phrase “unrestricted fund balance of the General Fund of the District of Columbia” and inserting the phrase “General Fund of the District of Columbia” its place.

Sec. 8003. Section 558(b) of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1279; D.C. Official Code § 1-1201(b)), is amended by striking the following sentence:

“All proceeds collected pursuant to this section shall be deposited into the unrestricted fund balance of the General Fund of the District of Columbia.”.

Sec. 8004. Section 702 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code, § 48-907.02), is repealed.

Sec. 8005. Section 5(i) of the Animal Control Act of 1979, effective October 18, 1979 (D.C. Law 3-30; D.C. Official Code § 8-1804(i)), is repealed.

Sec. 8006. Section 6013 of the Solid Waste Disposal Cost Recovery Act of 2007, effective September 18, 2007 (D.C. Law 17-20; D.C. Official Code § 1-325.91), is amended as follows:

(a) Subsection (a) is amended by striking the word “lapsing” and inserting the word “nonlapsing” in its place.

(b) Subsection (b) is amended by striking the phrase “be used for the purposes set forth in subsection (c) of this section. Any monies not expended at the end of a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia.” and inserting the phrase “not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (c) of this section without regard to fiscal year limitation, subject to authorization by Congress.” in its place.

Sec. 8007. The Fiscal Year 2012 Budget Support Act of 2011, effective September 14, 2011 (D.C. Law 19-21; 58 DCR 6626), is amended by adding a new section 9109 to read as follows:

“Sec. 9109. Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as fund 2531 within the Metropolitan Police Department shall be deposited in the General Fund of the District of Columbia and shall not be accounted for by a separate fund or account within the General Fund of the District of Columbia. Any unexpended funds in the fund on the effective date of this subtitle shall be transferred to the unrestricted fund balance of the General Fund of the District of Columbia.”.

Sec. 8008. Section 47-392.02(f) of the District of Columbia Official Code is amended as follows:

(a) Paragraph (2) is amended by striking the number “2013” and inserting the number “2016” in its place.

(b) Paragraph (3) is amended by striking the date “May 24, 2011” and inserting the date “May, 2015” in its place.

Sec. 8009. Chapter 18 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-1803.02(a) is amended as follows:

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

“(B) For individuals, estates, and trusts, interest upon the obligations of a state, territory of the United States, or any political subdivision thereof, but not including the District, acquired by the taxpayer on or after January 1, 2013, shall be included in the computation of District gross income.”.

(2) Paragraph (1A) is repealed.

(b) Section 47-1806.03(a) is amended by adding a new paragraph (8) to read as follows:

“(8)(A) In the case of a taxable year beginning after December 31, 2011, there is imposed on the taxable income of every resident a tax determined in accordance with the following table:

**ENROLLED ORIGINAL**

“If the taxable income is: The tax is:

“Not over \$10,000..... 4% of the taxable income

“Over \$10,000 but not over \$40,000..... \$400, plus 6% of the excess over \$10,000.

“Over \$40,000 but not over \$350,000..... \$2,200, plus 8.5% of the excess over 40,000

“Over \$350,000 ..... \$28,550, plus 8.95% of the excess above \$350,000.

“(B) This paragraph shall expire on January 1, 2016.”.

**SUBTITLE B. FY 2013 O-TYPE REDESIGNATION**

Sec. 8011. Short title.

This subtitle may be cited as the “Fiscal Year 2013 O-Type Redesignation Emergency Act of 2012”.

Sec. 8012. O-Type redesignation.

(a) Of the funds that were undesignated pursuant to section 10004 of the Fiscal Year 2012 Budget Support Act of 2011, effective September 14, 2011 (D.C. Law 19-21; 58 DCR 6226), \$29,709,447 shall be redesignated to accounts as set forth in the following table:

<b>FUND NUMBER</b>	<b>AGENCY</b>	<b>FUND TITLE</b>	<b>AMOUNT</b>
6008	DEPT. OF CONSUMER AND REGULATORY AFFAIRS	R-E GUAR. & EDUC. FUND	\$594,862
6108	DC PUBLIC LIBRARY	COPIES AND PRINTING	\$170,302
6020	DEPT. OF CONSUMER AND REGULATORY AFFAIRS	BOARD OF ENGINEERS FUND	\$49,273
6013	DEPT. OF CONSUMER AND REGULATORY AFFAIRS	BASIC BUSINESS LICENSE FUND	\$0
6030	DEPT. OF CONSUMER AND REGULATORY AFFAIRS	GREEN BUILDING FUND	\$405,144
0600	DEPARTMENT OF CORRECTIONS	CORRECTIONS TRUSTEE REIMBURSEMENT	\$1,478,008
0632	DEPARTMENT OF HEALTH	PHARMACY PROTECTION	\$1,100,295
0643	DEPARTMENT OF HEALTH	BOARD OF MEDICINE	\$2,314,868
0634	DISTRICT DEPARTMENT OF THE ENVIRONMENT	SOIL EROSION/SEDIMENT CONTROL	\$322,205
6700	DISTRICT DEPARTMENT OF THE ENVIRONMENT	SUSTAINABLE ENERGY TRUST FUND	\$3,100,000
2200	TAXI CAB COMMISSION	TAXICAB ASSESSMENT ACT	\$57,779

**ENROLLED ORIGINAL**

0605	OFFICE OF THE ATTORNEY GENERAL	Child Support -Interest Income	\$894
0604	OFFICE OF THE ATTORNEY GENERAL	Child Support - Reimbursements & Fees	\$29,321
0603	OFFICE OF THE ATTORNEY GENERAL	CHILD SPT - TANF/AFDC COLLECTIONS	\$3,419,152
0611	DEPARTMENT OF EMPLOYMENT SERVICES	WORKERS' COMPENSATION ADMIN.	\$9,556,870
0631	OFFICE OF PEOPLE'S COUNSEL	ADVOCATE FOR CONSUMERS	\$712,404
0603	DEPARTMENT OF HUMAN SERVICES	SSI PAYBACK	\$340,220
1460	DEPARTMENT OF REAL ESTATE SERVICES	EASTERN MARKET ENTERPRISE FUND	\$58,130
2001	OFFICE OF MUNICIPAL PLANNING	HIST. LANDMARK & HIST. DIST. FILING FEES	\$80,269
0612	DEPARTMENT OF EMPLOYMENT SERVICES	U. I. INTEREST/PENALTIES	\$960,263
0624	DEPARTMENT OF EMPLOYMENT SERVICES	UI ADMINISTRATIVE ASSESSMENT	\$2,331,581
0600	OFFICE OF CABLE TV	CABLE FRANCHISE FEES	\$777,407
6140	DEPARTMENT OF TRANSPORTATION	TREE FUND (EST DC ACT 14-614)	\$19,972
6400	DISTRICT DEPARTMENT OF THE ENVIRONMENT	DC MUNICIPAL AGGREGATION PROGRAM	\$35,055
0670	DISTRICT DEPARTMENT OF THE ENVIRONMENT	ANACOSTIA RIVER CLEAN UP FUND	\$874,995
0662	DISTRICT DEPARTMENT OF THE ENVIRONMENT	RENEWABLE ENERGY DEVELOPMENT FUND	\$217,446
6800	DISTRICT DEPARTMENT OF THE ENVIRONMENT	ENERGY ASSISTANCE TRUST FUND	\$20,999
6017	ALCOHOLIC BEVERAGE REGULATION ADMIN.	ABC -IMPORT AND CLASS LICENSE FEES	\$615,230
1240	MEDICAL LIABILITY CAPTIVE INS AGENCY	CAPTIVE INSURANCE FUND	\$66,502
		<b>Total:</b>	<b>\$29,709,446</b>

(b) Of the funds not redesignated by subsection (a) of this section, the Chief Financial Officer shall recognize \$11,622,454 as fiscal year 2013 revenue.

(c) Notwithstanding any other provision of law, the Chief Financial Officer shall transfer from Fund 6013 under the Department of Consumer and Regulatory Affairs (the Basic Business License Fund) to Fund 6017 under the Alcoholic Beverage Regulation Administration (the ABC – Import and Class License Fees Fund) the following amounts:

(1) In fiscal year 2012, \$512,505.

(2) In fiscal year 2013, \$140,526.

## **TITLE IX. CAPITAL BUDGET**

**SUBTITLE A. [Reserved]**

**SUBTITLE B. [Reserved]**

**SUBTITLE C. [Reserved]**

### **SUBTITLE D. FISCAL YEAR 2012 CAPITAL PROJECT REALLOCATION APPROVAL**

Sec. 9031. Short title.

This subtitle may be cited as the “Fiscal Year 2012 Capital Project Reallocation Emergency Approval Act of 2012”.

Sec. 9032. (a) Pursuant to and in accordance with Chapter 3 of Title 47 of the District of Columbia Official Code, the Council approves the reallocation of District of Columbia general obligation bond proceeds in the amount of \$22,243,751 currently allocated to the District capital projects listed in Table A to the District capital projects, in the amounts specified, listed in Table B.

(b) The current allocations were made pursuant to the Fiscal Year 2000 General Obligation Bond Issuance Authorization Emergency Resolution of 2000 (PR13-658), the Fiscal Year 2001 General Obligation Bond Issuance Authorization Resolution of 2001 (PR14-224), the Fiscal Year 2002 General Obligation Bond Issuance Authorization Emergency Resolution of 2002 (PR14-585), the Fiscal Year 2003 General Obligation Bond Issuance Approval Resolution of 2003 (PR15-129), the Fiscal Year 2004 General Obligation Bond Issuance Approval Emergency Resolution of 2003 (PR15-364), the Fiscal Year 2005 General Obligation Bond Issuance Approval Resolution of 2004 (PR15-715), the Fiscal Year 2006 General Obligation Bond Issuance Approval Emergency Resolution of 2005 (PR16-356), the Fiscal Year 2007 General Obligation Bond Issuance Approval Resolution of 2007 (PR17-144), and the Fiscal Year 2008 General Obligation Bond Issuance Approval Resolution of 2007 (PR17-415).

**TABLE A  
CAPITAL PROJECTS TO WHICH BOND PROCEEDS ARE CURRENTLY  
ALLOCATED**

Agency	Project	Implementing Agency	Project Title	Bond Issuance Series	Amount
DCPS	MG6	DGS	MONTGOMERY/KIPP EDU. CTR	2007A	394,303
DCPS	NA6	DGS	BALLOU SH	2007C	70,830
DCPS	NB2	DGS	BELL LINCOLN HIGH	2007C	48,825
DCPS	NB4	DGS	BIRNEY ELEMENTARY	2002A,2004A,B,C	54,001
DCPS	NC8	DGS	CLEVELAND ELEMENTARY	2007C	4,586
DCPS	NJ2	DGS	MACFARLAND MS	2007A	1,310,698
DCPS	NN6	DGS	SHARPE HEALTH-RENOVATION	2007C	3,653
DCPS	NO1	DGS	SLOWE ES	2003B,C,D	10,033
DCPS	NO2	DGS	SMOTHERS ES	2003B,C,D	12,322
DCPS	NP9	DGS	TURNER ES	2007C	6,888
DCPS	NQ3	DGS	WALKER JONES ES	2007A	819,004
DCPS	NR8	DGS	KELLY MILLER MS	2007C	24,226
DCPS	T22	DGS	DCPS GENERAL I.T.	2004A,B,C	1,041,980
DDOT	CK2	DDOT	FY02 ADVANCE DESIGN	2005A	108,494
DDOT	EDS	DDOT	GREAT STREETS INITIATIVES	2007A	4,555,525
DDOT	WTF	DDOT	RELOCATE GEORGTOWN SALT DOME TO RENO RD	2007A	206,975
DGS	AA2	DGS	DC ARMORY	2007C	23,169
DGS	GR9	DGS	RENOVATE OLD JUVENILE COURT BLDG	2001C	44,328
DGS	N14	DGS	GOVERNMENT CENTERS	2004A,B,C	2,313,438
DGS	PL106C	DGS	GOVT CTRS POOL (ANACOSTIA-DOES-DHS)	2008E	1,704,507
DGS	WIL	DGS	WILSON BUILDING	2005A	37,999
DHS	SB6	DGS	CCNV SHELTER	2004A,B,C	10,000
DMH	HX9	DMH	SAINT ELIZABETH HOSPITAL IMPROVEMENTS	2001C	718
DMH	XA4	DMH	DEMOLITION OF DIX/JHP	2008E	37,823
DMV	WA3	DMV	BRENTWOOD RD NE-DMV	2002A	8,101
DMV	WA7	OCTO	MSMP-MOTORIST SERVICES MODERNIZATION PROGRAM	2004A,B,C	2,178,272
DOC	CE2	DGS	GEN. IMPROVEMENTS AT CENTRALDETENTION CENTER	2004A,B,C	154
DPR	QBS	DGS	GORGETOWN POOL & REC CENTER	2003B,C,D	26
DPR	QD1	DGS	CAMP RIVERVIEW REC FACILITY	2004A,B,C	613,072
DPW	FM1	DPW	FACILITY RENOVATION – DPW	2003B,C,D	13,500

**ENROLLED ORIGINAL**

DPW	SW4	DPW	SOLID WASTE MANAGEMENT	2004A,B,C	4
FEMS	FTS	FEMS	FIRE TRAINING SIMULATOR	2001C	401,206
FEMS	LA1	DGS	ENGINE 1 COMPLETE RENOVATION	2004A,B,C & 2005A	249,164
FEMS	LA7	DGS	E-7/FLEET MAINTENANCE	2005A	8,896
FEMS	LB3	DGS	ENGINE 12 COMPLETE RENOVATION	2001C,2007C	551
FEMS	LB6	DGS	ENGINE 15 COMPLETE RENOVATION	2004A,B,C & 2005A	370,526
FEMS	LD1	DGS	ENGINE 28 COMPLETE RENOVATION	2003B,C,D	238,190
FEMS	LD2	DGS	ENGINE 29 COMPLETE RENOVATION	2004A,B,C & 2005A	1,064,988
FEMS	LE3	DGS	ENGINE 5 COMPLETE RENOVATION	2004A,B,C	18,737
FEMS	LE5	DGS	ENGINE 14 COMPLETE RENOVATION	2004A,B,C	220,987
FEMS	LE7	DGS	ENGINE 27 COMPLETE RENOVATION	2004A,B,C	306,173
FEMS	LF3	FEMS	FLEET MAINTENANCE	2004A,B,C	219,878
MPD	DP6	MPD	POLICE COMPUTERS	2007C	1,630
OCA	SM4	OCA	HOMELESS NO MORE	2008E	522,570
OCP	MMS	OCP	PMIS ENHANCEMENT	2001C	4,181
OCTO	N18	OCTO	DATA CENTER FACILITY IMPROVEMENTS	2004A,B,C	2,956,568
UDC	PA6	DGS	BUILDING # 44	2003B,C,D	2,052
<b>TOTAL</b>					<b>\$22,243,741</b>

**TABLE B  
APPROVED CAPITAL PROJECTS TO WHICH BOND PROCEEDS ARE REALLOCATED**

<b>Agency</b>	<b>Project</b>	<b>Implementing Agency</b>	<b>Project Title</b>	<b>Bond Issuance Series</b>	<b>Amount</b>
WMATA	TOP	WMATA	TRANSIT OPERATIONS & DEDICATED FACILITIES	N/A	<b>\$ 22,243,751</b>

**SUBTITLE E. CAPITAL PROJECT RESCISSION.**

Sec. 9041. Short title.

This subtitle may be cited as the “Capital Project Rescission Emergency Act of 2012”.

Sec. 9042. (a) The Chief Financial Officer shall rescind \$1.1 million of PAYGO allotment and budget authority from capital project EB402c, “Pennsylvania Avenue SE Properties” under the Deputy Mayor for Planning and Development, in fiscal year 2012.

(b) The Chief Financial Officer shall recognize the rescinded amount identified in subsection (a) of this section as fiscal year 2013 local funds revenue.

**TITLE X. REVISED REVENUE ESTIMATE CONTINGENCY**

**[Reserved]**

**TITLE XI. FISCAL IMPACT AND EFFECTIVE DATE.**

Sec. 11001. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 11002. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

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Chairman Pro Tempore  
Council of the District of Columbia

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Mayor  
District of Columbia