

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Procurement Practices Act of 1985 to extend the streamlined procedure for Council review and approval of multiyear contracts and contracts in excess of \$1 million and to grant executive independent agencies the authority to submit their multiyear contracts and contracts in excess of \$1 million directly to the Council for the 96-hour expedited review; to amend the Victims of Violent Crime Compensation Act of 1996 to clarify, modify and add categories of reimbursable expenses, to expand the definition of victim; to clarify the crimes of violence for which compensation is available, to clarify that the receipt of crime victims compensation funds shall not affect eligibility for other public benefits, to authorize the transfer at the end of each fiscal year excess amounts from the Crime Victims Compensation Fund to the Executive Office of the Mayor for the purpose of victims assistance, and to provide for annual audit of the Crime Victims Compensation Fund; to authorize incentives for employees who choose to participate in the early out and easy out retirement program; to transfer the operation and implementation of the historic preservation functions of the Department of Consumer and Regulatory Affairs to the Office of Planning; to amend the Historic Landmark and Historic District Protection Act of 1978 to repeal the contested case procedure for the consideration of an application for historic landmark designation, to change the time for the issuance of a decision by the Mayor on an application for demolition, alteration, or new construction from 60 to 120 days, and to repeal the provision that failure to issue a decision by the Mayor on an application for demolition, alteration, or new construction shall be deemed as approval of the application; to amend Chapter 33 of Title 24 of the District of Columbia Municipal Regulations to revise the fees established for public rights of way occupancy permits and to require, under certain circumstances, that beginning in FY 2002 public rights of way fees be dedicated to the Highway Trust Fund; to establish the Emergency and Non-Emergency Number Telephone Calling Systems Fund, which will be funded by user fees imposed on subscribers to local exchange service in the District of Columbia and may be used only to defray 911 system costs incurred by the District of Columbia and its agencies and instrumentalities; to require the Mayor to submit, as part of the annual budget, a requested appropriation for expenditures from the Emergency and Non-Emergency Number Telephone Calling Systems Fund; to allow monies from the Emergency and Non-Emergency Number Telephone Calling Systems Fund to be transferred the District of

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Columbia to offset 911 system costs incurred by the District of Columbia and its agencies and instrumentalities; to require subscribers to wireline and wireless local exchange service to pay monthly user fees; to require that each local exchange carrier collect and remit the user fees, which will not be subject to taxes or charges levied by the District of Columbia or considered revenue of a local exchange carrier; to require the Mayor to provide an annual report to the Council addressing whether the user fees imposed by this act should be adjusted; to require the Public Service Commission of the District of Columbia to direct Bell Atlantic - Washington, D.C., to remove the 911 system costs currently embedded in the base rates charged by Bell Atlantic - Washington, D.C., for local exchange service and to revise its tariff and contract rates for basic telephone services to reflect the removal of the embedded 911 system costs and the implementation of the user fee established by this act; to amend the Procurement Practices Act to allow the Board of Education to manage its own procurements independent of the Office of Contracting and Procurement but to require the Board of Education to follow all of the other requirements of the Procurement Practices Act and to be subject to the jurisdiction of the Contract Appeals Board for contract disputes; to amend An Act to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia, An Act To provide books and educational supplies free of charge to pupils of the public schools of the District of Columbia, An Act To establish a Department of Food Services in the public schools of the District of Columbia, and for other purposes, and the District of Columbia Public Postsecondary Education Reorganization Act, and for other purposes to repeal the requirement that contract services obtained by the Board of Education be procured through the Office of Contracting and Procurement; to require that the Superintendent of the District of Columbia Public Schools submit a written report to the Council on the efficacy of Title I expenditures; to require that the Superintendent of the District of Columbia Public Schools submit a plan for ADA improvements by November 1, 2000 to schools of need; to require that the District of Columbia Public Schools coordinate its capital improvement program with its Facilities Master Plan; to authorize the return of revenue from the disposal of excess police vehicles to the Metropolitan Police Department for the purchase of specialty vehicles, to amend the Omnibus Police Reform Amendment Act of 2000 to require all officers hired between January 11, 2000 and December 31, 2003 to complete the minimum 60 semester hours of college, to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to enable the Mayor to select Inspectors and Assistant and Deputy Chiefs of Police from the ranks of Captain and return them to the ranks of Captain as the Mayor determines, to amend the Police Officer and Firefighter Cadet Programs Funding Authorization and Human Rights Amendment Act to require the establishment of a police cadet program that includes senior high school students in the District, and to require the Chief of Police to submit to the Council a study and a redeployment plan pertaining to Patrol Service Areas; to provide for a centralized means to combat rodent infestation in the District by establishing a Bureau of Rodent Control within the Department of Health, transferring functions and resources for rodent control from the Department of Public Works to the

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Department of Health, establishing a rodent abatement program and a rodent control fund, and modernizing existing statutes and regulations that govern rodent control; to establish a Citywide Call Center; to amend An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1916, for the purpose of increasing the survivor annuity for members of the Metropolitan Police Department and Fire and Emergency Medical Services Department killed in the line of duty to 100% of the member's salary at the time of death; to amend the Rental Housing Act of 1985 to provide for its termination on December 31, 2005, and to require that certain existing housing assistance fees in Fiscal Year 2001 be deposited in the fund established by section 1 of An Act to provide for the abatement of nuisances in the District of Columbia; to reinstate the Residential Drug-Related Evictions Amendment Act of 1990, which expires on June 13, 2000; to amend Title 28 of the District of Columbia Code to expand the statement of purpose, and provide a rule of statutory construction, for the consumer protection law, to extend the suspension of enforcement of consumer protection law by the Department of Consumer and Regulatory Affairs to October 1, 2002, to allow the Department of Consumer and Regulatory Affairs to cooperate with, and make referrals to, other agencies, to allow representative organizations as well as individuals to maintain actions to redress unfair trade practices and eliminate the civil fine payable to the Department of Consumer and Regulatory Affairs in such cases, to increase the authority of the Office of the Corporation Counsel to enforce consumer protection law, including the recovery of civil penalties, and to create the District of Columbia Consumer Protection Fund, which shall be audited annually by the Mayor, for this purpose; to amend An Act to provide for the drainage of lots in the District of Columbia to repeal the Department of Public Works' obligation to use highway appropriations to fund public space surface repairs associated with the Water and Sewer Authority's maintenance of its service pipes and to clarify the Water and Sewer Authority's responsibility to make and fund the repairs; to change the date from October 15th of each year to February 1st of each year for submission of the Taxicab Commission's spending plan for the Taxicab Assessment Fund; to amend the District of Columbia Procurement Practice Act of 1985 to authorize fee-for-service arrangements between the Contract Appeals Board and District agencies, departments, boards, commissions, and instrumentalities; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to eliminate the requirement to identify non-management employees responsible for the achievement of each measure to focus responsibility on the senior management of each agency, to change the deadline for the submission of performance reports to January 15th of each year, and to require one level of performance for each measure, to clarify that the Mayor's appointment of the Deputy Mayor for Planning and Economic Development has been subject to the requirement of Council confirmation; to amend Title 47 of the District of Columbia Code to clarify the roles and responsibilities of the Deputy Mayor for Planning and Economic Development pertaining to the revenue bond program and to transfer responsibility for the SHARE data center from Office of the Chief Financial Officer to the Office of the Chief Technology Officer; to amend the Office of the Chief Technology

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Officer Establishment Act of 1998 to make conforming amendments; to amend Title 47 of the District of Columbia Code to provide an earned income tax credit against the individual income tax, and to clarify the exclusion from taxation of the sale of services related to 2-way land mobile radio used by taxicabs; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to increase the number of Excepted Service employees that the Office of the District of Columbia Auditor may appoint to a total of 4 and to require the District of Columbia Auditor to conduct an audit of selected performance measures presented in performance reports of certain agencies each fiscal year, to amend the District of Columbia Economic Development Finance Corporation Act of 1984 to change the audit review from a biennial basis to at least once every 3 fiscal years (or sooner as deemed appropriate by the Auditor) or upon the request of a Councilmember, to amend the District of Columbia Office of Energy Act of 1980 to repeal the audit review by the District of Columbia Auditor, to amend section 47-825.1(1)(2) of the District of Columbia Code to change the audit review from an annual basis to at least once every 3 fiscal years (or sooner as deemed appropriate by the Auditor) or upon the request of a Councilmember, to amend Title 27 of the District of Columbia Municipal Regulations to repeal the authority of the District of Columbia Auditor for the biennial audit requirement of the District of Columbia Surplus Property Plan, and to require the District of Columbia Auditor to conduct a biennial audit of the University of the District of Columbia's Endowment Fund; to amend the Public Charter Schools Act of 1996 and the District of Columbia School Reform Act of 1995 to require applicants seeking to convert an existing school to provide a copy of the petition to parents of students in feeder schools and to each ANC in the attendance zone, to require the Superintendent to provide notice of receipt of an application, to require the Superintendent to prepare an impact statement when converting a public school into a public charter school, and to require that the Advisory Neighborhood Commission where the school is located be notified of the intent to convert from a public school to a public charter school; to establish a State Education Office in the Office of the Mayor; to amend the Uniform Per Student Funding Formula For Public Schools and Public Charter Schools Act of 1998 to account for certain special education costs by increasing the Level 4 weight and adding a Level 5 weight; to amend the Special Education Assessment and Placement Act of 1998 to enable the Board of Education and DCPS to place a special needs student in an appropriate DCPS or public charter school and to establish a priority for placement in appropriate programs located in the District of Columbia; to establish a District of Columbia policy that there shall be no limit on the fee payment for attorneys in special education matters in any way that is different than federal law applying to the 50 states except as may be explicitly prescribed by local law; to require the Superintendent of Public Schools to submit to the Council comprehensive plans pertaining to special education transportation and Medicaid reimbursement; to amend the Public Charter Schools Act of 1996 to require documentation of compliance with District health and safety laws and regulations, and to amend the District of Columbia School Reform Act of 1995 to require documentation of compliance with federal health and safety laws and

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regulations; to establish the Office of the Chief Medical Examiner as a subordinate agency in the Executive branch, to transfer its functions from the Department of Health, and to broaden its existing investigative functions; to require the Department of Human Services and Department of Health to obtain the Medicaid Home and Community Based Waiver in order to transfer costs for the Community Residential Facilities from local dollars to federal dollars; to amend the Service Improvement and Fiscal Year 2000 Budget Support Act of 1999 to clarify that the existing law's guide to annual expenditures refers to local fund expenditures and to delete a reference to the rate of inflation; to authorize the Mayor to issue rules to establish rates and to reimburse employees for the use of privately owned vehicles for the performance of official duties; to prohibit the Mayor from borrowing funds for capital projects without prior approval from the Council; to require, with certain exceptions, all vehicles leased or purchased by the District to have an EPA estimated miles per gallon of not less than 22 miles per gallon; to establish the date by which the Mayor must submit to the Council the revised FY 2001 revenue estimates; to prohibit the use of government vehicles for purposes outside of the scope of an employees official duties, to prohibit the use of executive branch employees as chauffeurs except where authorized by certain officials, and to require the Mayor to submit to the Council an inventory of vehicles by December 15, 2001; to approve the sale of tobacco settlement proceeds for the refinancing and repayment of indebtedness issued for capital projects of the District of Columbia; to establish the District of Columbia Tobacco Settlement Financing Corporation as a separate instrumentality of the District government for the purpose of the refinancing and repayment of indebtedness issued for capital projects of the District of Columbia and to authorize the corporation to enter into transactions and take actions necessary or convenient to carry out its purpose; to designate or, provide procedures for the nomination and approval of, its members; to delegate the authority of the Council to the corporation to issue bonds pursuant to section 490 of the District of Columbia Home Rule Act; to amend the Tobacco Settlement Trust Fund Establishment Act of 1999 to make the trust fund established thereby a separate, non-lapsing fund and to modify the sources of its funding; to create the Board of Trustees of the Tobacco Settlement Trust Fund as an independent agency to manage the trust fund, to provide procedures for the nomination and approval of its members, and to provide rules for its governance, administration, and operation; to provide for the use of the funds deposited in the trust fund with 50% for use for expenditures on programs as determined by local law, 50% for investments, and for the unspent portion of the program money to be used for investment purposes; and to require that the selection of the Corporation's underwriter and bond counsel result from a competitive bid, thereby insuring fairness and transparency in the selection process as well as the best possible and most cost effective selection for the District; to establish an Adoption Voucher Fund to provide incentives for the adoption of children in the District; to require the Medical Assistance Administration to work closely with District agencies in establishing Medicaid rates and waiver programs, and to require the submission of quarterly reports; to require the Administrator of School Health to formulate a strategy for reducing the number of students with health insurance; to require

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the Chief of the Fire and Emergency Medical Services Department to complete an investigation and submit a report to the Council on an incident involving a death; to require the Director of the Department of Human Services to submit to the Council a Welfare-to-Work Transition Plan detailing the Department's strategies to transition TANF recipients whose benefits are set to expire; to amend An Act Authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia to authorize the Mayor to pay certain settlements from current fiscal year agency operating budgets; to require the Commission on Mental Health, Child and Family Services, special education services provided to the District of Columbia Public Schools, including services provided under the LaShawn receivership, the Settlement and Judgements Fund administered by the Corporation Counsel; and homeless services provided by the Department of Human Services to submit a multiyear financial plan to the Council; to amend Chapter 3 of Title 47 of the District of Columbia Code to require notice to the Congress of expenditures through certain types of reprogrammings; to allow certain entities of the District government to accept and use gifts and donation with the Mayor's approval; to require certain certifications by the Chief Financial Officer with regard to a prioritized list of expenditures to be made in Fiscal Year 2001 from the freed up appropriations resulting from the rollover of reserve funds; and to amend the Medical Assistance Expansion Program Act of 1999 to change a word which had restricted the ability of the executive branch to implement the program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2001 Budget Support Act of 2000".

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TITLE I. COUNCIL REVIEW OF CONTRACTS

Sec. 101. Short title.

This title may be cited as the "Extension of Streamlined Procedure for Council Review of Contracts Amendment Act of 2000".

Sec. 102. Section 105a(j) of the District of Columbia Procurement Practices Act of 1985 is amended as follows:

(a) Paragraph (1) is amended by inserting the phrase "(or executive independent agency)" after the phrase "by the Mayor".

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(b) Paragraph (5) is amended by striking the date "December 31, 2000" and inserting the date "December 31, 2002" in its place.

Sec. 103. Fiscal impact statement.

The fiscal impact of this title will be positive and will continue to facilitate the more timely and efficient procurement of goods and services by the District government.

TITLE II. VICTIMS OF VIOLENT CRIME COMPENSATION

Sec. 201. Short title.

This title may be cited as the "Victims of Violent Crime Compensation Amendment Act of 2000".

Sec. 202. The Victims of Violent Crime Compensation Act of 1996 is amended as follows:

(a) Section 2 is amended as follows:

(1) Paragraph (3)(B) is amended by striking the phrase "and Public Employees' Disability Compensation" and inserting the phrase "Public Employees' Disability Compensation, the Department of Human Services, the Department of Health, the Child and Family Services Agency, and Court Social Services".

(2) Paragraph (6) is amended by striking the phrase "assault," and inserting the phrase "assault, assault with a dangerous weapon, aggravated assault, assault on a police officer, assault with intent to kill, assault with intent to commit any offense, burglary, stalking, threats," in its place.

(3) Paragraph (7) is amended as follows:

(A) The existing text is designated as subparagraph (A).

(B) In the newly redesignated subparagraph (A), strike the phrase "except for pain and suffering".

(C) Strike the existing subparagraph designation "(A)" and insert the sub-subparagraph designation "(i)" in its place.

(D) Strike the subparagraph designations "(B)" and "(C)", and insert the sub-subparagraph designations "(ii)" and "(iii)" in their place.

(E) The newly redesignated sub-subparagraphs (ii) and (iii) are amended to read as follows:

"(ii) Reasonable funeral and burial expenses, including the reasonable cost of cremation or other chosen method of interment;

"(iii) The reasonable cost of temporary emergency food and housing not exceeding 120 days;"

(F) Strike the subparagraph designations "(D)", "(E)", "(F)", and "(G)", and insert the sub-subparagraph designations "(iv)", "(v)", "(vi)", and "(vii)" respectively, in their place.

(G) Strike the subparagraph designation "(H)", and insert the sub-

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subparagraph designation "(viii)" in its place.

(H) The newly redesignated sub-subparagraph (viii) is amended to read as follows:

"(viii) The reasonable cost of cleaning the crime scene;"

(I) Strike the subparagraph designation "(I)" and insert the sub-subparagraph designation "(ix)" in its place.

(J) New sub-subparagraphs (x), (xi), (xii), and (xiii) are added to read as follows:

"(x) The reasonable cost of replacing doors, windows, locks or other items to secure the victim's home or other place of residence;

"(xi) The reasonable cost of a rental car for the period of time that an automobile is being held by the police as evidence or to collect evidence;

"(xii) Reasonable moving expenses where necessary for health or safety; and

"(xiii) Reasonable transportation expenses incurred by the victim or secondary victim to participate in court proceedings, to participate in the investigation or prosecution of the case, or to obtain the services described in sub-subparagraphs (i), (vi), or (vii) of this subparagraph, or paragraph (9) of this subsection, or to obtain any other services required as a direct result of the crime."

(4) A new subparagraph (B) is added to read as follows:

"(B) "Economic loss" does not mean:

"(i) Pain and suffering;

"(ii) The value of any property damaged or taken during the crime;

or

"(iii) Any services not described in subparagraph (A) of this paragraph."

(5) Paragraph (13) is amended as follows:

(A) Subparagraph (A) is amended by striking the phrase "natural born" and inserting the word "biological" in its place.

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

(C) Subparagraph (D) is amended by striking the period at the end and inserting a semicolon in its place.

(D) New subparagraphs (E) and (F) are added to read as follows:

"(E) Person with close ties to the victim; or

"(F) Person who witnessed the crime."

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

"(15) "Victims assistance grants agency" means the District of Columbia agency that is responsible for the administration of federal funds received for crime victims assistance under the Victims of Crime Act of 1984, approved October 12, 1984 (98 Stat. 2170; 42 U.S.C. § 10601 *et seq.*)".

(b) Section 7(c) is amended as follows:

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(1) Strike the phrase "or domestic abuse" and insert the phrase ", domestic violence, or cruelty to children" in its place.

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

(A) Strike the word "abuse" and insert the word "violence" in its place.

(B) Strike the word "and" .

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

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

"(3) In the case of the victim of cruelty to children, satisfy the reporting requirement by the filing of a neglect petition by the District of Columbia in the Superior Court."

(c) Section 8 is amended as follows:

(1) Subsection (b) is amended by striking the phrase "exceeding \$25,000" and inserting the phrase "exceeding \$25,000 per victimization" in its place.

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

"(g) Eligibility for public benefits shall not be affected by the receipt of crime victims compensation funds."

(d) Section 16 is amended as follows:

(1) Subsection (b) is repealed.

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

"(d-1)(1) In Fiscal Year 2001, the first \$200,000 of the unobligated balance shall be transferred to the Executive Office of the Mayor to fund staff support for the District of Columbia Commission on Violence Against Women.

"(2) The remaining funds shall be made available for victims assistance in accordance with a plan developed by the Executive Office of the Mayor and submitted to the Council, excluding days of Council recess. If the Council does not disapprove the proposed plan in whole or in part, by resolution within this 30-day period, the plan shall be deemed approved.

"(3) The Mayor shall submit an annual report to the Council which details the amount of funds transferred pursuant to this subsection, and all expenditures or disbursements of funds, no later than 90 days after the end of each fiscal year.

"(4) For the purposes of this section "unobligated balance" does not include the amount of claims pending at the end of a fiscal year which have been filed but for which awards have not been made, based on an estimated average cost of each award."

(3) Subsections (e) and (f) are amended to read as follow:

"(e) All compensation and attorneys' fees awarded under this act and administrative costs necessary to carry out this act shall be paid from, and subject to, the availability of monies in the Fund. All amounts which are required to be transferred to the victims assistance grants agency for the purpose of victims assistance pursuant to subsection (d) of this section shall be paid from monies in the Fund.

"(f) The Superior Court of the District of Columbia shall arrange for an annual independent audit of the Fund. The audit shall include:

"(1) The number of claims satisfied in each fiscal year and the respective amounts awarded;

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"(2) The number and status of all pending claims;

"(3) The unexpended balance in the Fund to be transferred to the victims assistance grants agency pursuant to subsection (d) of this section; and

"(4) The number of personnel positions and amount of personnel funding and other administrative costs of the Crime Victims Compensation Program.".

(e) A new section 21 is added to read as follows:

"Sec. 21. Crime victims assistance.

"(a) The victims assistance grants agency shall have the authority to use the funds transferred pursuant to section 16(d) to award grants and contracts to private nonprofit organizations and to transfer funds to government entities which provide assistance to crime victims.

"(b) The District of Columbia Auditor shall perform a biennial audit of the use of the funds under this section. The audit shall include the number of:

"(1) Grants, contracts and transfers in each fiscal year and the respective amounts awarded or transferred;

"(2) Crime victims assisted through each grant, contract or transfer and the kinds of assistance rendered; and

"(3) Personnel positions and amount of personnel funding and other administrative costs involved in carrying out this section.".

Sec. 203. Fiscal impact statement.

This title has no negative fiscal impact. This title ensures that monies in the Crime Victims Compensation Fund are expended on crime victims and do not revert to the federal Treasury by clarifying, modifying and adding categories of reimbursable expenses, expanding the definition of victim, and clarifying the crimes of violence for which compensation is available. In addition, this title authorizes the transfer at the end of each fiscal year excess amounts from the Crime Victims Compensation Fund to the Executive Office of the Mayor for the purpose of victims assistance.

TITLE III. RETIREMENT INCENTIVES

Sec. 301. Short title.

This title may be cited as the "Retirement Incentives Act of 2000".

Sec. 302. Easy out retirement incentive.

(a) Notwithstanding section 1106 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 ("CMPA") the Council adopts changes to the Career and Excepted Service compensation system under section 1104 of the CMPA, that authorize the Mayor to establish a retirement incentive program for certain District employees.

(b) The changes to the compensation system are as follows:

(1) The Mayor is authorized to establish an easy out retirement incentive program ("Easy Out Program") which shall apply to eligible employees under the personnel authority of

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the Mayor, and employees of any other personnel authority that is under the pay authority of the Mayor if the personnel authority chooses to participate in the Easy Out Program.

(2) The Easy Out Program may be implemented by the appropriate personnel authority at any time after the effective date of this act.

(3) The Easy Out Program shall be limited to employees retiring under the optional retirement provisions of 5 U.S.C. § 8336(a), (b), or (f).

(4) The Easy Out Program shall offer a retirement incentive of not more than 50% of an employee's annual rate of basic pay from the employee's salary or pay schedule which was in effect on April 9, 2000, not to exceed \$25,000, to be paid within one year of the employee's retirement.

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

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

(7) No incentive payment shall be paid to:

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

(B) An employee who is a reemployed annuitant under the provisions of 5 U.S.C. § 8344;

(C) An employee who is in a critical position as defined by regulations promulgated by the Mayor;

(D) An employee who is a sworn member of the Metropolitan Police Department or the Fire and Emergency Medical Services Department;

(E) An employee who is under indictment or who is charged by information with or who has been convicted of a felony or who has been convicted after a plea of *nolo contendere* to a felony related to his or her employment duties; provided, that any employee who is ultimately acquitted or cleared of any charge that caused his or her ineligibility shall be eligible for all benefits as if that employee had never been indicted for or charged by information with a felony; or

(F) An employee who, based on conduct related to his or her employment duties, has been convicted of a misdemeanor or who has plead guilty or has been convicted after a plea of *nolo contendere* to a misdemeanor; provided, that any employee who is ultimately acquitted or cleared of any charge that caused his or her ineligibility shall be eligible for all benefits as if that employee had never been charged with a misdemeanor.

(8) For the purposes of paragraph (7)(E) of this subsection, the term "felony" means an offense that is punishable by a term of imprisonment that exceeds one year or a fine of at least \$1,000.

(9) An employee who receives an incentive payment under the Easy Out Program shall not be eligible for reemployment with the District government for 5 years from the date of

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retirement, or hired or retained as a sole source consultant or personal services contractor for 5 years from the date of retirement.

Sec. 303. Early out retirement incentive.

(a) Notwithstanding section 1106 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 ("CMPA"), the Council adopts changes to the Career and Excepted Service compensation system under section 1104 of the CMPA, that authorize the Mayor to establish a retirement incentive program for certain District employees.

(b) The changes to the compensation system are as follows:

(1) The Mayor is authorized to establish an early out retirement incentive program ("Early Out Program") which shall apply to eligible employees under the personnel authority of the Mayor, and employees of any other personnel authority that is under the pay authority of the Mayor, if the personnel authority chooses to participate in the Early Out Program.

(2) The Early Out Program may be implemented by the appropriate personnel authority at any time after the effective date of this act.

(3) The Early Out Program shall be limited to employees retiring under the voluntary early out retirement provisions of 5 U.S.C. § 8336(d)(2).

(4) The Early Out Program shall offer a retirement incentive of not more than 50% of an employee's annual rate of basic pay from the employee's salary or pay schedule which was in effect on April 9, 2000, not to exceed \$25,000, to be paid within one year of the employee's retirement.

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

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

(7) No incentive payment shall be paid to:

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

(B) An employee who is a reemployed annuitant under the provisions of 5 U.S.C. § 8344;

(C) An employee who is in a critical position as defined by regulations promulgated by the Mayor;

(D) An employee who is a sworn member of the Metropolitan Police Department or the Fire and Emergency Medical Services Department;

(E) An employee who is under indictment or who is charged by information with or who has been convicted of a felony or who has been convicted after a plea of *nolo contendere* to a felony related to his or her employment duties; provided, that any employee who is ultimately acquitted or cleared of any charge that caused his or her ineligibility shall be eligible for all benefits as if that employee had never been indicted for or charged by information with a felony; or

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(F) An employee who, based on conduct related to his or her employment duties, has been convicted of a misdemeanor or who has plead guilty or has been convicted after a plea of *nolo contendere* to a misdemeanor; provided, that any employee who is ultimately acquitted or cleared of any charge that caused his or her ineligibility shall be eligible for all benefits as if that employee had never been charged with a misdemeanor.

(8) For the purposes of paragraph (7)(E) of this subsection, the term "felony" means an offense that is punishable by a term of imprisonment that exceeds one year or a fine of a least \$1,000.

(9) An employee who receives an incentive payment under the Early Out Program shall not be eligible for reemployment with the District government for 5 years from the date of retirement, or hired or retained as a sole source consultant or personal services contractor for 5 years from the date of retirement.

Sec. 304. Fiscal impact statement.

Enactment of this title would have no negative fiscal impact upon the FY 2001 Budget and Financial Plan and could result in long-term savings from the elimination of positions. If the retirement incentives program is implemented in the first quarter of FY 2001, it can be self-funded through the savings derived from lapsed salaries, where positions are abolished or remain vacant during the remainder of the fiscal year.

Sec. 305. Sunset provision.

This title shall expire on December 31, 2000.

TITLE IV. HISTORIC PRESERVATION REORGANIZATION AND AMENDMENTS

Sec. 401. Short title.

This title may be cited as the "Historic Preservation Reorganization and Amendment Act of 2000".

Sec. 402. (a) All positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available to the Department of Consumer and Regulatory Affairs for the operation and implementation of the historic preservation functions of the Department of Consumer and Regulatory Affairs as set forth in section III(B)(8) of Reorganization Plan No. 1 of 1983, effective March 31, 1983, are hereby transferred to the Office of Planning, established pursuant to Mayor's Order 83-25, effective January 3, 1983.

(b) All of the functions assigned and authority delegated to the Department of Consumer and Regulatory Affairs concerning historic preservation as set forth in section III(B)(8) of Reorganization Plan No. 1 of 1983, effective March 31, 1983 are hereby transferred to the Office of Planning, established pursuant to Mayor's Order 83-25, effective January 3, 1983.

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Sec. 403. The Historic Landmark and Historic District Protection Act of 1978 is amended as follows:

(a) Section 4(c)(5) is repealed.

(b) Section 13 is amended as follows:

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

(A) Strike the phrase "60 days" and insert the phrase "120 days" in its place.

(B) Strike the phrase ", or the application shall be deemed approved by the Mayor".

(2) Subsection (b) is amended by striking the second and third sentences.

Sec. 404. Fiscal impact statement.

There would be no net difference to the District's overall budget by virtue of the transfer of the Historic Preservation Division from the Department of Consumer and Regulatory Affairs ("DCRA") to the Office of Planning, as provided in section 402. The FY 2001 Budget includes the transfer of \$768,081 and 9 FTEs from DCRA to the Office of Planning. Of this amount, \$524,902 is for personal expenses and \$243,179 is for nonpersonal expenses. The amount for personal expenses includes provision for the compensation of \$20,160 for members of the Historic Preservation Review Board.

Historic Preservation Division

Position	Grade	Sal01	Fringe	Total 2001
Hist Preser Program Manager	14	\$69,549	\$11,823	\$81,372
Architect	12	\$59,112	\$10,049	\$69,161
Historian Architectural	12	\$59,112	\$10,049	\$69,161
Historian	12	\$53,233	\$9,050	\$62,283
Archeologist	12	\$48,823	\$8,300	\$57,123
Historian	12	\$47,354	\$8,050	\$55,404
Secretary/Typing	6	\$27,662	\$4,703	\$32,365
Grants Mgmt Specialist (Fed Grnt)	9	\$31,753	\$5,398	\$37,151
Inspect Prog Specialist (Fed Grnt)	9	\$34,805	\$5,917	\$40,722
Board Compensation	-	-	-	\$20,160
Local Personal Expenses		\$364,845	\$62,024	\$447,029
Federal Personal Expenses:		\$66,558	\$11,315	\$77,873
Total Personal Expenses:		\$431,403	\$73,339	\$524,902
Total Nonpersonal Expenses:				\$243,179
Historic Preservation Total:				\$768,081

9 Total FTEs: 7 local, 2 federal

Enactment of amendments to the historic preservation law, as provided in section 403, should have a positive fiscal impact on the District, due to their effect on risk management and avoidance of unnecessary litigation. The provisions being amended in the District's historic preservation law, which were first introduced by the Omnibus Regulatory Reform Act of 1998, have caused the District to incur undue and expensive legal argument and litigation expenses. By eliminating the "contested case" procedures from the designation of a historic landmark, the law would truly streamline a process which already relies heavily on experts other than attorneys and lessen the expense that would be caused by an overly legalistic approach to a matter that is best left to other professionals. Similarly, eliminating the automatic approval by the Mayor for an untimely opinion by the Mayor's Agent reduces the absurd and costly result that occurs when the Mayor's Agent finds against a "special merit" application which might be complicated and take longer to craft a considered opinion than the 60 days provided. Leaving this law as it currently stands would subject the District to unnecessary litigation and would serve to waste the Mayor's Agent's time and effort based on a technicality of unproven substance. The amendment therefore expands the time frame for rendering well-reasoned opinions to 120 days and eliminates an automatic approval if the Mayor's Agent fails to act within the prescribed time period.

TITLE V. PUBLIC RIGHTS-OF-WAY FEES

Sec. 501. Short title.

This title may be cited as the "Public Rights-of-Way Occupancy Fees Amendment Act of 2000".

Sec. 502. Chapter 33 of Title 24 of the District of Columbia Municipal Regulations (47 DCR 2353) is amended as follows:

(a) Section 3302.8 is amended by striking the phrase "\$0.14 per linear foot" and inserting the phrase "\$0.88 per linear foot" in its place.

(b) Section 3302.9 is amended by striking the phrase "\$0.33 per linear foot" and inserting the phrase "\$1.32 per linear foot" in its place.

(c) Section 3302.10 is amended by striking the phrase "\$0.39 per square foot" and inserting the phrase "\$1.32 per square foot" in its place.

Sec. 503. The amendments made by section 502 of this title to the public rights-of-way rental fees do not preclude the Mayor from further amending these same fees as authorized in section 604 of the Fiscal Year 1997 Budget Support Act of 1996 provided that the amended rates, when taken together with the other user fees, charges, and penalties collected pursuant to that section and D.C. Code § 47-2718 do not adversely impact the positive fiscal impact identified in section 506 of this title.

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Sec. 504. Section 604 of the Fiscal Year 1997 Budget Support Act of 1996 is amended as follows:

(a) The first sentence of paragraph (4) is amended to read as follows:

"Establish and regulate the process through which any impact, modification, or damage to the public space, public-rights-of-way, or public structures may be compensated, which may include the establishment of user fees, including impact and other direct-use fees, charges, and penalties."

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

"The first \$30 million dollars of annual revenue derived from the collection of the public rights-of-way user fees, charges, and penalties established pursuant to this section shall be dedicated to the Department of Public Works for expenditures related to street and alley repairs and maintenance that would otherwise be paid out of the General Fund. Any revenues in excess of \$30 million annually from the collection of these public rights-of-way user fees, charges, and penalties shall be dedicated to the District of Columbia Highway Trust Fund."

Sec. 505. (a) The Mayor's submission of proposed budgets to the Council beginning with the budget for fiscal year 2002 shall provide for all of the revenue derived from the collection of public rights-of-way occupancy fees to be dedicated to the District of Columbia Highway Trust fund and shall provide for any necessary adjustments to keep in balance the financial plan.

(b) Subsection (a) of this section shall not be applicable to the extent that FY 2002 General Fund revenues are inadequate and revenues do not exceed projections as certified in conjunction with the Fiscal Year 2001 Budget Request Act. In this event, the Mayor shall include a detailed explanation with his submission of the FY 2002 budget to the Council.

Sec. 506. Applicability.

Section 502 of this title shall apply as of October 1, 2000.

Sec. 507. Fiscal impact statement.

The FY 2001 Budget and Financial Plan relies in part on increasing public rights-of-way user fees as proposed by this title. Enactment of this title is expected to generate not less than \$23.3 million in additional revenue for FY 2001, beyond the originally estimated \$6.7 million in revenue from the existing fee structure. Section 504 addresses the growing shortfall in District allocated funds for street and road repair. This section has no fiscal impact in FY 2001, however, in FY 2002 and beyond, section 504 would dedicate all rights of way fees to the trust fund. If the revenues are inadequate and revenues do not exceed projections as certified in conjunction with the FY 2001 Budget Request Act, section 504 requires that the Mayor include a detailed explanation with his submission of the fiscal year 2002 budget to the Council.

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**TITLE VI. EMERGENCY AND NON-EMERGENCY NUMBER TELEPHONE
SYSTEM ASSESSMENTS**

Sec. 601. Short title.

This title may be cited as the "Emergency and Non-Emergency Number Telephone Calling Systems Fund Act of 2000".

Sec. 602. Definitions.

For the purposes of this title, the term:

(1) "Administrative costs" means costs of a local exchange carrier to bill, collect, and remit the user fee imposed under section 604.

(2) "Commission" means the Public Service Commission of the District of Columbia.

(3) "Fund" means the Emergency and Non-Emergency Number Telephone Calling Systems Fund established under section 603.

(4) "Local exchange carrier" means a person that is engaged in the provision of local exchange service or exchange access.

(5) "Local exchange service" means a telecommunications service provided within an exchange area.

(6) "Person" means an individual, corporation, company, association, joint-stock company, association, firm, partnership, or other entity.

(7) "Public safety answering point" means an answering location for 911 and 311 calls originating in a given area.

(8) "Reverse 911 system" means a capability that allows the Metropolitan Police Department to forward a pre-recorded message to residents and businesses within a designated geographical area.

(9) "Subscriber" means a person with local exchange service in the District of Columbia.

(10) "911 system" means:

(A) Equipment for connecting and out-switching a 911 call originating within a local exchange carrier's local exchange service;

(B) Trunking facilities from a local exchange carrier to a public safety answering point;

(C) Equipment necessary for routing a 911 call to a public safety answering point;

(D) Facilities and staff needed to operate a call answering center;

(E) A 311 system; and

(F) A reverse 911 system.

(11) "311 system" means a telephone system that is used to reduce emergency telephone call congestion by diverting non-emergency calls from the emergency telephone lines.

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Sec. 603. Emergency and Non-Emergency Number Telephone Calling Systems Fund.

(a) There is established a fund designated as the Emergency and Non-Emergency Number Telephone Calling Systems Fund, which shall be separate from the General Fund of the District of Columbia and shall be used solely for the purposes set forth in subsection (b) of this section. The Fund shall be funded by user fees imposed under section 604. All fees collected under section 604, and all interest earned on those fees, shall be deposited into the Fund without regard to fiscal year limitation pursuant to an act of Congress. All fees deposited into the Fund shall not revert to the General Fund of the District of Columbia at the end of any fiscal year or at any other time, but shall be continually available for the uses and purposes set forth in subsection (b) of this section, subject to authorization by Congress in an appropriations act.

(b) The Fund shall be used solely to defray personnel and nonpersonnel costs incurred by the District of Columbia and its agencies and instrumentalities in providing a 911 system, and direct costs incurred by wireless carriers in providing wireless E-911 service. For purposes of this subsection, the term "costs" shall include obligations incurred both before and after the effective date of this act. The Fund shall not be used for any other purpose.

(c) The Mayor shall submit to the Council, as a part of the annual budget, a requested appropriation for expenditures from the Fund. Any monies received but not expended in a given fiscal year shall be retained by the Fund.

(d) All income and expenses of the Fund shall be audited annually by the Mayor. The audit report shall be provided to the Council. The expenses of each audit shall be defrayed by the Fund.

Sec. 604. Assessments.

(a)(1) All subscribers shall contribute to the Fund through a user fee to be collected by each local exchange carrier.

(2)(A) Subscribers to wireline local exchange service shall pay the following monthly user fees:

- (i) A fee of \$0.56 per exchange access line; and
- (ii) A fee of \$0.07 per Centrex line.

(B) Subscribers to wireless local exchange service shall pay a monthly user fee of \$0.56 for each telephone number that has a District of Columbia billing address.

(b)(1) Each local exchange carrier shall collect the user fees imposed under subsection (a) of this section and shall remit the proceeds to the Mayor on a quarterly basis.

(2) Each local exchange carrier shall be entitled to deduct and retain an amount not to exceed 2% of the user fees collected to cover administrative costs.

(c)(1) Payment of the user fees imposed under subsection (a) of this section shall not be subject to taxes or charges levied by the District of Columbia.

(2) User fees collected under subsection (a) of this section shall not be considered revenue of a local exchange carrier for any purpose.

(d) As part of the annual request for appropriations from the Fund, the Mayor shall provide a report to the Council addressing whether the user fees imposed under subsection (a) of this section should be adjusted.

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(e) Each user fee imposed under this section shall be reflected in a separate line item on each bill sent by a local exchange carrier.

Sec. 605. Removal of 911 system costs from base rates.

The Commission shall direct Bell Atlantic - Washington, D.C., to remove the 911 charges currently embedded in the base rates charged by Bell Atlantic - Washington, D.C., for local exchange service and to revise its tariffs to reflect the removal of the 911 charge.

Sec. 606. Repealer.

The Emergency and Non-Emergency Number Telephone Calling Fund Act of 2000 is repealed.

Sec. 607. Applicability.

Except for section 606, this title shall apply as of October 1, 2000.

Sec. 608. Fiscal impact statement.

The FY 2001 Budget and Financial Plan relies in part on establishing new emergency and non-emergency telephone user fees as proposed by this title. Enactment of this title is expected to generate approximately \$2.6 million in additional revenue in FY 2001, which will be dedicated to the personnel and non-personnel costs associated with the District government's operation of the emergency and non-emergency telephone calling system. As the amount purported to be collected by the 911-311 fee is at best an estimate, and Virginia in collecting its fee has incurred a sizable surplus, it is believed that allowing wireless carriers to recover their direct costs should not have an adverse effect on the District's ability to pay for the personnel and nonpersonnel costs incurred by the District and its agencies and instrumentalities in providing the 911 system service.

**TITLE VII. DCPS PROCUREMENT, PLANNING AND REPORTING
REQUIREMENTS**

**SUBTITLE A: BOARD OF EDUCATION INDEPENDENT PROCUREMENT
AUTHORITY**

Sec. 701. Short title.

This subtitle may be cited as the "Board of Education Independent Procurement Authority Amendment Act of 2000".

Sec. 702. Section 104 of the District of Columbia Procurement Practices Act of 1985 is amended by adding a new subsection (d) to read as follows:

"(d) This act shall apply to the Board of Education, except that the Board of Education shall have the authority to solicit, award, and execute contracts independently of the Office of Contracting and Procurement and the Chief Procurement Officer."

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Sec. 703. Section 14 of An Act To fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia is amended by striking the last sentence.

Sec. 704. Section 4 of An Act To provide books and educational supplies free of charge to pupils of the public schools of the District of Columbia is amended by striking the phrase ", through the Office of Contracting and Procurement,".

Sec. 705. Section 1 of An Act To establish a Department of Food Services in the public schools of the District of Columbia, and for other purposes is amended by striking the last sentence.

Sec. 706. Section 405(b) of the District of Columbia Public Postsecondary Education Reorganization Act is repealed.

Sec. 707. Fiscal impact statement.

This subtitle will not have a fiscal impact, because it will shift the procurement workload of the D.C. Public Schools ("DCPS") from the Office of Contracting and Procurement to DCPS. Because of a concern that the pension benefits of DCPS' procurement employees could be jeopardized by transferring the staff to the Office of Contracting and Procurement, the transfer never took place and DCPS has 24 full-time equivalent procurement personnel. Therefore, DCPS has the resources needed to administer procurement internally.

SUBTITLE B: PUBLIC SCHOOLS TITLE I EDUCATION REPORTING REQUIREMENTS

Sec. 711. Short title.

This subtitle may be cited as the "Public Schools Title I Reporting Requirement Act of 2000".

Sec. 712. The District of Columbia Public Schools and the Superintendent of Schools shall each provide a written report to the Council by January 15, 2001, on the efficacy of expenditures made under Title I of the Elementary and Secondary Education Act of 1965.

Sec. 713. Fiscal impact statement.

There is no fiscal impact associated with this subtitle. No new staff are required to complete the report.

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SUBTITLE C: DEVELOPMENT OF ADA IMPROVEMENT PLAN FOR PUBLIC SCHOOLS

Sec. 721. Short title.

This subtitle may be cited as the "Public Schools Americans with Disabilities Plan Requirement Act of 2000".

Sec. 722. The District of Columbia Public Schools shall develop a plan to implement improvements in accordance with the Americans with Disabilities Act of 1990 ("ADA") by November 1, 2000, that describes the needs of schools and the actions that will be taken to make the ADA required improvements.

Sec. 723. Fiscal impact statement.

There is no fiscal impact associated with this subtitle. No new staff are required to complete the report.

SUBTITLE D: COORDINATION OF MASTER FACILITIES PLAN WITH CAPITAL IMPROVEMENT PLAN

Sec. 731. Short title.

This subtitle may be cited as the "Master Facilities Plan Coordination Act of 2000".

Sec. 732. The District of Columbia Public Schools shall facilitate and coordinate its capital improvement program with its Facilities Master Plan.

Sec. 733. Fiscal impact statement.

There is no fiscal impact associated with this subtitle. No new staff are required to complete the report.

TITLE VIII. METROPOLITAN POLICE DEPARTMENT

SUBTITLE A: METROPOLITAN POLICE EXCESS VEHICLE REVENUE

Sec. 801. Short title.

This subtitle may be cited as the "Metropolitan Police Excess Vehicle Revenue Act of 2000".

Sec. 802. Proceeds from sales of excess police vehicles.

Effective immediately, and notwithstanding any other provision of law, police vehicles purchased for the Metropolitan Police Department ("MPD") which have been declared excess, either through age or mechanical faults, shall be auctioned, or otherwise disposed of by MPD. Revenue not to exceed \$500,000 generated by auction or other means of disposal will be returned

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to MPD as Other Revenue, to be used expressly for the purchase of specialty replacement vehicles, including motorcycles. Any revenue in excess of \$500,000 shall revert to the General Fund.

Sec. 803. Fiscal impact statement.

Enactment of this subtitle will have no negative fiscal impact, because the MPD has had access to vehicle auction proceeds in both fiscal years 1998 and 1999, and the approximately \$200,000 in estimated annual revenue from these proceeds is not included in the general fund revenue estimates for FY 2000 and FY 2001.

SUBTITLE B: OMNIBUS POLICE REFORM TECHNICAL AND CONFORMING AMENDMENTS

Sec. 811. Short title.

This subtitle may be cited as "Omnibus Police Reform Technical and Conforming Amendments Act of 2000".

Sec. 812. The Omnibus Police Reform Amendment Act of 2000, signed by the Mayor on April 24, 2000 (D.C. Act 13-334; 47 DCR 4619), is amended as follows:

(a) Section 102 is amended by striking the phrase "Lateral Appointment of Law Enforcement Officers Emergency Amendment Act of 2000" and inserting the phrase "Lateral Appointment of Law Enforcement Officers Clarifying Emergency Amendment Act of 1999" in its place both times it appears.

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

"(a-1) Metropolitan Police Officers hired after January 11, 2000, and prior to December 31, 2003, shall have successfully completed at least 60 post-secondary semester hours from an accredited university by the fifth anniversary of the date hired."

Sec. 813. Fiscal impact statement.

Enactment of this subtitle, which includes technical amendments to conform the permanent omnibus police reform legislation with the emergency and temporary versions of the legislation, has no fiscal impact.

SUBTITLE C: POLICE PERSONNEL AMENDMENT

Sec. 821. Short title.

This subtitle may be cited as the "Metropolitan Police Personnel Amendment Act of 2000".

Sec. 822. The District of Columbia Government Comprehensive Merit Personnel Act of 1978 is amended as follows:

(a) Section 801 is amended by adding a new subsection (d-1) to read as follows:

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"(d-1) For members of the Metropolitan Police Department and notwithstanding section 3203(a)(2) or any other law or regulation, the Assistant and Deputy Chiefs of Police and inspectors shall be selected from among the captains of the force and shall be returned to the rank of captain when the Mayor so determines."

(b) Section 3203(a) is amended as follows:

(1) Paragraph (28) is amended by striking the word "and" at the end.

(2) Paragraph (29) is amended by striking the period and inserting the phrase ", and" in its place.

(3) A new paragraph (30) is added to read as follows:

"(30) Notwithstanding the provisions of paragraph (2) of this subsection or of any other law or regulation, for members of the Metropolitan Police Department, the Assistant and Deputy Chiefs of Police and inspectors shall be selected from among the captains of the force and shall be returned to the rank of captain when the Mayor so determines as provided in section 1 of An Act Relating to the Metropolitan police of the District of Columbia."

Sec. 823. Fiscal impact statement.

This subtitle will have no negative fiscal impact and could have a positive impact due to the removal of administrative costs involved in adverse action proceedings from demoting persons in positions of Inspector and above. Administrative costs include witness fees, staff overtime for investigative work, and materials and supplies expenses. Enactment of this section, therefore, creates a cost avoidance from expenditure activity associated with adverse litigation.

SUBTITLE D: POLICE CADET PROGRAM

Sec. 831. Short title.

This subtitle may be cited as the "Metropolitan Police Cadet Program Amendment Act of 2000".

Sec. 832. Section 2(a) of the Police Officer and Firefighter Cadet Programs Funding Authorization and Human Rights Amendment Act of 1982 is amended to read as follows:

"(a) The Chief of the Metropolitan Police Department shall establish a police officer cadet program, which shall include senior year high school students and young adults under the 21 years of age residing in the District of Columbia who are graduates of a high school in the District, for the purpose of instructing, training, and exposing interested persons to the operations of the Metropolitan Police Department and the duties, tasks, and responsibilities of serving as a police officer with the Metropolitan Police Department."

Sec. 833. Applicability.

This subtitle shall apply as of October 1, 2000.

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Sec. 834. Fiscal impact statement.

This subtitle is consistent with the FY 2001 budget and financial plan, which includes \$1.4 million in annual appropriations for the implementation of the police cadet program.

SUBTITLE E: PATROL SERVICES AREAS REDEPLOYMENT

Sec. 841. Short title

This subtitle may be cited as the "Patrol Services Areas Redevelopment Act of 2000".

Sec. 842. Patrol Services Areas Redevelopment.

(a) By January 1, 2001, the Chief of the Metropolitan Police Department ("MPD") shall submit to the Council a study performed by MPD on the efficacy of the Patrol Service Area ("PSA") model, including:

- (1) Whether re-engineering of the model is necessary;
- (2) Whether PSA boundaries need to be redrawn; and
- (3) Whether PSA staffing is appropriate.

(b) By April 1, 2001, the Chief of MPD shall submit a plan to the Council for redeploying sworn officers into the PSA system. Pursuant to this redeployment plan, a minimum of 60% of all sworn officers who are available for full duty would be assigned to the PSA system. For this purpose, these officers would be assigned to street patrol and available to respond to calls for service.

(c) The requirement set forth in subsection (b) of this section does not preclude the Chief of Police from also submitting alternatives to the redeployment plan required by the Council.

Sec. 843. Fiscal impact statement.

This subtitle will have no fiscal impact because it does not propose an increase in the number of sworn officers, and MPD states that it is currently hiring civilians to fill jobs that have been targeted for civilianization in order to assign sworn officers to street patrol.

TITLE IX. RODENT CONTROL

Sec. 901. Short title.

This title may be cited as the "Rodent Control Act of 2000".

SUBTITLE A: BUREAU OF RODENT CONTROL

Sec. 902. Establishment of Bureau of Rodent Control.

(a) There is established within the Department of Health a Bureau of Rodent Control ("Bureau").

(b) The Bureau shall be responsible for the control and elimination of rodents in the District that serve as vectors for disease, including but not limited to:

- (1) The treatment and baiting of public spaces for rodents;

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- (2) The conducting of surveys of locations; and
- (3) The coordination of public outreach, education and enforcement efforts relating to cleanliness and rodent control.

Sec. 903. Transfer of functions and duties from the Department of Public Works.

All the functions, duties, property, records, and personnel associated with the control and elimination of rodents now under the authority of the Department of Public Works are transferred to the Bureau.

SUBTITLE B: RODENT ABATEMENT PROGRAM

Sec. 904. Definitions.

For the purposes of this subtitle, the term:

(1) "Abate" means removing rodent infestations by eliminating or rodent-proofing rodent food sources, eliminating rodent nesting areas, rodent-proofing building entry ways, and poisoning or trapping existing rodent populations.

(2) "Debris" means any of the following:

(A) Construction or demolition waste that is not stored in a rodent-proof container and not removed after 14 days or longer;

(B) Yard waste and branches that are not bundled and set out for waste collection, but not yard waste placed in a properly maintained compost pile; and

(C) Fire wood that is stored next to a building or left in loose piles on the ground, but not fire wood that is stored away from buildings and at least 18 inches above the ground or in a rodent-proof building.

(3) "Grease" means used cooking oil, vegetable oil, shortening, margarine or any other used fat or oil used for cooking, frying or baking intended for recycling or disposal.

(4) "Harborage" means rodent infestation or providing food or nesting areas for rodents, which may be identified by the presence of burrows, droppings, tracks, runways, gnawings, urine stains, odor, live or dead rodents, nests, and rodent gnawed food.

(5) "Hardware cloth" means galvanized metal cloth or netting with small diameter holes used to prevent rodents from entering buildings.

(6) "Rodent-proof" or "rodent-proofing" includes:

(A) Heavy duty plastic or metal containers with tightly-fitting lids fastened to the container; and

(B) Using hardware cloth to seal building openings.

Sec. 905. Rodent Control Fund.

(a) There is established the Rodent Control Fund ("Fund") as a nonlapsing, revolving fund, to be administered by the Mayor as an agency fund as defined in section 373(2)(I) of Title 47 of the District of Columbia Code, to be used exclusively for the purposes stated in section 906.

(b) The Fund shall be financed through fines, civil penalties, costs and judgments recovered, and monies received as reimbursement by the District government pursuant to this title

and regulations promulgated by the Mayor.

(c) The Fund shall be accounted for under procedures established pursuant to subchapter V of Chapter 3 of Title 47 of the District of Columbia Code.

(d) Sunset.

This section shall expire on September 30, 2002.

Sec. 906. Disbursements from the Fund.

(a) Disbursements from the Fund may be used by the District to undertake actions to correct certain health hazards that have resulted from the harborage of rodents, including cleanup, abatement, and preventive measures.

(b) A disbursement from the Fund may be made if the following conditions exist:

(1) The District needs to take an action in order to protect human health; and

(2) One or more of the following conditions exist:

(A) The action is required to protect public space;

(B) No person can be found who is the owner of the property in question, and is capable of proper implementation of the required corrective action within 30 days of the posting of the notice on the property in question that a violation of this title has occurred, or shorter period if so determined by the Mayor as may be necessary to protect human health;

(C) A situation exists that requires immediate action by the Mayor to protect human health; or

(D) The responsible party has failed or refused to comply within 30 days of a mayoral order for compliance.

(c) Disbursements from the Fund may be made to cover the administrative and operational costs incurred by the Mayor in the implementation of subsection (b) of this section.

(d) If the District incurs costs for undertaking any corrective or enforcement action to abate rodent infestation, rodent harborage, or rodent food sources, all parties found to be liable by the Mayor shall be jointly and severally liable to the District government for the costs incurred by the District. In addition to any other enforcement action, the Mayor may assess any reasonable costs for correcting the condition and any related expenses as a tax against the property, carry the tax on the regular tax rolls, and collect the tax in the same manner as real estate taxes are collected.

(e) Nothing in this section shall be construed to make the District government responsible for corrective action costs to any person in excess of the monies in the Fund.

(f) Sunset provision.

This section shall expire on September 30, 2002.

Sec. 907. Corrective actions.

(a) Subject to the availability of appropriations, the Bureau may undertake actions to correct certain health hazards that have resulted from the harborage of rodents, including cleanup, abatement, and preventive measures, if the following conditions exist:

(1) The District needs to take an action in order to protect human health;

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(2) One or more of the following conditions exist:

(A) The action is required to protect public space;

(B) No person can be found who is the owner of the property in question, and is capable of proper implementation of the required corrective action within 30 days of the posting of notice on the property in question that violation of this subtitle has occurred, or shorter period if so determined by the Mayor as may be necessary to protect human health;

(C) A situation exists that requires immediate action by the Mayor to protect human health; or

(D) The responsible party has failed or refused to comply within 30 days of a mayoral order for compliance.

(b) If the District incurs costs for undertaking any corrective or enforcement action to abate rodent infestation, rodent harborage, or rodent food sources, all parties found to be liable by the Mayor shall be jointly and severally liable to the District government for the costs incurred by the District. In addition to any other enforcement action, the Mayor may assess any reasonable costs for correcting the condition and any related expenses as a tax against the property, carry the tax on the regular tax rolls, and collect the tax in the same manner as real estate taxes are collected.

Sec. 908. Rodent harborage prohibited.

(a) It shall be unlawful for any person to cause or permit the accumulation of debris on public or private property or cause or permit weeds or grass to grow to a height of 8 inches or more on private property which they own.

(b) Upon the transfer or change in occupancy of any real property, the owner of the property shall inspect the property for signs of rodent harborage. If signs of past rodent harborage are found, all rodent entryways shall be sealed with hardware cloth or another appropriate material to prevent re-infestation. If an active infestation is found, all rodent entryways shall be sealed with hardware cloth or other appropriate material, and the infestation shall be abated.

(c) Any person violating subsections (a) and (b) of this section shall abate the condition causing rodent harborage within 14 days of notification of the violation from the Mayor. Any abatement of existing rodent populations shall be performed by a licensed and certified pest controller. Any person who fails to abate the condition causing rodent harborage shall be liable to arrest and upon conviction shall be deemed guilty of a misdemeanor and shall be subject to a fine for each offense not to exceed \$10,000, or shall be imprisoned for a period not to exceed 90 days, or both, in the discretion of the court.

(d) Civil fines, penalties and fees may be imposed as alternative sanctions for any infraction of this subtitle, or any rules or regulations issued under the authority of this subtitle, pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 ("Civil Infractions Act"). Adjudication of any infractions shall be pursuant to the Civil Infractions Act.

SUBTITLE C: CONFORMING AMENDMENTS

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Sec. 909. The Litter Control Administration Act of 1985 is amended as follows:

(a) Section 3(a)(1) is amended as follows:

(1) Strike the phrase ", through the Department of Public Works".

(2) Strike the last sentence and insert the sentence "Contested cases arising from violations of the regulations listed in this section shall be adjudicated in accordance with the system provided in sections 5, 6, and 9." in its place.

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

"(f)(1) The District shall levy a special assessment against any land and the improvements on the land to which any unpaid fines or penalties have been imposed pursuant to this act. Any special assessment levied pursuant to this act shall be filed with the Office of the Recorder of Deeds.

"(2) The special assessment may be collected at the same time and in the same manner as ordinary District real property taxes are collected under section 811(b) of Title 47 of the District of Columbia Code. In addition, the special assessment shall be subject to the same penalties and interest as provided in section 47-811(c) of the District of Columbia Code and the same procedure and sale in case of delinquency as provided in Chapter 13 of Title 47. The special assessment shall be subordinate to all existing special assessments previously imposed on the same land and paramount to all liens except liens for District taxes and District water and sewer charges. The special assessment shall continue until the special assessment and all interest due and payable thereon has been paid."

Sec. 910. Title 16 of the District of Columbia Municipal Regulations (Consumers, Commercial Practices & Civil Infractions) (July 1998) is amended as follows:

(a) Section 3216 is amended by designating the existing subsections 3216.1 through 3216.7 as subsections 3216.2 through 3216.8.

(b) Section 3216 is amended by adding a new subsection 3216.1 to read as follows:

"3216.1. Violation of any of the following provisions shall be a Class 1 infraction:

"(a) 21 DCMR §700.3 (failure to properly containerize solid wastes);

"(b) 21 DCMR §705.3 (permitting spillage of waste at collection point);

"(c) 21 DCMR §707.3 (failure to provide sufficient storage between collections);

"(d) 22 DCMR §107.1 (failure to comply with order to rodent-proof or abate for rats);

"(e) 23 DCMR §2606.1 (failure to provide adequate facilities for waste storage);

"(f) 23 DCMR §2606.2 (failure to use vermin-proof trash and storage areas);

"(g) 23 DCMR §2606.3 (failure to keep trash in tightly covered containers);

"(h) 23 DCMR §2606.4 (failure to comply with waste handling requirements);

"(i) 23 DCMR §3012.1 (failure to keep premises free from rats and vermin); and

"(j) 23 DCMR §3012.2 (failure to report vermin infestation)."

Sec. 911. Section 8-3:612(b) of the District of Columbia Solid Waste Regulations, issued June 29, 1971 (Reg. 71-21; 21 DCMR § 700.11), is amended by striking the phrase "sections 704.3 through 704.5 and 711" in each sentence and inserting the phrase "this part" in its place.

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Sec. 912. Title 21 of the District of Columbia Municipal Regulations (Water and Sanitation) (February 1998) is amended as follows:

(a) Section 707 is amended by adding four new subsections 707.9, 707.10, 707.11, and 707.12 to read as follows:

"707.9 Grease held for recycling or disposal shall be stored in a tightly-sealed metal drum with a capacity of not more than 55 gallons. The grease container and the area where the grease is stored shall be free of spilled grease. The grease container shall be stored not less than 4 feet from any other vertical object such as a wall, shelving, or wood fuel stacks.

"707.10 Commercial trash compactors shall be free of spilled waste at all times and shall be kept closed when not compacting waste.

"707.11 Commercial waste containers shall be constructed of heavy gauge metal with tightly-fitting lids constructed of either heavy gauge plastic or metal. Waste container lids shall be kept closed at all times other than when the container is being filled or emptied. Waste container lids shall be free of large gaps, cracks or holes. The area where the waste container is stored shall be kept free of spilled waste at all times. If the waste container is equipped with a drain plug, the plug shall be constructed of heavy duty plastic or metal and shall be kept in the drain hole until the filled container is transported to its ultimate destination for emptying and disposal of its contents.

"707.12 Pet food and bird seed kept outside shall be stored in a rodent-proof container. Pet food and bird seed shall not be left to accumulate or remain on the ground after birds and pets have been fed."

(b) Section 708 is amended to read as follows:

"708. CONTAINERS FOR RESIDENTIAL MUNICIPAL REFUSE COLLECTION

"708.1. In addition to the applicable provisions of this chapter, all containers used by residents for municipal refuse collection shall conform to the requirements of this section.

"708.2. The Division of Solid Waste of the Department of Public Works shall properly inform the residents of the District where their authorized point of collection is. If the collection is from an alley, the point of collection shall be on the portion of private property immediately adjacent to public space, except that when Supercans are collected from the alley, the point of collection shall be on the portion of the public space immediately adjacent to the private property line. If collection is not from an alley, the point of collection shall be on the public space immediately adjacent to the premises.

"708.3. Environmental technicians shall report all instances of solid waste placed at inappropriate collection points or placed in containers other than the type prescribed in this section.

"708.4. Each container shall be constructed of heavy weight plastic or heavy gauge galvanized metal.

"708.5. Each container shall be watertight, equipped with handles and a tight-fitting cover attached to the container, and free of holes or cracks larger than one-half (½ in.) inch .

"708.6. Each container shall be constructed for easy removal of the contents.

708.7. Containers used in areas of the District with twice weekly collections shall have a capacity of not less than twenty (20) gallons and not more than thirty-two (32) gallons, and shall

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not exceed sixty pounds (60 lbs.) in weight when filled.

"708.8. Containers used in areas of the District with once weekly collections shall have a capacity of ninety-six (96) gallons, and shall not exceed two-hundred and fifty pounds (250 lbs.) in weight when filled.

"708.9. When stored in the open, all containers shall be kept securely closed except when being filled.

"708.10. Plastic bags intended for use as container liners are prohibited for use alone for storing solid waste refuse, except that plastic bags of at least nine (9) mil. thickness with a capacity of no more than thirty-two (32) gallons and securely tied may be used as containers for yard rubbish, provided that bags used for this purpose are marked as yard rubbish and set out for collection on the day(s) designated for yard rubbish collection.

"708.11. Containers permitted for use at authorized collection points shall meet the following criteria:

"(a) Supercans owned and issued by, and registered to, the District pursuant to the specifications in subsection 708.8;

"(b) Mini-supercans owned and issued by, and registered to, the District pursuant to the specifications in subsection 708.7; or

"(c) Heavy duty plastic or metal containers, pursuant to the specifications in subsections 708.4 to 708.7.".

Sec. 913. Section 3023.1 of Title 23 of the District of Columbia Municipal Regulations (Alcoholic Beverages and Food) (June 1997) is amended by designating the existing text as paragraph (a) and adding a new paragraph (b) to read as follows:

"(b) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this chapter pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infraction Act of 1985 ("Civil Infractions Act"). Adjudication of any infraction of this chapter shall be pursuant to the Civil Infraction Act.".

SUBTITLE D: APPLICABILITY

Sec. 914. This title shall apply as of October 1, 2000.

SUBTITLE E: FISCAL IMPACT STATEMENT

Sec. 915. Fiscal impact statement.

There is no fiscal impact resulting from the transfer of rodent control functions and resources from the Department of Public Works to the Department of Health. The transfer of dollars, which is provided in the FY 2001 proposed Budget and Financial Plan, includes \$610,215 in personal services and 15 full-time-equivalent positions, and \$47,615 in nonpersonal services. The FY 2001 proposed Budget also projects the generation of \$1,000,000 in additional revenue from increased fines and assessments in FY 2001, which are projected to decrease annually to \$550,000 in FY 2004, based on findings of a vector control consultant study. The annual

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decreases reflect assumed reduction in rodent activity as a result of the District's rodent control efforts. For Fiscal Years 2001 and 2002 only, the revenue generated by rodent control enforcements will be dedicated to the Rodent Control Fund for expenditures authorized by this title. Thereafter, the revenue will revert to the General Fund.

TITLE X. CITYWIDE CALL CENTER ESTABLISHMENT

Sec. 1001. Short title.

This title may be cited as the "Citywide Call Center Establishment Act of 2000".

Sec. 1002. Establishment of the Citywide Call Center.

There is hereby established, in the Executive Branch of the government of the District of Columbia, a Citywide Call Center ("Center"), under the supervision of a Director, who shall carry out the functions and authorities assigned to the Center.

Sec. 1003. Duties.

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

Sec. 1004. Fiscal impact statement.

The FY 2001 Budget and Financial Plan provides \$1,958,785 in intra-District funds for the operation of the Center.

TITLE XI. POLICE AND FIREFIGHTERS SURVIVAL ANNUITY ADJUSTMENT

Sec. 1101. Short title.

This title may be cited as the "Police and FireFighters Survival Annuity Adjustment Amendment Act of 2000".

Sec. 1102. Section 12(k) of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and sixteen, and for other purposes is amended as follows:

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

" (1A) In the case of any member who dies in the performance of duty after December 29, 1993, and leaves a widow or widower entitled to all or a portion of the benefit described in paragraph 1 of this subsection, an additional annuity shall be paid. This annuity shall be equal to 100% of the member's pay at the time of death. The annuity shall be increased at the same rate as the change in the Consumer Price Index, as described in subsection (m) of this

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section. This benefit shall be paid in lieu of benefits provided for by paragraphs (2) and (3) of this subsection. However, after benefits provided for in this paragraph end, as provided in paragraph (5) of this subsection, any remaining benefit pursuant to paragraph (3) of this section shall commence to be paid."

(b) Paragraph (5) is amended by adding a new subparagraph (E) to read as follows:

"(E) Notwithstanding the provisions of subparagraphs (B) and (C) of this paragraph, no child's or student child's annuity shall be paid while an annuity benefit to a widow or widower under paragraph (1) of this subsection is being paid."

Sec. 1103. Applicability.

The change in benefits in section 1102 shall apply beginning October 1, 2000.

Sec. 1104. Fiscal impact statement.

An actuarial study conducted for the Mayor by Milliman & Robertson, Inc., determined the cost of the benefit change to the District payment to the District of Columbia Police Officers' and Fire Fighters' Retirement Fund to be \$1.6 million in Fiscal Year 2001. The FY 2001 Budget and Financial Plan for the District of Columbia Police Officers' and Fire Fighters' Retirement Fund includes funding for this prospective change in benefits for the eligible survivors.

TITLE XII. RENTAL HOUSING AMENDMENTS

Sec. 1201. Short title.

This title may be cited as the "Rental Housing Amendment Act of 2000".

Sec. 1202. The Rental Housing Act of 1985 is amended as follows:

(a) Section 401 is amended by striking the period at the end of the third sentence and inserting the phrase "; provided, that fees collected during Fiscal Year 2001 shall be deposited in the fund established by section 1 of An Act to provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District to be used for the purposes of the fund." in its place.

(b) Section 907 is amended to read as follows:

"All titles of this act, except titles III and V, shall terminate on December 31, 2005."

Sec. 1203. Fiscal impact statement.

The FY 2001 Budget and Financial Plan maintains funding for the administration of the rental housing program which would be continued by section 1202(b) of this title. The FY 2001 Budget also recognizes the dedication of an estimated \$2 million in annual existing rental housing fees to an existing housing nuisance abatement fund, as set forth in section 1202(a) of this title.

TITLE XIII. RESIDENTIAL DRUG-RELATED EVICTIONS RE-ENACTMENT

Sec. 1301. Short title.

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This title may be cited as the "Residential Drug-Related Evictions Re-enactment Act of 2000".

Sec. 1302. Definitions.

For the purposes of this title, the term:

(1) "Civic association" means:

(A) A nonprofit association, corporation, or other organization that is:

(i) Comprised of residents of a community within which a nuisance is located;

(ii) Operated exclusively for the promotion of social welfare and general neighborhood improvement and enhancement; and

(iii) Exempt from taxation under section 501(c)(3) or (4) of the Internal Revenue Code; or

(B) A nonprofit association, corporation, or other organization that is:

(i) Comprised of residents of a contiguous community that is defined by specific geographic boundaries, within which a nuisance is located; and

(ii) Operated for the promotion of the welfare, improvement, and enhancement of that community.

(2) "Closure" means the closing of a rental unit or housing accommodation.

(3) "Community association" means:

(A) A nonprofit association, corporation, or other organization that is:

(i) Comprised of residents of a community within which a nuisance is located;

(ii) Operated exclusively for the promotion of social welfare and general neighborhood improvement and enhancement; and

(iii) Exempt from taxation under section 501(c)(3) or (4) of the Internal Revenue Code; or

(B) A nonprofit association, corporation, or other organization that is:

(i) Comprised of residents of a contiguous community that is defined by specific geographic boundaries, within which a nuisance is located; and

(ii) Operated for the promotion of the welfare, improvement, and enhancement of that community.

(4) "Controlled dangerous substance" means any of the controlled substances as defined in section 204(1) and (2) of the Uniform Controlled Substances Act.

(5) "Controlled Substances Act" means the Controlled Substances Act of 1970, approved October 27, 1970 (84 Stat. 1243; 21 U.S.C. § 801 *et seq.*).

(6) "Court" means the Landlord and Tenant Branch of the Civil Division of the Superior Court.

(7) "District" means the District of Columbia.

(8) "Drug haven" means a housing accommodation, or land appurtenant to or common areas of a housing accommodation where drugs are illegally stored, manufactured, used, or distributed.

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(9) "Drug-related eviction" means an eviction pursuant to this title.

(10) "Drug" means a controlled substance as defined in section 102(4) of the Uniform Controlled Substances Act or the Controlled Substances Act.

(11) "Housing accommodation" means a building that is or contains at least one rental unit and the land appurtenant to the building.

(12) "Housing provider" means:

(A) A landlord, owner, lessor, sublessor, or assignee;

(B) The agent of a landlord, owner, lessor, sublessor, or assignee; or

(C) A person entitled to receive compensation for the use or occupancy of a rental unit within a housing accommodation.

(13) "Internal Revenue Code" means the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2085; 26 U.S.C. § 1 *et seq.*).

(14) "Manufacture" shall have the same meaning as that term has in section 102(13) of the Uniform Controlled Substances Act or the Controlled Substances Act.

(15) "Nuisance" means a property that is used:

(A) By persons who assemble for the specific purpose of illegally using a controlled dangerous substance;

(B) For the illegal manufacture or distribution of:

(i) A controlled dangerous substance; or

(ii) Drug paraphernalia, as defined in section 2(3) of the Drug

Paraphernalia Act of 1982; or

(C) For the illegal storage or concealment of a controlled dangerous substance in sufficient quantity to reasonably indicate under all the circumstances an intent to manufacture, distribute, or dispense:

(i) A controlled dangerous substance; or

(ii) Drug paraphernalia, as defined in section 2(3) of the Drug

Paraphernalia Act of 1982.

(16) "Occupant" means a person authorized by the tenant or housing provider to be on the premises of the rental unit.

(17) "Rental unit" means an apartment, room, or part of a publicly or privately owned housing accommodation that is rented or offered for rent for residential occupancy, and the land appurtenant to the apartment, room, or part of the housing accommodation.

(18) "Resident association" means an organization of residents of a multifamily building or a single complex of jointly managed multifamily buildings.

(19) "Tenant" means a lessee, sublessee, or other person entitled to the possession or occupancy of a rental unit.

(20) "Uniform Controlled Substances Act" means the District of Columbia Uniform Controlled Substances Act.

Sec. 1303. Action for possession of rental unit used as a drug haven.

(a) Notwithstanding any provision of section 1501 of Title 16 of the District of Columbia Code, or section 501 of the Rental Housing Act of 1985, a housing provider may commence an

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action in the Court to recover possession of a rental unit or the Mayor may commence an action in the Court to evict a tenant or occupant in a rental unit. The following persons may commence an action to abate a nuisance in the Court: the Mayor, the United States Attorney for the District of Columbia, the civic association within whose boundaries the nuisance is located, or the community association within whose boundaries the nuisance is located. The recovery or eviction shall be ordered if the Court has determined, by a preponderance of the evidence, that the rental unit is a drug haven or that a nuisance exists. In making the determination that the rental unit is a drug haven or that a nuisance exists, the Court shall consider:

(1) Whether a tenant or occupant of the rental unit has been charged with a violation of the Uniform Controlled Substances Act or the Controlled Substances Act due to activities that occurred within the housing accommodation that contains the rental unit, or has violated a term of parole or probation for a previous conviction under the Uniform Controlled Substances Act or the Controlled Substances Act;

(2) Whether the rental unit has been the subject of more than one drug-related search or seizure that has resulted in the arrest of a tenant or occupant;

(3) Whether a firearm has been discharged within the rental unit;

(4) The testimony of a witness concerning the possession, manufacture, storage, distribution, use, or the attempted possession, manufacture, storage, distribution, or use of an illegal drug by a tenant or occupant in the housing accommodation that contains the rental unit;

(5) The general reputation of the property to corroborate testimony based on personal knowledge or observation, or evidence seized during the execution of a search and seizure warrant; provided, that this shall not, in and of itself, be sufficient to establish the existence of a drug haven or nuisance;

(6) Evidence that the drug haven or nuisance had been discontinued at the time of the filing of the complaint or at the time of the hearing, which evidence will not bar the granting of appropriate relief by the Court; or

(7) Any other relevant and admissible evidence that demonstrates that the rental unit is or is not a drug haven or nuisance.

(b) A notice of the action shall be served upon the tenant or occupant and housing provider at least 5 days prior to a hearing.

Sec. 1304. Preliminary injunction review.

(a) After commencement of an action under section 1303 and upon request of a party, the Court shall hold a hearing to determine if a preliminary injunction should be granted to prevent a tenant from directly or indirectly maintaining a drug haven or nuisance.

(b) The Court may grant a motion for a preliminary injunction if the plaintiff meets the necessary legal requirements for a preliminary injunction. The factors that the Court shall consider in determining whether the plaintiff is entitled to a preliminary injunction are:

(1) Whether the plaintiff is likely to prevail on the merits of the case;

(2) Whether, in the absence of relief, the plaintiff will suffer irreparable harm;

(3) Whether there will be substantial harm to the defendant or another party if relief is granted; and

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(4) Whether the public interest favors granting relief.

(c) The housing provider and the Mayor shall not be required to give bond to obtain an injunction.

Sec. 1305. Full hearing.

(a)(1) Within 10 days of the issuance of the preliminary injunction, excluding Saturdays, Sundays, and legal holidays, the Court shall hold a full hearing on the merits of the eviction action. If a hearing for a preliminary injunction has not been requested, the Court shall expeditiously schedule a full hearing. If it is determined by a preponderance of the evidence, after consideration of the factors set forth in section 1303, that the rental unit is a drug haven, the Court shall issue a final order that mandates one or more of the following:

- (A) Eviction of the tenant or occupant within 72 hours; or
- (B) Closure of the rental unit for a period of time to be decided by the

Court.

(2) The Court may order the owner of the property to submit for court approval a plan of correction to ensure, to the extent reasonably possible, that the property will not again be used for a drug haven or nuisance.

(b) Execution of a final order shall occur within 5 days of the issuance of the final order, excluding Saturdays, Sundays, and legal holidays. If the United States Marshal of the District of Columbia has not executed the final order within 5 days of issuance of the final order, the final order shall continue to be executable and valid, in accordance with Rule 16(a) of the Court Rules of Civil Procedure.

(c) The Court shall not enter a final order to evict a tenant or occupant against whom the action was filed if the tenant or occupant shows by a preponderance of the evidence that the events or actions upon which the judgment may be granted:

- (1) Could not reasonably have been known to the tenant or occupant;
- (2) Were not part of a pattern and practice of the tenant or occupant of the unit;

or

(3) Were reported to the Metropolitan Police Department by the tenant or occupant.

Sec. 1306. Default judgment.

The Court shall not enter a default judgment to evict a tenant or occupant who has failed to plead or otherwise defend unless, based upon evidence presented by the plaintiff, the Court determines that the rental unit is a drug haven or nuisance.

Sec. 1307. Complaint by affected tenant or resident association.

(a) To initiate an action pursuant to section 1303, an affected tenant, resident, or resident association may submit a petition accompanied by a complaint for review by the Mayor. The housing provider may be named as party plaintiff in the petition. The review of the petition by the Mayor shall be completed within 7 days of receipt of the petition.

(b) The petition shall set forth the following:

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(1) The date and time the affected tenant, resident, or resident association witnessed the possession, manufacture, storage, distribution, use, or attempted possession, manufacture, storage, distribution, or use of an illegal drug in the rental unit by a tenant or occupant;

(2) The name, address, and telephone number of any corroborating witness; and

(3) Any other information relevant to the petition that can be verified by a named witness or independent authority, including the Metropolitan Police Department.

(c) If, upon review, the Mayor determines that a petition and complaint are complete, the affected tenant, resident, or resident association may file the complaint with the Court to commence an action pursuant to section 1303.

(d) The Court shall proceed to consider the complaint under section 1303 and 1304.

Sec. 1308. Mayor's authority and responsibility.

(a) The Mayor shall establish within the Metropolitan Police Department a division to provide assistance to, supervision of, or protection to a plaintiff who has obtained an eviction order or other relief pursuant to this title.

(b) The Mayor shall report to the Council on an annual basis on the effectiveness of this title.

Sec. 1309. Court costs and attorney's fees.

The Court may award court costs and reasonable attorney's fees to a civic association, community association, or resident association that is the prevailing plaintiff in an action brought under this title.

Sec. 1310. Availability of other remedies.

The provisions of this title shall not limit the availability of other remedies under law or other equitable relief whether or not an adequate remedy exists at law.

Sec. 1311. Rules.

(a) The Mayor shall issue proposed rules to implement the provisions of this title. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved. Nothing in this section shall affect any requirements imposed upon the Mayor by title I of District of Columbia Administrative Procedure Act.

(b) The Mayor may issue emergency rules without prior Council approval, which shall be effective for not more than 120 days.

Sec. 1312. Conforming amendment.

Section 501 of the Rental Housing Act of 1985 is amended by adding a new subsection (1) to read as follows:

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"(l) This section shall not apply to privately-owned rental housing or housing owned by the federal or District government with regard to drug-related evictions under the Residential Drug-Related Evictions Re-enactment Act of 2000."

Sec. 1313. Fiscal impact statement.

The FY 2001 Budget and Financial Plan maintains funding for the administration of this aspect of the rental housing program which would be continued by this title.

TITLE XIV. CONSUMER PROTECTION

Sec. 1401. Short title.

This title may be cited as the "Consumer Protection Act of 2000".

Sec. 1402. Chapter 39 of Title 28 of the District of Columbia Code is amended as follows:

(a) The table of contents is amended by adding the following section designations at the end to read as follows:

"28-3910. Investigatory powers of Corporation Counsel.

"28-3911. District of Columbia Consumer Protection Fund."

(b) Section 28-3901 is amended as follows:

(1) Subsection (b)(1) is amended by striking the word "practices" and inserting the phrase "practices and deter the continuing use of such practices" in its place.

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

"(c) This chapter shall be construed and applied liberally to promote its purpose."

(c) Section 28-3902(i) is amended as follows:

(1) Strike the phrase "until October 1, 2000" and insert the phrase "until October 1, 2002" in its place.

(2) Add a new sentence at the end to read as follows: "This subsection shall not prevent the Department of Consumer and Regulatory Affairs from cooperating with, and making appropriate referrals to, another law enforcement agency."

(d) Section 28-3905(k) is amended as follows:

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

"(1) A person, whether acting for the interests of itself, its members, or the general public, may bring an action under this chapter in the Superior Court of the District of Columbia seeking relief from the use by any person of a trade practice in violation of a law of the District of Columbia and may recover or obtain the following remedies:

"(A) treble damages, or \$1,500 per violation, whichever is greater, payable to the consumer;

"(B) reasonable attorney's fees;

"(C) punitive damages;

"(D) an injunction against the use of the unlawful trade practice;

"(E) in representative actions, additional relief as may be necessary to

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restore to the consumer money or property, real or personal, which may have been acquired by means of the unlawful trade practice; or

"(F) any other relief which the court deems proper."

(2) Paragraph (2) is amended by adding the following sentence at the beginning to read as follows:

"The remedies or penalties provided by this chapter are cumulative and in addition to other remedies or penalties provided by law."

(e) Section 28-3909 is amended as follows:

(1) The existing text is designated as subsection (a), and the last sentence is amended to read as follows:

"The Corporation Counsel may recover restitution for property lost or damages suffered by consumers as a consequence of the unlawful act or practice."

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

"(b) In addition, in an action under this section, the Corporation Counsel may recover a civil penalty of not more than \$1,000 for each violation, the costs of the action, and reasonable attorney's fees.

"(c) The Corporation Counsel may also:

"(1) represent the interests of consumers before administrative and regulatory agencies and legislative bodies;

"(2) assist, advise, and cooperate with private, local, and federal agencies and officials to protect and promote the interests of consumers;

"(3) assist, develop, and conduct programs of consumer education and information through public hearings, meetings, publications, or other materials prepared for distribution to consumers;

"(4) undertake activities to encourage local business and industry to maintain high standards of honesty, fair business practices, and public responsibility in the production, promotion, and sale of consumer goods and services and in the extension of consumer credit;

"(5) perform other functions and duties which are consistent with the purposes or provisions of this chapter, and with the Corporation's Counsel's role as *parens patriae*, which may be necessary or appropriate to protect and promote the welfare of consumers;

"(6) negotiate and enter into agreements for compliance by merchants with the provisions of this chapter; or

"(7) publicize its own actions taken in the interests of consumers."

(f) New sections 28-3910 and 28-3911 are added to read as follows:

"§ 28-3910. Investigatory powers of Corporation Counsel.

"In the course of an investigation to determine whether to seek relief under section 28-3909, the Corporation Counsel may subpoena witnesses, administer oaths, examine an individual under oath, and compel production of records, books, papers, contracts, and other documents. Information obtained under this section is not admissible in a later criminal proceeding against the person who provides the evidence.

"§ 28-3911. District of Columbia Consumer Protection Fund.

"(a) Subject to appropriation and authorization by Congress, there is established the

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District of Columbia Consumer Protection Fund ("Fund") to be operated as a proprietary fund with assets not to exceed \$1,490,000 at any time. The Fund shall consist of: (1) sums as may be transferred to the Fund under a court order or judgment in an action brought pursuant to section 28-3909, (2) gifts, grants, or *cy pres* payments made to support consumer protection activities by the Corporation Counsel, and (3) sums as may be recovered by the Corporation Counsel under section 28-3909 by judgment or in settlement of claims. Any balance in excess of \$1,490,000 shall be deposited in the General Fund of the District of Columbia.

"(b) The Fund shall be used by the Corporation Counsel for the payment of costs, expenses, and charges incurred in and reasonably related to:

"(1) the investigation, preparation, filing, and maintenance of actions under sections 28-3909 and 28-3905(i)(4);

"(2) receiving or responding to consumer complaints; or

"(3) consumer education activities.

"(c) The Mayor shall conduct an annual audit of all income and expenses of the Fund and shall submit the audit report to the Council."

Sec. 1403. Fiscal impact statement.

This title extends the suspension of the enforcement of the District's consumer protection law, thereby avoiding a substantial negative fiscal impact (estimated to be approximately \$546,000) that would occur if the Department of Consumer and Regulatory Affairs were required to renew this program which was first suspended in FY 1996.

Instead, the title authorizes but does not require the Office of the Corporation Counsel to pursue consumer protection claims more aggressively, provides additional remedies and potential recovery on behalf of citizens and the District government, and establishes a District of Columbia Consumer Protection Fund into which increased fines and other monetary remedies would be deposited and dedicated for the purposes of consumer protection. The fund would be a non-lapsing proprietary fund, subject to appropriation and authorization by Congress, which would include assets not to exceed \$1,490,000. Any balance in excess of \$1,490,000 would be required to be deposited in the General Fund. The fines and other monetary remedies to be deposited in this newly established consumer protection fund are not included within the general fund revenue

estimates for the FY 2001 Budget and Financial Plan and, therefore, this title will have no negative fiscal impact upon the budget or financial plan.

TITLE XV. WATER AND SEWER REPAIRS

Sec. 1501. Short title.

This title may be cited as the "Water and Sewer Infrastructure Repair Responsibility Amendment Act of 2000".

Sec. 1502. Section 5 of An Act To provide for the drainage of lots in the District of Columbia is amended as follows:

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(a) Subsections (b), (c), (e), and (g) are amended by striking the phrase "the Mayor" and inserting the phrase "the District of Columbia Water and Sewer Authority" in its place.

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

"(d) All prior year compensation payments authorized by subsection (c) of this section and all work required to be done in the repair, maintenance, or renewal of water service pipes and building sewer as authorized under subsection (b) of this section, including surface repair works, shall be paid from the Water and Sewer Authority Enterprise Fund established by section 207 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996."

Sec. 1503. Fiscal impact statement.

This title will have no adverse impact upon the Fiscal Year 2001 Budget and Financial Plan. The title clarifies that the Water and Sewer Authority ("WASA") bears the financial responsibility for repairing and maintaining its water service pipes and building sewer, including surface repairs, and repeals the statutory obligation of the Department of Public Works to use highway appropriations to fund public space surface repairs associated with WASA's repair and maintenance of its service pipes. Implementation of this title is estimated to generate the Department of Public Works approximately \$107,000 in operating funds each year, which instead will be paid from the Water and Sewer Authority Enterprise Fund.

TITLE XVI. SUBMISSION DATE FOR RESOLUTION OUTLINING USE OF MONIES IN TAXICAB COMMISSION FUND

Sec. 1601. Short title.

This title may be cited as the "Taxicab Assessment Fund Amendment Act of 2000".

Sec. 1602. Section 20a(e) of the District of Columbia Taxicab Establishment Act of 1985, is amended as follows:

(a) The first sentence is amended by striking the phrase "On October 15th" and inserting the phrase "Beginning in 2001, on February 1st" in its place.

(b) The fourth sentence is amended by striking the phrase "the 45th day" and inserting the phrase "the 90th day" in its place.

Sec. 1603. Fiscal impact statement.

This title simply changes a date within existing law that requires an annual submission of a report to the Council and, therefore, has no fiscal impact.

TITLE XVII. CONTRACT APPEALS BOARD INTERAGENCY AGREEMENT AUTHORIZATION

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Sec. 1701. Short title.

This title may be cited as the "Contract Appeals Board Interagency Agreement Authorization Amendment Act of 2000".

Sec. 1702. The District of Columbia Procurement Practices Act of 1985 is amended as follows:

(a) Section 901(c) is amended by adding a new paragraph (3) to read as follows:

"(3) The Board shall use any fees received pursuant to section 903(b) at the discretion of the Chairperson to improve the Boards services and programs, including the option to provide incentive awards to Board personnel consistent with Subchapter XX of the District of Columbia Government Comprehensive Merit Personnel Act of 1978."

(b) Section 903(b) is amended to read as follows:

"(b) Jurisdiction of the Board shall be consistent with the coverage of this act as defined in sections 104 and 320, except that the Board shall have the authority to enter into fee-for-service agreements with agencies, departments, boards, commissions, and instrumentalities of the District or other public entities that are not subject to the Board's jurisdiction. The agreements shall provide for the Board to resolve contract disputes, including appeals and protests of those agencies, departments, boards, commissions, and instrumentalities."

Sec. 1703. Fiscal impact statement.

This title will not have an impact on the District's financial plan and budget, because it merely authorizes fee-for-service arrangements between District agencies, departments, boards, commissions, and instrumentalities and the Contract Appeals Board. Those units of the government will enter into these intra-district agreements, on a voluntary basis, if they have sufficient resources to pay for the services. The legislation does not mandate any activities or any costs for District government entities.

**TITLE XVIII. GOVERNMENT MANAGERS ACCOUNTABILITY ACT
AMENDMENTS**

Sec. 1801. Short title.

This title may be cited as the "Government Managers Accountability Amendment Act of 2000".

Sec. 1802. Title XIV-A of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 is amended as follows:

(a) Section 1412(e) is amended to read as follows:

"(e) The performance plan shall state the name and position of the management employees most directly responsible for the achievement of each performance measure, and the immediate supervisor or superior of the management employees."

(b) Section 1413 is amended as follows:

(1) Subsection (a) is amended by striking the phrase "coincident with annual

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agency budget submissions to the Council in succeeding years," and inserting the phrase "on January 15th in subsequent years," in its place.

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

"(b) The performance report shall indicate, for each performance measure stated in the previous fiscal year's performance plan, the actual level of performance as compared to the stated goal or objective for performance. The performance report shall also state the name and position of the management employee or employees most directly responsible for the achievement of each performance measure, and the immediate supervisor or superior of the management employee or employees."

Sec. 1803. Fiscal impact statement.

This title will not have an impact on the District's financial plan and budget, because it only makes procedural changes and clarifications to the Government Managers' Accountability Act ("GMAA") of 1995. First, the title eliminates the requirement to identify non-management employees responsible for the achievement of each measure to focus responsibility on the senior management of each agency. Second, the title changes the deadline for the submission of performance reports required by the GMAA to January 15th of each year, which gives agencies ample time (three-and-a-half months) to prepare their performance reports after the end of the prior fiscal year. Finally, the title eliminates the two required levels of performance ("acceptable" and "superior") for each measure; henceforth, only one target will be set for each outcome.

TITLE XIX. CLARIFICATION OF CONFIRMATION OF DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT

Sec. 1901. Short title.

This title may be cited as the "Deputy Mayor for Planning and Economic Development Confirmation Clarification Amendment Act of 2000".

Sec. 1902. Section 301(q) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 is amended as follows:

(a) Paragraph (46) is amended by striking the word "and" at the end of the paragraph and inserting a semicolon in its place.

(b) Paragraph (47) is amended by striking the period at the end and inserting a semicolon in its place.

(c) A new paragraph (48) is added to read as follows:

"(48) Office of Deputy Mayor for Planning and Economic Development; and".

Sec. 1903. Applicability.

This title shall apply as of April 9, 1999.

Sec. 1904. Fiscal impact statement.

This title has no fiscal impact.

TITLE XX. INDUSTRIAL REVENUE BOND FEES

Sec. 2001. Short title.

This title may be cited as the "Industrial Revenue Bond Fees Act of 2000".

Sec. 2002. Subchapter II-C of Chapter 3 of Title 47 of the District of Columbia Code is amended to read as follows:

"Subchapter II-C. Industrial Revenue Bond Fees.

"§ 47-340.20. Program fee.

"The Mayor may assess fees in connection with the provision to any for-profit or not for profit entity of loans, grants, credit support, revenue bonds, notes or other obligations authorized pursuant to federal law or regulations or any act or resolution of the Council of the District of Columbia. Such fees shall be in amounts reasonably calculated to defray costs associated with developing, implementing, administering, monitoring, evaluating or otherwise supporting such financial assistance for economic development purposes.

"§ 47-340.21. Deposit of proceeds.

"Program fees and the earnings thereon authorized under § 47-340.20 shall be deposited in an industrial revenue bond program fee account, which shall be a sub-account of the special account established under § 47-131(c)(4).

"§ 47-340.22. Allocation of funds.

"Beginning in Fiscal Year 2001, funds credited to the industrial revenue bond program fee account established under § 47-340.21 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 program fees paid and the earnings that have accrued during the immediately preceding fiscal year, provided that funds in excess of those needed for the purposes set forth in § 47-340.23 shall be part of the local funds within the General Fund.

"§ 47-340.23. Use of funds allocated.

"Beginning in Fiscal Year 2001, funds allocated to the Office of the Deputy Mayor for Planning and Economic Development as provided in § 47-340.22 may be used to pay the costs of operating and administering economic development programs, including the provision of credit support, loans, grants, contracts, and the implementation of other initiatives that are consistent with, and in furtherance of the purposes of § 47-334, provided that a spending plan for these economic development programs has been approved by the Mayor and the Council and certified by the Chief Financial Officer."

Sec. 2003. Fiscal impact statement.

This title has no adverse fiscal impact upon the FY 2001 Budget and Financial Plan, because the industrial revenue bond fees referenced in the title are not included within the budget and financial plan. Only the allocation of these funds is being changed, from the Office of the

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Chief Financial Officer to the Office of the Deputy Mayor for Economic Development.

TITLE XXI. SHARE DATA CENTER REORGANIZATION

Sec. 2101. Short title.

This title may be cited as the "SHARE Data Center Reorganization Act of 2000".

Sec. 2102. Chapter 3 of Title 47 of the District of Columbia Code is amended as follows:

(a) The table of contents is amended by adding the section designation "§ 47-317.7. SHARE Data Center."

(b) A new section 47-317.7 is added to read as follows:

"§ 47-317.7. SHARE Data Center.

"Notwithstanding any other law, all positions, personnel, property, records, and the functions of the Office of Financial Information Services for the SHARE data center are assigned, and authority delegated, to the Office of the Chief Technology Officer."

Sec. 2103. The Office of the Chief Technology Officer Establishment Act of 1998 is amended as follows:

(a) Section 1814 is amended as follows:

(1) Paragraph (7) is amended by striking the word "and" at the end.

(2) Paragraph (8) is amending by striking the period at the end and inserting the phrase "; and" in its place.

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

"(9) Maintain and oversee all District data centers, including, but not limited to, the SHARE, Department of Human Services, Department of Employment Services, University of the District of Columbia, Metropolitan Police Department, Public Benefits Corporation, Saint Elizabeths, Department of Health, and District of Columbia Public Schools data centers."

(b) Section 1816(a)(1) is amended to read as follows:

"(1) The Office of the Chief Technology Officer, which will include the staff and organizational units needed to carry out the overall plans and directions for the District's information technology, telecommunications policies, and data centers."

Sec. 2104. Applicability.

This title shall apply as of October 1, 2000.

Sec. 2105. Fiscal impact statement.

This title will not have an impact on the District's financial plan and budget, because the funds for the data center consolidation have already been provided to the Office of the Chief Technology Officer. The proposed FY 2001 Budget and Financial Plan includes a transfer of \$6,285,000 operating funds and \$1,100,000 capital funds from the Office of the Chief Information Officer within the Office of the Chief Financial Officer to the Office of the Chief Technology

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Officer. The effect of this transfer was to shift responsibility of the SHARE data center, as well as the funding and positions associated with it, to the Office of the Chief Technology Officer. Following the data center consolidation, operating costs associated with the SHARE data center should be equal to or less than they are currently. In addition, the Office of the Chief Technology Officer received \$7,500,000 in capital funds in a reprogramming from the Department of Human Services in fiscal year 2000, and another \$10,375,000 in capital funds are budgeted in fiscal year 2001 for this project. Therefore, a total of \$17,875,000 has already been identified to cover the capital costs of data center consolidation, and there should be no further fiscal impact to the District of Columbia as a result of these amendments.

TITLE XXII. EARNED INCOME TAX CREDIT

Sec. 2201. Short title.

This act may be cited as the "Earned Income Tax Credit Act of 2000".

Sec. 2202. Section 47-1806.4 of the District of Columbia Code is amended as follows:

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

"(2) The credit provided for in paragraph (1) of this subsection shall not be allowed to a resident who has a federal tax liability determined in accordance with section 55 of the Internal Revenue Code of 1986 or who has elected to claim the earned income tax credit provided for in subsection (f) of this section."

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

"(f)(1) If a return is filed for a full calendar or fiscal year beginning after December 31, 1999, an individual who is allowed an earned income tax credit under section 32 of the Internal Revenue Code of 1986 shall be allowed a credit against the tax imposed by this chapter for the taxable year in an amount equal to 10% of the earned income tax credit allowed under section 32 of the Internal Revenue Code of 1986; provided, that the credit shall not be allowed to a resident who has elected to claim the low income tax credit provided for in subsection (e) of this section.

"(2) If a return is filed for a period of less than a full calendar or fiscal year beginning after December 31, 1999, the credit allowed under this subsection shall be the reduced to the amount that bears the same ratio to the credit computed under the provisions of paragraph (1) of this subsection as the number of months in the period for which the return is made bears to 12 months.

"(3) The credit allowed under this subsection shall be refundable."

Sec. 2203. Fiscal impact statement.

The Fiscal Year 2001 Budget and Financial Plan includes \$3.88 million in annual expenditures for the implementation of a local earned income tax credit ("EITC") at 10% of the Federal level. The title clarifies that a taxpayer may qualify for either the EITC or an existing low income tax credit, but not both.

TITLE XXIII. TAXICAB TOLL TELECOMMUNICATION TAX CLARIFICATION

Sec. 2301. Short title.

This title may be cited as the "Taxicab Toll Telecommunication Tax Clarification Act of 2000".

Sec. 2302. Taxicab Toll Telecommunication Tax Clarification Amendment.

Title 47 of the District of Columbia Code is amended as follows:

(a) Section 47-2005 is amended as follows:

(1) Paragraph (26) is amended by striking the word "and" at the end of the paragraph.

(2) Paragraph (27) is amended by striking the period at the end of the paragraph and inserting "; and " in its place.

(3) A new paragraph (28) is added to read as follows:

"Beginning on April 30, 1998, 2-way land mobile radio used for taxicabs fare dispatch and for communication between taxicab drivers and their base."

(b) Section 47-3901(2)(B) of the District of Columbia Code is amended by striking the phrase "or any service for which a license is required in a personal communications service" and inserting the phrase "or any service for which a license is required in a personal communications service; or, beginning on April 30, 1998, 2-way land mobile radio used for taxicabs fare dispatch and for communication between taxicab drivers and their base." in its place.

Sec. 2303. Fiscal impact statement.

This title clarifies the Council's intent in the Commercial Mobile Telecommunication Service Tax Clarification Amendment Act of 1998, effective April 30, 1998 (D.C. Law 12-100; 45 DCR 1533), to exclude from taxation the sale of services related to 2-way land mobile radio used for taxicabs fare dispatch and for communication between taxicab drivers and their base. The sale of these services has not been taxed by the District of Columbia and, therefore, this clarifying amendment has no fiscal impact.

TITLE XXIV. DISTRICT OF COLUMBIA AUDITOR PERSONNEL AND AUDIT REFORM

Sec. 2401. Short title.

This title may be cited as the "Auditor Personnel and Audit Reform Amendment Act of 2000".

Sec. 2402. The District of Columbia Government Comprehensive Merit Personnel Act of 1978 is amended as follows:

(a) Section 903(a) is amended by adding a new paragraph (3A) to read as follows:

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"(3A) The District of Columbia Auditor may appoint 4 persons."

(b) Section 1414(c) is amended to read as follows:

"(c) The Office of the District of Columbia Auditor shall conduct an audit of selected performance measures presented in performance reports of certain agencies each fiscal year."

Sec. 2403. Section 11(a) of the District of Columbia Economic Development Finance Corporation Act of 1984 is amended by striking the phrase "on a biennial basis" and inserting the phrase ", at least once every 3 fiscal years (or sooner as considered appropriate by the Auditor) or upon the request of a Councilmember," in its place.

Sec. 2404. Section 6 of the District of Columbia Office of Energy Act of 1980 is repealed.

Sec. 2405. Section 47-825.1(1)(2) of the District of Columbia Code is amended to read as follows:

"(2) The District of Columbia Auditor shall perform a management audit of the activities of the Board at least once every 3 fiscal years (or sooner as considered appropriate by the Auditor) or upon request of a Councilmember, and report the findings to the Council."

Sec. 2406. Section 918.1 of Title 27 of the District of Columbia Municipal Regulations is amended by striking the phrase "either the District of Columbia Auditor or".

Sec. 2407. Beginning February 1, 2001, the District of Columbia Auditor shall conduct biennial audits of the University of the District of Columbia's Endowment Fund ("Fund"). The Auditor shall provide the Council with a report on the status of the Fund not later than February 1 of each year of the biennial audit.

Sec. 2408. Fiscal impact statement.

This title will not have a negative fiscal impact statement. This title authorizes 4 Excepted Service positions from within the existing staff levels funded in the Fiscal Year 2001 Budget and Financial Plan. The reduction of the audit interval for the programs identified will result in a more efficient and effective of audit staff, with the anticipated result being more timely and relevant audit reports, and findings of greater utility to the Council and District residents.

TITLE XXV. PUBLIC SCHOOL CONVERSION TO PUBLIC CHARTER SCHOOL

Sec. 2501. Short title.

This title may be cited as the "Public Charter School Conversion Petition Process Amendment Act of 2000".

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Sec. 2502. The Public Charter Schools Act of 1996 is amended as follows:

(a) Section 202(b) is amended as follows:

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

(A) Subparagraph (B) is amended by striking the word "and" at the end.

(B) New subparagraphs (D) and (E) are added to read as follows:

"(D) Parents of minor students who both:

"(i) Attend the school grade immediately lower than the first school grade which is served by the public school which is the subject of the conversion petition; and

"(ii) Attend a school that is located within the attendance area of the public school which is the subject of the conversion petition; and

"(E) Each Advisory Neighborhood Commission which represents an area within the attendance area of the public school which is the subject of the conversion petition.".

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

"(6) Provide in the petition a statement that explains the admissions preference to be given to students living in the current attendance area of the public school.".

(b) Section 203 is amended as follows:

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

"(a-1)(1) Within 7 days after the submission of an application, the Superintendent shall notify in writing through first-class mail, or any other mailing class as the Superintendent may regularly use, the following persons:

"(A) Parents of minor students attending the existing school;

"(B) Adult students attending the existing school;

"(C) Employees of the existing school;

"(D) Parents of minor students who both attend the school grade immediately lower than the first school grade which is served by the public school which is the subject of the conversion petition; and who attend a school that is located within the attendance area of the public school which is the subject of the conversion petition; and

"(E) Each Advisory Neighborhood Commission which represents an area within the attendance area of the public school which is the subject of the application.

"(2) The notification shall inform the recipients that:

"(A) The application has been received;

"(B) If certified, the Board shall hold a public hearing on the application to gather the information necessary to approve or approve the application;

"(C) The Board shall publish a notice of the hearing in the District of Columbia Register; and

"(D) Any other information the Superintendent deems necessary or useful.".

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

"(b-1) The Superintendent shall prepare for public dissemination, within 10 days after the certification of an application, a statement of impact of the proposed conversion on the operation of the DCPS. The Superintendent shall submit the statement to the Board for consideration at the

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public hearing on the application."

(3) A second sentence of subsection (c) is amended by inserting after the phrase "to the applicant" the phrase "and each Advisory Neighborhood Commission which represents an area within the attendance area of the public school which is the subject of the application".

Sec. 2503. The District of Columbia School Reform Act of 1995 is amended as follows:

(a) Section 2201(a)(2) is amended as follows:

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

(2) Subparagraph (C) is amended by striking the word "and" at the end.

(3) New subparagraphs (D) and (E) are added to read as follows:

"(D) Parents of minor students who both attend:

(i) The school grade immediately lower than the first school grade which is served by the public school which is the subject of the conversion petition; and

(ii) A school that is located within the attendance zone of the public school which is the subject of the conversion petition.

"(E) Each Advisory Neighborhood Commission which represents an area within the attendance area of the public school which is the subject of the conversion petition; and."

(b) Section 2203(c) is amended as follows:

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

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

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

"(3) Shall send written notification of the hearing date to the Advisory Neighborhood Commission in the area in which the school is located; and

"(4) Shall send written notification of the hearing date to the following parties when the petition is to convert an existing public school into a public charter school:

"(A) Parents of minor students attending the public school which is the subject of the conversion petition;

"(B) Adult students attending the public school which is the subject of the conversion petition;

"(C) Employees of the public school which is the subject of the conversion petition; and

"(D) Parents of minor students who both attend:

(i) The school grade immediately lower than the first school grade which is served by the public school which is the subject of the conversion petition; and

(ii) A school that is located within the attendance zone of the public school which is the subject of the conversion petition."

(c) Section 2206(d) is amended to read as follows:

"(d)(1) Admission to an existing school. A District of Columbia public school that has been approved to be converted to a charter school under section 2201 shall give priority in enrollment to:

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"(A) Students enrolled in the school at the time the petition is granted;

"(B) The siblings of students described in subparagraph (A) of this paragraph; and

"(C) Students who reside within the attendance boundaries, if any, in which the school is located.

"(2) A private or independent school that has been approved to be converted to a charter school under section 2201 may give priority in enrollment to the persons described in

paragraph (1)(A) and (1)(B) of this subsection for a period of 5 years, beginning on the date its petition is approved."

Sec. 2504. Fiscal impact statement.

There will be no fiscal impact associated with the new conversion process. No additional personnel, over those currently conducting the conversion process, will be required to complete the new process.

TITLE XXVI. ESTABLISHMENT OF STATE EDUCATION OFFICE

Sec. 2601. Short title.

This title may be cited as the "State Education Office Establishment Act of 2000".

Sec. 2602. Establishment of State Education Office.

A State Education Office ("SEO") shall be created under the Mayor to take on responsibilities assigned to it by law. Among the responsibilities assigned to the SEO shall be matters currently handled by the central administration of the District of Columbia Public Schools ("DCPS") that either present conflicts of interest or are remote from DCPS' core mission or expertise. The SEO shall conduct an annual audit of enrollment of both the DCPS and the DC public charter schools that will be completed no later than October 1 of each year.

Sec. 2603. Applicability.

This title shall apply as of October 1, 2000.

Sec. 2604. Fiscal impact statement.

The FY 2001 Budget redirects \$1,678,000 in local funds to the State Education Office as established in this title in the Office of the Mayor.

TITLE XXVII. SPECIAL EDUCATION STUDENT FUNDING, PLACEMENT, ATTORNEY FEES, AND TRANSPORTATION

SUBTITLE A: SPECIAL EDUCATION FUNDING INCREASE

Sec. 2701. Short title.

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This subtitle may be cited as the "Special Education Amendment Act of 2000".

Sec. 2702. The chart in section 106(c) of the Uniform Per Student Funding Formula For Public Schools and Public Charter Schools Act of 1998 is amended as follows:

- (1) The column labeled "Weight" for Level 4 is amended by striking the figure "1.72" and inserting the figure "3.2" in its place, and by striking the figure "\$9,460".
- (2) A new level V is added to read as follows:

"

Level V Special Education	Residential; 24 hour intensity in public charter school	+9.4	
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Sec. 2703. Fiscal impact statement.

This subtitle is consistent with the Fiscal Year 2001 Budget, which includes \$105 million for charter schools of which \$2,178,048 will fund the increase in the Level 4 special education weight and \$3,769,024 which will fund the Level 5 special education weight.

Ten million dollars was transferred from within the DCPS budget from the State function titled Tuition and Subsidies to the Per Pupil Add-on weighting to fund the increase in Level 4 within the DCPS. The DCPS has no Level 5 programs.

The decrease in the Tuition and Subsidies line in DCPS is balanced by the increase in the charter school budget to fund the operation of the Joz-Arz public charter school which will have 120 spaces for Level 4 day students and 70 Level 5 residential students. These spaces will be filled by public school students that would have, if there were no public charter school, attended a non-public school and whose tuition would have been funded from the Tuition and Subsidies. Using the DCPS average of \$45,000 for Level 4 day students and \$56,000 for a Level 5 residential student, costs for these students would have been \$9.32 million for the school year with additional costs for extended year and related services, as well as transportation.

SUBTITLE B: PRIORITY OF PLACEMENT FOR SPECIAL EDUCATION STUDENTS

Sec. 2711. Short title.

This subtitle may be cited as the "Priority of Placement for Special Education Students Amendment Act of 2000".

Sec. 2712. Section 602 of the Special Education Assessment and Placement Act of 1998 is amended as follows:

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

"(b) If a student is classified as having a disability, as defined in section 101(a)(1) of the Individuals with Disabilities Education Act, or in section 7(8) of the Rehabilitation Act of 1973,

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the Board and DCPS shall place that student in an appropriate charter, public, private, or residential placement within 60 days from the date that the evaluation or assessment was completed."

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

"(c) Special education placements shall be made in the following order of priority provided that the placement is appropriate for the student:

"(1) DCPS schools or District of Columbia public charter schools;

"(2) Private or residential District of Columbia facilities; and

"(3) Facilities outside of the District of Columbia."

Sec. 2713. Fiscal impact statement.

This subtitle is consistent with the FY 2001 budget, which includes \$60 million in subsidies and transfers for these payments. Giving priority to programs located in the District will decrease costs. Public charter school and DCPS school placements are less costly than private school placements. There is no priority of DCPS special education programs over public charter school special education programs.

SUBTITLE C: SPECIAL EDUCATION ATTORNEY FEE CAPS

Sec. 2721. Short title.

This subtitle may be cited as the "Special Education Attorney Fee Caps Act of 2000".

Sec. 2722. It is District of Columbia policy that there shall be no limit on the fee payment for attorneys in special education matters in any way that is different than federal law applying to the 50 states.

Sec. 2723. Fiscal impact statement.

This subtitle is consistent with the FY 2001 Budget and Financial Plan, which was submitted by the Mayor to the Council with a proposed Budget Request Act in which the attorney fee cap imposed by Congress in the FY 2000 appropriations is explicitly stricken.

SUBTITLE D: SPECIAL EDUCATION TRANSPORTATION AND PLACEMENT

Sec. 2731. Short title.

This subtitle may be cited as the "Public School Special Education Transportation and Placement Comprehensive Plan Act of 2000".

Sec. 2732. (a) By October 1, 2001, the Superintendent of the District of Columbia Public Schools ("DCPS") shall complete and submit to the Council:

(1) A comprehensive plan on transportation for special education students, including:

(A) Steps to reduce and eliminate failures to provide transportation and

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efforts to make such transportation more efficient;

(B) A search for additional transportation contractors; and

(C) A decision whether DCPS should continue to contract for such transportation or perform the service within DCPS, complete with the reasons and the costs associated with the respective decision; and

(2) A comprehensive plan consistent with Medicaid law to maximize Medicaid reimbursement for transportation of special education students, including mandating language in any transportation contract that requires the contractor to:

(A) Give DCPS the list of students that were transported each day, with the designation for each student as a "show" or "no-show"; and

(B) Submit the list for each month within 15 days after the end of the month.

(b) By October 1, 2001, the Medical Assistance Administration shall submit to DCPS and the Council its response to the plan required by this section, including the steps and any preliminary approvals required for Medicaid reimbursement for transportation of special education students by DCPS.

Sec. 2733. By April 1, 2001, the Superintendent of DCPS shall:

(1) Complete and submit to the Council a comprehensive plan, consistent with Medicaid law in order to maximize Medicaid reimbursement, for the placement of:

(A) Students requiring residential placement within District of Columbia ("District") or out-of-District residential facilities; and

(B) Students requiring non-public day tuition placement within the District or out of the District ; and

(2) Identify other special education schools within the District serving special needs students which can be eligible for Medicaid reimbursement.

Sec. 2734. By May 1, 2001, the Medical Assistance Administration ("MAA") shall submit to DCPS and the Council its response to the plan required by section 2733, including the steps and any preliminary approvals required for Medicaid reimbursement for the placement of residential and non-public day tuition special education students by DCPS.

Sec. 2735. DCPS shall submit to the Council no later than 15 days after the end of each quarter a report that sets forth the amount of Medicaid funds that have been billed and collected from MAA during the quarter for each type of service provided.

Sec. 2736. Fiscal impact statement.

This subtitle establishes schedules for existing District government objectives to increase Medicaid reimbursement for special education services. Any administrative costs will be offset by the savings associated with increased recoupment of Medicaid reimbursement.

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TITLE XXVIII. PUBLIC CHARTER SCHOOL AMENDMENTS

SUBTITLE A: PUBLIC CHARTER SCHOOL COMPLIANCE WITH HEALTH AND SAFETY LAWS

Sec. 2801. Short title.

This subtitle may be cited as the "Charter Schools Facilities Health and Safety Compliance Amendment Act of 2000".

Sec. 2802. Section 205(j) of the Public Charter Schools Act of 1996 is amended as follows:

(a) Paragraph (7) is amended by striking the phrase "by the report" and inserting the phrase "by the report; and" in its place.

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

"(8) Documentation that the charter school's facilities comply with the applicable health and safety laws and regulations of the federal government and the District of Columbia, including the District of Columbia Fire Prevention Code."

Sec. 2803. Section 2204(c)(4) of the District of Columbia School Reform Act of 1995 is amended by adding a new sentence at the end of the existing text to read as follows: "A public charter school shall submit, before September 16 of each year, a report to the chartering authority and, in a control year to the Authority a report that documents that the charter school's facilities comply with the applicable health and safety laws and regulations of the federal government and the District of Columbia, including the District of Columbia Fire Prevention Code. The report shall be open to public inspection and available upon request."

Sec. 2804. Fiscal impact statement.

There is no negative fiscal impact. No new staff will be required to complete the reports.

SUBTITLE B: AUTHORITY TO PLACE SPECIAL NEEDS STUDENTS IN CHARTER SCHOOLS

Sec. 2811. Short title.

This subtitle may be cited as the "Special Needs Students Charter School Attendance Amendment Act of 2000".

Sec. 2812. Section 2204(c)(8) of the District of Columbia School Reform Act of 1995 is amended to read as follows:

"(8) *Other students.*---- No student enrolled in a District of Columbia public school, may be required to attend a public charter school; provided, that this paragraph shall not apply to students with special needs."

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Sec. 2813. Fiscal impact statement.

The FY 2001 Budget and Financial Plan includes \$60 million in subsidies and transfers for these payments. Giving priority to programs located in the District will decrease costs. Charter school programs are less costly than private school placements.

TITLE XXIX. ESTABLISHMENT OF THE OFFICE OF THE CHIEF MEDICAL EXAMINER

Sec. 2901. Short title.

This title may be cited as the "Establishment of the Office of the Chief Medical Examiner Act of 2000".

Sec. 2902. Definitions.

For the purposes of this act, the term:

- (1) "District" means the District of Columbia.
- (2) "Legal custody" includes imprisonment, jail, or detention.
- (3) "Ward" means any person in the official custody of the District government, on a temporary or permanent basis, because of neglect, abuse, mental illness or mental retardation.

Sec. 2903. Establishment of the Office of the Chief Medical Examiner; appointments, qualifications, and compensation.

(a) There is established as a subordinate agency in the executive branch of the government of the District of Columbia, the Office of the Chief Medical Examiner ("OCME").

(b) The Mayor shall nominate, with the advice and consent of the Council, a person to serve as the Chief Medical Examiner ("CME") within the OCME pursuant to section 2(a) of the Confirmation Act of 1978. The CME shall be responsible for the management and operation of the OCME. The CME shall appoint a Deputy CME and any other medical examiners the CME finds necessary to carry out the duties of the OCME.

(c) The CME, the Deputy CME, and any medical examiners appointed pursuant to subsection (b) of this section shall be physicians licensed to practice medicine in the District of Columbia. The CME, the Deputy CME, and any medical examiners appointed after the effective date of this act shall be certified in forensic pathology by the American Board of Pathology or be eligible for such certification.

(d) The Mayor shall fix the compensation of the CME pursuant to title X-A of the District of Columbia Government Comprehensive Merit Personnel Act of 1978. The Mayor shall fix the compensation of all medical examiners appointed by the CME pursuant to this section.

(e) The CME shall be appointed for a 6-year term.

Sec. 2904. Supporting services and facilities.

(a) The CME shall appoint such qualified professional, investigative, technical and clerical personnel as the OCME may require, including administrators, medicolegal investigators, and a

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General Counsel. The General Counsel shall be appointed pursuant to title VIII-B of the District of Columbia Government Comprehensive Merit Personnel Act of 1978.

(b) The Mayor shall provide such facilities and equipment, as the OCME shall require. The Chief Medical Examiner may arrange or contract for such services, equipment and facilities as deemed necessary to carry out the duties and responsibilities of the OCME, pursuant to the District of Columbia Procurement Practices Act of 1985.

Sec. 2905. Former duties of coroner; oaths; teaching.

(a) The CME shall be responsible for all the medical functions formerly performed by the coroner in the District of Columbia consistent with the provisions of this title. The CME and such other medical examiners as may be appointed may administer oaths and affirmations and take affidavits in connection with the performance of their duties.

(b) The CME, other medical examiners, medicolegal investigators and toxicologists as he or she may appoint, may be authorized by the CME to teach medical and law school classes, to conduct special classes for law enforcement personnel and to engage in other activities related to their work.

Sec. 2906. Deaths - determinations and investigations; cremations.

(a) The CME, other medical examiners, and medicolegal investigators (physician assistants or advanced practice registered nurses) licensed under the District of Columbia Health Occupations Revision Act of 1985 are authorized to make determinations of death.

(b) Pursuant to regulations established by the Mayor, the following types of human deaths occurring in the District of Columbia shall be investigated by the OCME:

- (1) Violent deaths, whether apparently homicidal, suicidal or accidental including deaths due to thermal, chemical, electrical or radiation injury and deaths due to criminal abortion, whether apparently self-induced or not;
- (2) Sudden, unexpected or unexplained deaths not caused by readily recognizable disease, including sudden infant deaths or apparent sudden infant death syndrome (SIDS);
- (3) Deaths under suspicious circumstances;
- (4) Deaths of persons whose bodies are to be cremated, dissected, buried at sea or otherwise disposed of so as to be thereafter unavailable for examination;
- (5) Deaths related to disease resulting from employment or on-the-job injury or illness;
- (6) Deaths related to disease which might constitute a threat to public health;
- (7) Deaths of persons who are wards of the District of Columbia government;
- (8) Deaths related to medical or surgical intervention, including operative, peri-operative, anesthesia, medication reactions or deaths associated with diagnostic or therapeutic procedures;
- (9) Deaths of persons while in legal custody of the District;
- (10) Fetal deaths related to maternal trauma including substance abuse, and extra-mural deliveries;
- (11) Deaths for which the Metropolitan Police Department, or other law

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enforcement agency, or the United States Attorney's Office requests, or a court orders investigation; and

(12) Dead bodies brought within the District of Columbia without proper medical certification.

(c) Clearances by the CME shall be required for all deaths occurring in the District of Columbia for which cremations are requested regardless of where the cremation will occur.

(d) The Mayor shall, by regulation, prescribe procedures for taking possession of a dead body following a death subject to investigation under subsection (b) of this section and for obtaining all essential facts concerning the medical causes of death and the names and addresses of as many witnesses as it is practicable to obtain.

Sec. 2907. Deaths - notification; penalties for noncompliance.

(a) For all deaths described in section 2906(b), the CME shall take charge of the body upon the mandatory and direct notification of the death required by subsection (b) of this section. The CME, or duly authorized representatives of the CME, shall have authority to respond to the scene of the death. The body of the decedent shall not be disturbed unless the CME, or the CME's designee, grants permission to do so.

(b) All law enforcement officers, emergency medical service (EMS) personnel, physicians, nurses, health care institutions, nursing homes, community residential facilities, prisons and jails, funeral directors, embalmers and other persons shall promptly notify the OCME of the occurrence of all deaths coming to their attention which are subject to investigation under section 2906(b) and shall assist in making the bodies and related evidence available to a medical examiner for investigation and autopsy.

(c) Any person subject to the reporting requirements in subsection (b) of this section who willfully fails to comply with this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$100 nor more than \$1,000.

Sec. 2908. Subpoena power for access to confidential medical records.

The CME is authorized to issue a subpoena for confidential medical records and relevant information from physicians, hospitals, nursing homes, residential care facilities and other health care providers as in his or her opinion is necessary for investigating deaths under this act. Any such subpoena issued by the CME may be enforced by order of the Superior Court. The Mayor shall, by regulation, prescribe procedures for issuing administrative subpoenas pursuant to this section.

Sec. 2909. Possession of evidence and property.

(a) At the scene of any death subject to investigation under section 2906(b), the medical examiner, a medicolegal investigator, or a law enforcement officer shall take possession of any objects or articles which, in his or her opinion, may be useful in establishing the cause and manner of death or the identity of the decedent and shall hold them as evidence. The Mayor shall issue regulations concerning the evidence in the possession of the CME and the transfer of that evidence to law enforcement agencies or the United States Attorney's Office.

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(b) In the absence of the next of kin, a police officer, a medical examiner or a medicolegal investigator may take possession of all property of value found on or in the custody of the decedent. If possession is taken of the property, the police officer, medical examiner or medicolegal investigator shall make an exact inventory of it and deliver the property to the Property Clerk of the Metropolitan Police Department. The Mayor shall issue regulations concerning the transfer of any such property from the OCME.

Sec. 2910. Examination; further investigation and autopsy.

(a) If, in the opinion of the CME, the cause and manner of death are established with a reasonable medical certainty, the CME shall complete a report of the medical examination of the decedent.

(b) If, in the opinion of the CME, or the United States Attorney, further investigation as to the cause or manner of death is required or the public interest so requires, a medical examiner shall either perform, or the CME shall arrange for a qualified pathologist to perform, an autopsy on the body of the decedent and to retain tissues and biological specimens deemed necessary to an investigation. No consent of the next of kin shall be required for an autopsy to be performed under this section.

(c) The medical examiner performing the autopsy shall make a complete record of the findings and conclusions of any autopsy and shall prepare a report thereon.

Sec. 2911. Autopsy by pathologist other than a medical examiner.

(a) If an autopsy is performed by a pathologist other than a medical examiner by request of the CME, the pathologist shall furnish to the CME, a complete record of the findings and conclusions of the autopsy. The CME, or assigned medical examiner, shall thereupon prepare a report, indicating the name of the pathologist performing the autopsy, the pathologist's findings and conclusions, and the CME's, or assigned medical examiner's, own comments, if appropriate.

(b) A pathologist other than a medical examiner who performs an autopsy at the request of the CME shall be compensated in accordance with a fee rate established by the Mayor by regulation.

Sec. 2912. Delivery of body; expenses.

(a) Following investigation or autopsy, the CME shall release the body of the decedent to the person having the right to the body for the purpose of burial or other disposition pursuant to law. If after a reasonable time, established by regulation by the Mayor, no authorized person claims the body of the decedent, the CME shall dispose of the body in accordance with the law.

(b) Expenses of transportation of bodies and autopsies performed pursuant to this act shall be borne by the District of Columbia.

(c) Only the CME shall dispose unclaimed bodies in the District without of next of kin or other means of disposition. The Mayor shall prescribe fees and regulations for the storage and disposal of unclaimed bodies.

Sec. 2913. Maintenance of records; annual report.

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(a) The CME shall be responsible for maintaining full and complete records and files, properly indexed, giving the name, if known, of every person whose death is investigated, the place where the body was found, the date, cause and manner of death and all other relevant information and reports of the medical examiner concerning the death. The CME shall issue a death certificate in all appropriate cases.

(b) The records and files maintained under the provisions of subsection (a) of this section shall be open to inspection by the Mayor, or Mayor's authorized representative, the United States Attorney and the United States Attorney's assistants, the Metropolitan Police Department, or any other law enforcement agency or official; upon request, to such persons, the CME shall promptly deliver to such persons copies of records relating to the deaths as to which further investigation may be advisable.

(c) Any other person with a legitimate interest may obtain copies of records maintained pursuant to subsection (a) of this section upon such conditions and payment of such fees as may be prescribed by regulation by the Mayor. If such person fails to meet the prescribed conditions, such person may obtain copies of such records pursuant to court order if the court is satisfied that such person has a legitimate interest.

(d) The CME shall prepare an annual report to the Mayor which includes information on the number of autopsies performed, statistics as to the causes of deaths, and any other relevant information the Mayor may require. The annual report shall be open to inspection by the public. The annual report shall not identify by name, deceased persons examined.

Sec. 2914. Records as evidence.

The records maintained pursuant to section 2913, or reproductions thereof certified by the CME, are admissible as evidence in any court in the District; except that, statements made by witnesses or other persons and conclusions upon nonmedical matters are not admissible.

Sec. 2915. Autopsies performed under court order.

In the case of unexplained, sudden, violent, or suspicious death, when the body is buried without investigation, or there has been an inadequate investigation, the United States Attorney, on his or her own motion, or on request of a medical examiner, or the Metropolitan Police Department, or other law enforcement agency, may petition the appropriate court for an order to conduct an inquiry. The court may order the body exhumed and an autopsy performed. In such cases, records and reports shall be filed as if the autopsy were performed prior to burial; except that, a copy of the report shall be furnished directly to the court.

Sec. 2916. Tissue transplants.

The CME may allow the removal of tissue pursuant to section 9 of the District of Columbia Tissue Bank Act.

Sec. 2917. Personnel, records, functions, and authority transferred.

All positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be available to the Office of the Chief Medical

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Examiner and all the functions assigned and authority delegated to the Office of the Chief Medical Examiner are hereby transferred to the Office of the Chief Medical Examiner established pursuant to section 2903:

(1) Commissioner's Order 70-83, effective March 6, 1970, vesting the Director of the Department of Human Resources with authority over the Chief Medical Examiner and the operations of the Office of the Chief Medical Examiner under Public Law 91-358;

(2) Commissioner's Order 71-16, effective January 26, 1971, establishing the Office of the Chief Medical Examiner, headed by the Chief Medical Examiner, in the Department of Human Resources with the functions set forth in Public Law 91-358;

(3) Part IV(B)(2) of Reorganization Plan No. 2 of 1979, effective February 21, 1980, vesting the Commissioner of Public Health, Department of Human Services, with administrative authority over the technical programs and services for medical investigation of all deaths, except clearly natural deaths under Public Law 91-358 and Commissioner's Order 71-16, as amended;

(4) Part III(K) of Reorganization Plan No. 3 of 1986, effective January 3, 1987, vesting the Director of the Department of Human Services with responsibility for medically investigating and reporting on known or suspected homicides, suicides, medically unattended or accidental deaths and deaths which might threaten public health and safety;

(5) Mayor's Order 89-62, Establishment of Commission on the Medical Examiner's Office, effective March 28, 1989;

(6) Part IV(B)(2) of Reorganization Plan 4 of 1996, Establishment of the District of Columbia Department of Health, placing the Office of the Chief Medical Examiner under the supervision of the Director of the Department of Health; and

(7) Department of Health Organization Order No. 15, Office of the Chief Medical Examiner, dated May 30, 1997, establishing the Office of the Chief Medical Examiner in the Department of Health.

Sec. 2918. Regulations and fees.

(a) The Mayor shall promulgate proposed regulations to implement the provisions of this title. The proposed regulations shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the regulations, in whole or in part, by resolution within the 45-day review period, the proposed rules shall be deemed approved.

(b) The Mayor is authorized to establish fees and rates required by this act.

Sec. 2919. Conforming amendments.

(a) Section 301(q) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 is amended by adding a new paragraph (49) to read as follows:

"(49) Office of the Chief Medical Examiner."

(b) Section 9(a) of the District of Columbia Tissue Bank Act is repealed.

(c) Sections 1 and 2 of An Act To provide for the establishment of a public crematorium in the District of Columbia, and for other purposes are repealed.

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Sec. 2920. Applicability.

This act shall apply upon the enactment of the Fiscal Year 2001 Budget Support Act of 2000 and the adoption by Congress of legislation repealing Chapter 23 of Title 11 of the District of Columbia Code.

Sec. 2921. Fiscal impact statement.

This title will have no negative fiscal impact, because funds for the functions of the Office of Chief Medical Examiner are included within the FY 2001 Budget and Financial Plan. Local funds in the amount of \$3,985,000 will be transferred from the Department of Health to the Office of the Chief Medical Examiner to implement the reorganization provided for in this title.

**TITLE XXX. MEDICAID HOME AND COMMUNITY BASED WAIVER
CONVERSION**

Sec. 3001. Short title.

This title may be cited as the "Medicaid Home and Community Based Waiver Conversion Act of 2000".

Sec. 3002. The Department of Human Services and the Department of Health shall coordinate the full implementation of the Medicaid Home and Community Based Waiver and abolish the Community Residential Facilities for the Mentally Retarded and Developmentally Disabled ("MRDD") level of care and convert all MRDD clients previously served by Community Residential Facilities ("CRF") for the Mentally Retarded and Developmentally Disabled to the Home and Community Based Waiver. The Mayor shall submit quarterly reports to the Council detailing the progress of the implementation of the Medicaid Home and Community Based Waiver.

Sec. 3003. Fiscal impact statement.

The Department of Health estimates a savings of \$5.5 million in local dollars with full implementation of the waiver and CRF conversion. The Council's Budget Office finds a savings of \$2.6 million is more realistic because implementation of the waiver has been slow and the potential for initial unforeseen costs for the conversion.

TITLE XXXI. ANNUAL EXPENDITURES

Sec. 3101. Short title.

This title may be cited as the "Guide to Annual Expenditures Amendment Act of 2000".

Sec. 3102. Section 2102 of the Service Improvement and Fiscal Year 2000 Budget Support Act of 1999 is amended to read as follows:

"In submitting fiscal year budgets to the Council for fiscal years beginning with fiscal year

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2001, there should be a guide for calculating the increase in annual expenditures of local funds. This guide should be an increase of no more than 3% over the prior fiscal year's expenditures of local funds."

Sec. 3103. Fiscal impact statement.

The amendment in this title clarifies that the existing law's guide to annual expenditures refers to local fund expenditures. The title will have no fiscal impact because the actual expenditures of local funds are contained in the District's annual budget and financial plan, which would contain as required the offsetting local revenues.

TITLE XXXII. ALLOWANCES FOR PRIVATELY OWNED VEHICLES FOR EMPLOYEES

Sec. 3201. Short title.

This title may be cited as the "Allowances for Privately Owned Vehicles for Employees Act of 2000".

Sec. 3202. The Mayor may establish rates and reimburse employees, by regulation, for privately owned automobiles and motorcycles used for the performance of official duties. The rates established by the Mayor shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101-7 (Federal Travel Regulations). The proposed regulations shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the regulations, in whole or in part, by resolution within the 45-day review period, the proposed rules shall be deemed approved.

Sec. 3203. Fiscal impact statement.

This title has no negative fiscal impact and is consistent with the FY 2001 Budget and Financial Plan.

TITLE XXXIII. LIMITATION ON MAYOR'S AUTHORITY TO BORROW FUNDS FOR CAPITAL PROJECTS

Sec. 3301. Short title.

This title may be cited as the "Limitation on Mayor's Authority to Borrow Funds for Capital Projects Act of 2000."

Sec. 3302. The Mayor shall not borrow any funds for capital projects unless the Mayor

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has obtained prior approval from the Council, by resolution, identifying the projects and amounts to be financed with such borrowings.

Sec. 3303. Fiscal impact statement.

This title has no negative fiscal impact and is consistent with the FY 2001 Budget and Financial Plan.

TITLE XXXIV. EPA MILES PER GALLON REQUIREMENTS FOR PASSENGER AUTOMOBILES PURCHASED BY THE DISTRICT

Sec. 3401. Short title.

This title may be cited as the "EPA Miles Per Gallon Requirement for Passenger Automobiles Purchased by the District Act of 2000".

Sec. 3402. Except for security, emergency rescue, or armored vehicles, all passenger automobiles, as defined in the Automobile Fuel Efficiency Act of 1980 purchased or leased by the District government shall have an Environmental Protection Agency estimated miles per gallon average of not less than 22 miles per gallon.

Sec. 3403. Fiscal impact statement.

This title has no negative fiscal impact and is consistent with the FY 2001 Budget and Financial Plan.

TITLE XXXV. SUBMISSION OF THE FISCAL YEAR 2001 REVENUE ESTIMATES

Sec. 3501. Short title.

This title may be cited as the "Submission of the Fiscal Year 2001 Revenue Estimates Act of 2000".

Sec. 3502. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 2001, the Mayor shall submit to the Council the new Fiscal Year 2001 revenue estimates as of the end of the first quarter of Fiscal Year 2001. These estimates shall be used in the budget request for the fiscal year ending September 30, 2002. The officially revised estimates at midyear shall be used for the midyear report.

Sec. 3503. Fiscal impact statement.

This title has no negative fiscal impact and is consistent with the FY 2001 Budget and Financial Plan.

TITLE XXXVI. RESTRICTIONS ON THE USE OF OFFICIAL VEHICLES

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Sec. 3601. Short title.

This title may be cited as the "Restrictions on the Use of Official Vehicles Act of 2000".

Sec. 3602. Restrictions on Use of Official Vehicles.--

(a) Except as otherwise provided in this section, no officer or employee of the District may be provided with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this subsection, the term "official duties" shall not include travel between the officer's or employee's residence and workplace; except in the case of (1) an officer or employee of the Metropolitan Police Department who resides in the District or is otherwise designated by the Chief of the Department; (2) at the discretion of the Fire Chief, an officer or employee of the D.C. Fire and Emergency Medical Services Department who resides in the District and is on call 24 hours a day; (3) the Mayor; and (4) the Chairman of the Council.

(b)(1) No officer or employee of the executive branch of the District government, except the Mayor, shall utilize the services of any District government employee for use as a chauffeur from residence to work or vice versa, unless such use is authorized first, in writing, by the Mayor. All such authorizations and the cost thereof, shall be reported to the Council on a quarterly basis.

(2) No officer or employee of the executive branch of the District government, except the Mayor, shall utilize the services of any District government employee for use as a chauffeur during the work day unless such use is authorized in writing, by the appropriate agency head. All such authorizations and the cost thereof, shall be reported to the Council on a quarterly basis and made available to the public upon request.

(c) The Mayor shall submit to the Council, by December 15, 2001, an inventory, as of September 30, 2001, of all vehicles owned, leased or operated by the District government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

Sec. 3603. Fiscal impact statement.

This title has no negative fiscal impact and is consistent with the FY 2001 Budget and Financial Plan. To the extent that persons currently serving as chauffeurs are removed from the payroll or assigned to other duties, this section will have a positive fiscal impact.

TITLE. XXXVII. TOBACCO SETTLEMENT FINANCING AND TRUST FUND AMENDMENT

SUBTITLE A: TOBACCO SETTLEMENT FINANCING

Sec. 3701. Short Title.

This subtitle may be cited as the "Tobacco Settlement Financing Act of 2000".

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Sec. 3702. Definitions.

For the purposes of this subtitle, the term:

(1) "Bonds" means the taxable or tax-exempt revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), which would include any instrument evidencing the Corporation's obligations relating to the Residual Interest, authorized to be issued by the Corporation pursuant to this subtitle.

(2) "Corporation" means the District of Columbia Tobacco Settlement Financing Corporation established by section 3704.

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

(4) "Master Settlement Agreement" means the settlement agreement (and related documents), as may be amended from time to time, entered into on November 23, 1998 by the District and leading United States tobacco product manufacturers.

(5) "Purchase Agreement" means a contract, as authorized under section 3703, between the Corporation and the District, under which the District sells to the Corporation all of the District's right, title, and interest in and to the Master Settlement Agreement, including all the moneys, and any interest thereon, payable to or received by the District thereunder (except for the first payment of \$16.05 million which has already been received by the District), in exchange for a cash payment from the net proceeds of the sale of the Bonds (other than the Residual Bond), the Residual Bond, and the agreement of the Corporation to repay certain indebtedness of the District.

(6) "Residual Bond" means a Bond evidencing the Residual Interest.

(7) "Residual Interest" means that portion of any payments received by the Corporation under the Master Settlement Agreement which is not annually required to:

(A) Defease certain indebtedness of the District pursuant to the provisions of the Purchase Agreement;

(B) Repay the holders of the Bonds (other than the Residual Bond);

(C) Establish, maintain, or replenish any reserve funds created in connection with the issuance of the Bonds (other than the Residual Bond);

(D) Pay any other obligations of the Corporation (other than the Residual Bond) incurred in connection with the issuance of the Bonds; or

(E) Pay the actual, reasonable, and necessary expenses of the Corporation.

Sec. 3703. Sale of Rights under Master Settlement Agreement.

(a) For the purpose of the repayment of outstanding indebtedness issued for certain capital projects and other undertakings of the District, the District may sell to the Corporation all of the District's right, title, and interest in and to the Master Settlement Agreement, including all the moneys, and any interest thereon, payable to or received by the District thereunder (except for the first payment of \$16.05 million which has already been received by the District), in exchange for: (1) a cash payment in the amount of the net sales proceeds of the Bonds (other than the Residual Bond); (2) the Residual Bond; and (3) the agreement of the Corporation to repay certain

indebtedness of the District.

(b) Subject to the authorization and restrictions of this subtitle, the terms and conditions of the Purchase Agreement shall be determined by the Mayor, which determination shall be conclusively evidenced by his execution of the Purchase Agreement. The Mayor may execute and deliver any administrative or other documents or agreements which are necessary or desirable relating to the sale of the District's right, title, and interest in and to the Master Settlement Agreement or in connection with the issuance of the Bonds. Proceeds from the sale of the Bonds and other moneys received by the Corporation pursuant to the Purchase Agreement will be used to repay certain outstanding indebtedness of the District as well as to pay costs of issuance of the Bonds, to establish and fund reserve funds, and to pay other expenses and fees related to the issuance of the Bonds.

Sec. 3704. Establishment of the District of Columbia Tobacco Settlement Financing Corporation; powers and authority.

(a) The District of Columbia Tobacco Settlement Financing Corporation is established as a special purpose, independent instrumentality of the District government. The Corporation shall be a corporate body, intended, created, and empowered to effectuate the purposes stated in this subtitle, and shall have a legal existence separate from the District government.

(b) The purpose of the Corporation is to purchase all of the District's right, title, and interest in the Master Settlement Agreement, including all the moneys, and any interest thereon, payable to or received by the District thereunder (except for the first payment of \$16.05 million which has already been received by the District), issuing Bonds to pay the purchase price therefor, and to repay certain of the outstanding indebtedness of the District issued for capital projects and other undertakings. The Corporation may enter into the Purchase Agreement and may perform any acts necessary or convenient to effectuate its purposes, including repayment, refinancing, or defeasance of certain indebtedness issued for capital projects and other undertakings.

(c)(1) Pursuant to section 490 of the District of Columbia Home Rule Act subject to the restrictions of this subtitle, the Council delegates to the Corporation the power to issue revenue bonds, notes, and other obligations, including refunding revenue bonds at or before maturity, to refinance, or assist in the refinancing of, capital projects and other undertakings of the District, which obligations shall be payable solely from, and secured by, the payments under the Master Settlement Agreement sold under section 3703, including the power to provide for the authorization, securing, sale, and issuance of the Bonds consistent with this subtitle. This delegation is not exclusive and does not restrict, impair, or supersede the authority otherwise vested by law in any District instrumentality. The refinancing of capital projects and other undertakings of the District shall include the refinancing, repayment, or defeasance of general obligation debt of the District incurred for capital projects and other undertakings.

(2)(A) The Corporation, by resolution of its board, may authorize the issuance of the Bonds. The resolution may stipulate the terms of the Bonds, including the following:

- (i) The date a Bond bears;
- (ii) The date a Bond matures and, if different, such other date on

which a Bond may be paid;

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(iii) Whether Bonds are issued as serial bonds, term bonds, or as a combination of the 2;

(iv) The denominations;

(v) The interest rate or rates, or variable rate or rates changing from time to time, as provided in, or determined pursuant to, authorization under the resolution;

(vi) The method and terms of sale;

(vii) The method for payment;

(viii) Security for the Bonds;

(ix) The terms of redemption;

(x) The establishment of reserves and debt service funds and the use of proceeds of the Bonds for costs of issuance and otherwise in accordance with this subtitle; and

(xi) Any other terms which, in the opinion of the board or its advisors, may be necessary or desirable for the sale of the Bonds.

(B) The resolution authorizing the issuance of the Bonds shall include a statement as to:

(i) Whether the Bonds are intended to be sold by competitive bid or by negotiated sale and, if the Bonds are intended to be sold by negotiated sale, a statement of the reasons that sale by competitive bid is not feasible or is not in the best interests of the Corporation; and

(ii) Whether the Bonds are intended to be issued on a tax-exempt or taxable basis.

(C) The Corporation shall send a copy of the resolution authorizing the issuance of the Bonds to the Council within 3 days of its adoption.

(3) The board may delegate to the Chief Financial Officer as a member of the board the authority to prescribe the terms and conditions of the Bonds, including those referred to in section 3704(c)(2), except that the terms and conditions of the Residual Bond shall be consistent with the provisions of the Purchase Agreement and shall provide that the Residual Interest shall be paid to the Tobacco Settlement Trust Fund established by the Tobacco Settlement Trust Fund Establishment Act of 1999.

(4) A pledge by the Corporation of contract rights, general intangibles, or revenues collected by or on behalf of the Corporation as security for the Bonds shall be valid and binding from the time the pledge is made. The contract rights, general intangibles, or revenues pledged shall immediately be subject to the lien of the pledge without physical delivery or further act, and the lien of any pledge shall be valid and binding against any person having a claim of any kind in tort, contract, or otherwise against the Corporation or the District government irrespective of whether the person has notice. Notwithstanding any law, the filing or recording of a resolution, trust, agreement, financing statement, continuation statement, or other instrument adopted or entered into by the Corporation in any public record is not required to perfect the lien against third parties.

(5) The Bonds shall be legal instruments in which public officers and public bodies of the District, insurance companies, insurance company associations, and other persons carrying

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on an insurance business, banks, bankers, banking institutions including savings and loan associations, building and loan associations, trust companies, savings banks, savings associations, investment companies, and other persons carrying on a banking business, administrators, guardians, executors, trustees, and other fiduciaries, and other persons authorized to invest in bonds or in other obligations of the District, may legally invest funds, including capital, in their control. The Bonds are also securities which legally may be deposited with and received by public officers and public bodies of the District or any agency of the District for any purpose for which the deposit of bonds or other obligations of the District is authorized by law.

(6) The Bonds shall not constitute an indebtedness of the District. The Bonds are not general obligations of the District and are not secured by a pledge of the full faith and credit of the District and the holders of the Bonds may not require the levy or imposition of taxes. The Bonds are special obligations of the Corporation payable solely from, and secured by, the payments received under the Master Settlement Agreement. The Corporation has no taxing power. The Bonds shall contain on their face a statement containing all of the above. Nothing contained in the Bonds, or in the related financing or closing documents, shall create an obligation on the part of the Corporation or the District to make payments with respect to the Bonds from sources other than the payments received by the Corporation under the Master Settlement Agreement.

(7) Regardless of their form or character, the Bonds are negotiable instruments for all purposes of Title 28, subject only to the provisions of the bonds and notes for registration.

(8) No official, employee, or agent of the Corporation or the District shall be held personally liable solely because the Bonds are issued.

(9) The District pledges to the Corporation and the holders of the Bonds that the District will not limit or alter rights vested in the Corporation to fulfill agreements made with holders of the Bonds, or in any way impair the rights and remedies of the holders of the Bonds until the Bonds, together with the interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of the holders of the Bonds are fully met and discharged. The Corporation may include this pledge of the District in any agreement with the holders of the Bonds.

(10) The signature of an officer of the Corporation that appears on the Bonds, including Bonds not yet issued or delivered, shall remain valid notwithstanding that the person has ceased to hold that office.

(11) The Bonds, and the interest thereon, shall be exempt from District taxation, except estate, inheritance, and gift taxes.

(12) During a control period (as defined in section 209 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 ("FRMAA")) a resolution of the board of directors of Corporation authorizing the issuance of the Bonds shall be submitted to the District of Columbia Financial Responsibility and Management Assistance Authority ("Authority") for certification in accordance with section 204 of FRMAA. A certification issued by the Authority during a control period shall be effective for purposes of this subsection for Bonds issued pursuant to the resolution of the board of directors of the Corporation whether the Bonds are issued during or after the control period.

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(d) In addition to any other powers or authority conferred by this section or subtitle, the Corporation shall have all the powers of a corporate body under the laws of the District to the extent not inconsistent with or restricted by the provisions of this section or subtitle, including the power to:

(1) Adopt, amend, repeal, and enforce bylaws, rules, regulations, and procedures as it determines appropriate to the governance of its affairs and the conduct of its business and which are not inconsistent with this section;

(2) Sue and be sued, and to complain and defend, in its own name;

(3) Adopt, alter, and use a corporate seal, which shall be judicially noticed; provided, that the absence of the seal on a contract or other document shall not affect its validity;

(4) Acquire, purchase, hold, lease, sell, assign, pledge, or convey real and personal property, contract rights, general intangibles, revenues, moneys, and accounts as may be proper or expedient to carry out the purposes of the Corporation and this subtitle, and to assign, convey, sell, transfer, lease, or otherwise dispose of such property;

(5) Elect, appoint, and employ such officers, agents, and employees as the Corporation deems advisable to operate and manage the affairs of the Corporation, and to define their duties and fix, adjust, and define their compensation as it determines to be appropriate;

(6) Make, execute, or perform contracts, commitments, agreements, trust indentures, and other instruments and agreements, including, as approved by its board of directors, investment contracts, swap agreements and other hedging transactions, liquidity facilities, insurance agreements, or reinsurance agreements, necessary, or convenient to accomplish the purposes of the Corporation and this subtitle;

(7) Select, retain, and employ professionals, contractors, or agents which are necessary, or convenient to enable or assist the Corporation in carrying out the purposes of the Corporation;

(8) Indemnify or insure members of the board and officers of the Corporation as it determines appropriate;

(9) Purchase insurance or self-insure against loss in connection with its property and other assets or other risks, in such amounts and from such insurers as it determines appropriate; and

(10) Perform any act not inconsistent with federal or District law necessary or convenient to carry out the purposes of the Corporation.

(e)(1) The Corporation shall be governed by a board of directors consisting of 5 members. One member shall be the Chief Financial Officer (or, if the office is vacated, and until a successor is appointed, the acting Chief Financial Officer), one member shall be the Mayor or his designee (or, if the office is vacated, and until a successor is appointed, the acting Mayor or his designee), one member shall be the Chairman of the Council of the District or his designee (or, if the position is vacated, and until a successor is appointed, the acting Chairman), and 2 members shall be private citizens (“independent members”). Actions of the board shall be determined by a majority vote of the members unless a unanimous vote of all of the members will be required by the by-laws of the Corporation for certain purposes; provided, that the affirmative vote of the independent members shall be required for the issuance of the Bonds.

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(2) One of the independent members of the board of directors shall be appointed by the Mayor and one shall be appointed by the Council within 30 calendar days after the effective date of this subtitle or 180 days after the date of a vacancy. Each of the independent members of the board shall serve a term of 4 years, except that an independent member selected to fill a vacancy occurring before the end of the term for which his predecessor was selected shall only serve until the end of the term. A member may serve after the expiration of his term until his successor has taken office.

(3) The members shall serve without compensation for their membership, but may receive, or be reimbursed for, the actual, reasonable, and necessary expenses incurred in the performance of their official duties.

(f) All operating and administrative expenses of the Corporation and costs of issuance of the Bonds shall be paid by the Corporation out of payments received by the Corporation under the Master Settlement Agreement and from the proceeds of the Bonds.

(g) Upon the request of the Corporation, the Mayor and the governing officer or body of each instrumentality of the District, by delegation, contract, or agreement, may direct that personnel or other resources of a District department, office, agency, establishment, or instrumentality be made available to the Corporation on a full cost reimbursable basis to carry out the Corporation's duties. Personnel detailed to the Corporation under this subsection shall not be considered employees of the Corporation, but shall remain employees of the department, agency, establishment, or instrumentality from which the employees were detailed. With the consent of an executive agency, department, or independent agency of the federal government or the District government, the Corporation may use the information, services, staff, and facilities of the department or agency on a full cost reimbursable basis.

(h)(1) The existence of the Corporation shall be perpetual; provided, that the board of directors, by majority vote (including both of the independent members), may dissolve the Corporation when the Bonds and all other obligations of the Corporation incurred with respect to the issuance of the Bonds have been repaid, or their repayment has been provided for fully, and the existence of the Corporation shall terminate when adequate provision has been made for all other debts and obligations, and the winding up of the affairs, of the Corporation. No assets or earnings of the Corporation shall inure to a private person or entity.

(2) As long as the Bonds are outstanding:

(A) The Corporation shall not dissolve or file a voluntary petition under any bankruptcy legislation in effect from time to time or sell all, or substantially all, of its assets;

(B) No public officer, organization, entity, or other person may authorize the Corporation to be or become a debtor under any bankruptcy legislation in effect from time to time; and

(C) The Corporation shall not take any action that materially and adversely affects the rights of the holders of the Bonds or other obligations issued by it.

(i) All assets and income of the Corporation shall be exempt from District taxation.

(j) The Corporation shall have the same fiscal year as the District.

(k) An independent accountant, appointed by the board of directors of the Corporation, shall conduct an annual audit of the accounts and records of the Corporation.

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(l) No District laws, rules, or orders governing procurement or administrative procedures or personnel shall apply to the Corporation, its activities, board members, officers, or employees, except as otherwise provided for in this subtitle.

(m)(1) Notwithstanding any other provisions of this section, the Corporation shall select the underwriter or placement agent for the Bonds (not including the Residual Bond) and legal counsel, including bond counsel, by competitive sealed bidding. The contracts shall be awarded on the basis of lowest evaluated bid price (as the term is defined in section 107(25) of the District of Columbia Procurement Practices Act of 1985). In evaluating the bids, the following factors shall be considered:

- (A) The type of business or organization and its history;
- (B) The resumes and professional qualifications of the business or organization's staff, including relevant professional licenses, affiliations, and specialties;
- (C) Information attesting to financial capability, including financial statements;
- (D) A summary of similar contracts awarded to the bidder, and the bidder's performance of those contracts;
- (E) A statement attesting to compliance with wage, hour, workplace safety, and other standards of labor law;
- (F) A statement attesting to compliance with federal and District equal employment opportunity law; and
- (G) Information about pending lawsuits or investigations, and judgments, indictments, or convictions against the bidder or its proprietors, partners, directors, officers, or managers.

(2) The invitation for bids shall state that the selection shall be made on the basis of the lowest evaluated bid price. The Corporation shall provide public notice of the invitation for bids of not less than 30 days. Public notice of an invitation for bids shall include publication in a newspaper of general circulation, and in trade publications considered to be appropriate by the Corporation to give adequate public notice.

(3) Bids shall be opened publicly at the time and place designated in the invitation for bids. Each bid, with the name of the bidder, shall be recorded and be open to public inspection. The contract shall be awarded with reasonable promptness by written notice to the responsive and responsible bidder whose bid will be most advantageous to the Corporation, considering price and other factors as set forth in paragraph (1) of this subsection.

Sec. 3705. True sale.

The transfer of the District's right, title, and interest in and to the Master Settlement Agreement to the Corporation or any assignee which the parties have in the governing documentation expressly stated to be a sale or other absolute transfer shall be treated as an absolute transfer of all of the District's right, title, and interest, as in a true sale, and not as a pledge or other financing, of the District's right, title, and interest in and to the Master Settlement Agreement, including the moneys payable or received thereunder and any interest thereon (except for the first payment of \$16.05 million which has already been received by the District). The grant

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to the holders of the Bonds of a security interest in, and a lien on, all of the Corporation's right, title, and interest in and to the Master Settlement Agreement, including the moneys payable or received thereunder and any interest thereon (except for the first payment of \$16.05 million which has already been received by the District), the provision by the District of any credit enhancement with respect to the Bonds, or the characterization of the transaction for accounting purposes or securities regulation shall not impair or negate the characterization of any transfer as a true sale. The transfer of the District's right, title, and interest in and to the Master Settlement Agreement to the Corporation or any assignee shall be deemed perfected as against third persons having claims in tort, contract, or otherwise, including any judicial lien creditors, when a sale or transfer of the right, title, and interest in and to the Master Settlement Agreement in writing has been executed and delivered by the District to the Corporation or any assignee.

Sec. 3706. Severability.

If a provision of this subtitle or its application to a person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this subtitle which can be given effect without the invalid provisions or application.

Sec. 3707. Termination.

This subtitle shall expire on September 30, 2001 if the Bonds (other than the Residual Bond) are not sold and issued. In the event of such expiration, all the assets of the Corporation shall vest in the District.

SUBTITLE A: AMENDMENT OF TOBACCO SETTLEMENT TRUST FUND ESTABLISHMENT ACT OF 1999.

Sec. 3720. Short Title.

This subtitle may be cited as the "Tobacco Settlement Trust Fund Amendment Act of 2000".

Sec. 3721. Amendments.

The Tobacco Settlement Trust Fund Establishment Act of 1999 is amended as follows:

(a) Section 2302 is amended as follows:

(1) The first sentence of subsection (a) is designated as paragraph (1).

(2) The newly designated paragraph (1) is amended to read as follows:

"There is established a trust fund designated as the Tobacco Settlement Trust Fund ("Fund"), to which shall be credited, without regard to fiscal year limitation:

"(A) All revenue owed and accruing to the District from the payments under the tobacco litigation settlement agreement entered into on November 23, 1998 by the District of Columbia and leading United States tobacco product manufacturers ("Settlement Agreement"), except:

"(i) The first \$16.05 million recognized as general fund revenue and already included in the base budget in Fiscal Year 2000; and

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"(ii) All payments under the Settlement Agreement sold to the District of Columbia Tobacco Settlement Financing Corporation under section 3703 of the Tobacco Settlement Financing Act of 2000;

"(B) All payments received with respect to the Residual Interest, as the term is defined in section 3702(7) of the Tobacco Settlement Financing Act of 2000; and

"(C) All other funds which are directed to be deposited into the Fund by law."

(3) The last 2 sentences of subsection (a) are designated as paragraph (2).

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

"The Fund shall be managed by the Board of Trustees of the Tobacco Settlement Trust Fund established under section 2302a."

(b) A new section 2302a is added to read as follows:

"(a) The Board of Trustees of the Tobacco Settlement Trust Fund ("Board") is established as an independent agency of the District government. The Board shall consist of 3 members. One member shall be appointed by the Council. The other 2 members shall be nominated by the Mayor and approved by the Council and one of those 2 members shall be nominated by the Mayor as chairperson. Within 90 calendar days after the effective date of this subtitle or 180 days after the date of a vacancy, the Mayor shall transmit to the Council, for a 90-day period of review, excluding days of Council recess, the nominations to the Board. If the Council does not approve a nomination by resolution within the 90-day period, the nomination shall be deemed disapproved.

"(b)(1) Except as provided in paragraph (2) of this subsection, the members of the Board shall each serve a term of 4 years, except that a member selected to fill a vacancy occurring before the end of the term for which his predecessor was selected shall only serve until the end of the term. A member may serve after the expiration of his term until his successor has taken office.

"(2) The member of the Board first selected by the Council shall serve for a term of 2 years. As determined by the Mayor in his initial nominations, of the members of the Board who are first selected from his nominees, one shall serve for a term of 3 years and one shall serve for a term of 4 years.

"(3) An individual shall not serve more than 2 terms as a member of the Board, except that an individual serving less than 2 years of a term to which some other individual was originally selected shall be eligible for an additional 2 full terms as a member of the Board and an individual serving 2 years or more of a term to which some other individual was originally selected shall be eligible for only one additional full term as a member of the Board.

"(4) A member of the Board shall not have any personal interest, direct or indirect, in a transaction involving assets of the Fund.

"(c) Subject to the availability of appropriations for that purpose, each member of the Board shall be entitled to receive the hourly equivalent of the annual rate of compensation effect for the highest step of grade DS-15 under the District of Columbia Government Comprehensive Merit Personnel Act of 1978 for each hour that the member is engaged in the actual performance of duties vested in the Board, except that a member of the Board who is a full-time officer or employee of the District of Columbia or the United States shall not be entitled to receive

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compensation under this subsection for performance of duties vested in the Board during the employee's regularly scheduled working hours, and the total amount to which a member may be entitled under this subsection during a fiscal year may not exceed \$5,000.

"(d) The Board shall meet at least once each calendar quarter at a regular and specified time. It shall meet at such other times as the Chairperson may prescribe. Actions of the Board shall be determined by a majority vote of the members.

"(e)(1) All administrative expenses incurred by the Board in administering the Fund, including compensation for the members of the Board, shall be paid out of funds appropriated for such purpose.

"(2) The budget prepared and submitted by the Mayor under section 47-301 of the District of Columbia Code shall include recommended expenditures at a reasonable level for the forthcoming fiscal year for the administrative expenses of the Board.

"(f)(1) Subject to appropriations, the Board may engage the services of investment counsel, who shall be either: (A) registered under Title 11 of An Act to provide for the registration and regulation of investment companies and investment advisers ("Investment Advisers Act of 1940"); (B) a bank, as defined in the Investment Advisers Act of 1940; or (C) an insurance company qualified to perform investment advisory services under the laws of more than one state. The investment counsel shall be a fiduciary with respect to services rendered to the Board. The fiduciary relationship shall be specified in a written agreement.

"(2) Subject to appropriations, the Board may appoint staff it considers necessary or convenient to carry out its functions. Staff appointed by the Board shall be subject to the District of Columbia Government Comprehensive Merit Personnel Act of 1978.

"(g)(1) The Board shall have the authority to enter into contracts with the governments of the District of Columbia and the United States and other public and private entities to the extent necessary to carry out its responsibilities.

"(2) The Board shall issue proposed rules governing the procurement of goods and services under the authority granted in paragraph (1) of this subsection. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved.

"(h)(1) In addition to an investment otherwise authorized by law, and without restriction to investments a fiduciary may make, the Board, subject to any specific limitations set forth in this section or applicable law other than law relating to investments a fiduciary may make, may invest and reinvest the funds of the Fund in any real or personal property deemed advisable by the Board, including mortgages, stocks, bonds, debentures, and other securities of profit or nonprofit corporations, shares in or obligations of associations, partnerships, or individuals, and obligations of any government or subdivision or instrumentality thereof.

"(2) The Board shall submit a report of the investment performance of the Fund to the Council within 90 days after the end of the fiscal year, including a listing of the assets of the Fund, the earnings of each asset of the Fund, the value of each asset of the Fund at the beginning and end of the fiscal year, and the investment strategy of the Fund, including any proposed

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changes."

(c) A new section 2302b is added to read as follows:

"(a)(1) Beginning in Fiscal Year 2001, the funds which shall be appropriated and deposited in the Fund shall be allocated and used as provided in subsection (b) of this section.

"(2) Within 15 business days of the sale of the District's right in and to the Master Settlement Agreement to the District of Columbia Tobacco Financing Settlement Corporation under section 3703 of the Tobacco Settlement Financing Act of 2000, the Chief Financial Officer shall certify, for each year, the debt service savings that the District will achieve as a result of the sale.

"(3) Beginning in Fiscal Year 2002, the Chief Financial Officer shall certify to the Council that the Mayor has included in the budget and financial plan the transfer to the Fund in the amount of the savings for that year.

"(4) The amount of the savings which are appropriated for deposit into the Fund shall be deposited into the Fund in equal quarterly installments which shall be paid at the end of each quarter of the fiscal year.

"(b) The funds of the Fund shall be used as follows:

"(1) Fifty percent of the sum of the residual interest plus the annual savings from debt defeasance or prepayment shall be spent for purposes specified in local law;

"(2) Fifty percent of the sum of the residual interest plus the annual savings from debt defeasance or prepayment shall be invested by the Board in accordance with the standards of section 2302a(h)(1);

"(3) All of the investment earnings of the Fund shall be reinvested by the Board in accordance with the standards of section 2303a(h)(1); and

"(4) Any funds not spent in accordance with paragraph (1) of this subsection shall be invested in accordance with paragraph (2) of this subsection."

SUBTITLE C. FISCAL IMPACT STATEMENT

Sec. 3709. By securitizing the tobacco settlement proceeds, this legislation provides for the savings of \$64.01 million in debt service in FY 2001. Thus, it provides the District of Columbia with the flexibility to transfer such savings to the Tobacco Settlement Trust Fund. Both the debt service reduction and the corresponding transfer to the Trust Fund are included in the FY 2001 Budget Request Act.

Beginning in Fiscal Year 2002, the Mayor must prepare and submit a budget that identifies the amount of the savings of debt service arising from the repayment of indebtedness to the District of Columbia in connection with the sale of the District's rights in and to the Settlement Agreement to the District of Columbia Tobacco Settlement Financing Corporation.

The requirement for a competitive bid for the selection of the Corporation's underwriter and bond counsel will have a positive fiscal impact as it will require that the Corporation's underwriter and bond counsel are chosen on the basis of lowest evaluated price.

TITLE XXXVIII. ADOPTION VOUCHER PROGRAM AND FUND

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Sec. 3801. Short title.

This title may be cited as the "Adoption Voucher Fund Act of 2000".

Sec. 3802. Legislative findings.

(a) The long term needs of District of Columbia children who are in foster care are not being served. Although the Adoption and Safe Families Amendment Act of 2000 shortens the time in which children may remain in foster care, many of these children require additional assistance in order to be adopted.

(b) The financial costs associated with maintaining the 3,000 foster children are high. In addition to the monthly payments to foster parents, the Child and Family Services Agency must supervise and staff each case, the Superior Court of the District of Columbia must pay attorneys and judges to review each case, and the Office of Corporation Counsel must staff and review each case.

(c) Even more critical are the tragic human costs associated with allowing children to languish in foster care. The most recent study on the fate of foster children who "age out" of the child welfare system without finding a permanent home found that 12 to 18 months after they left foster care, just half were employed, one-third were receiving public assistance, one-fifth of the girls had given birth, and more than one-quarter of the boys had been incarcerated.

(d) Many of the children in foster care have foster parents desirous of adopting them but are unable to do so because of the costs associated with adoption.

(e) Providing these foster parents with a one-time financial assistance package in the form of vouchers would facilitate adoptions. Financial assistance would consist of vouchers to cover the costs of the necessary homestudies, compilation of information on the foster children's backgrounds and special needs, and attorneys' fees.

(f) The Congress has appropriated, in the District of Columbia Appropriations Act, 2000 a \$5 million payment, to remain available until September 30, 2001, to the District of Columbia to create incentives to promote the adoption of children in the District's foster care system.

Sec. 3803. Definitions.

For the purpose of this title, the term:

(1) "Attorneys' fees" means the legal costs and expenses which are directly related to the adoption of a foster child or foster children.

(2) "Foster care" means 24 hour substitute care for children placed away from their parents or guardians for whom the Child and Family Services Agency has placement care and responsibility.

(3) "Foster child" and "foster children" mean a child, or children, who comes under the jurisdiction of the Superior Court of the District of Columbia pursuant to section 2320 of Title 16 of the District of Columbia Code or whose parents' rights have been relinquished pursuant to section 6 of An Act to regulate the placing of children in family homes, and other purposes.

(4) "Foster parent" means an individual with whom a foster child is legally placed.

(5) "Homestudy" means the "investigation, report and recommendation" required

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by section 307 of Title 16 of the District of Columbia Code.

(6) "Related sibling group" means a group of siblings with at least one parent in common, residing together in the home of a foster parent.

Sec. 3804. Establishment of the Adoption Incentive Program; purpose.

There is established the Adoption Incentive Program ("Program"). The purpose of the Program is to provide foster parents with access to a one-time financial assistance package to assist them with the expenses associated with attorneys' fees and the homestudy relating to the adoption of a foster child, subject to the availability of funds in the Adoption Voucher Fund.

Sec. 3805. Establishment of the Adoption Voucher Fund.

(a) There is established the Adoption Voucher Fund ("Fund"). The Fund shall be comprised of \$2 million of the \$5 million appropriated in the District of Columbia Appropriations Act, 2000, approved November 29, 1999 (Pub. L. No. 106-113; 113 Stat. 1501), and additional funds in their entirety which Congress may appropriate from time to time for the purpose of providing incentives for foster parents to adopt District children.

(b) Monies in the Fund shall be used only for the payment of homestudies and attorneys' fees, as well as any administrative costs directly associated with the implementation of this title. The Fund shall be the sole source of payments under the Program.

Sec. 3806. Benefits.

(a) A foster parent may receive the following:

(1) A voucher for the payment of \$1,500 for a homestudy for each foster child or related sibling group; and

(2) A voucher for the payment of \$5,000 for attorneys' fees for each foster child or related sibling group; provided that, the voucher may only be applied to attorney's fees charged at an hourly rate of not more than \$125 per hour and related expenses billed at actual cost.

(b) Nothing in this act shall be construed to create an entitlement to financial assistance for the adoption of a foster child, or foster children, if no funds remain available in the Adoption Voucher Fund.

(c) Vouchers issued pursuant to this section shall be in addition to, and may not limit the amount of, money available to a foster parent under section 3 of An act to provide for the care of dependent children in the District of Columbia and to create a board of children's guardians.

Sec. 3807. Administration of the Adoption Incentive Program and the Adoption Voucher Fund.

(a) The Child and Family Services Agency ("CFSA") shall administer the Program and the Fund. CFSA shall:

(1) Within 180 days of the effective date of this legislation identify children whose permanency plans are adoption, for as long as funds are available from the Fund;

(2) Obtain a document signed by the foster parents stating their intent to adopt within 180 days of identifying the children pursuant to paragraph (1) of this subsection; and

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(3) Upon obtaining the signed document required by paragraph (2) of this subsection, immediately provide a voucher for attorneys' fees and a voucher for the homestudy to the foster parent.

(b) Vouchers issued pursuant to this section shall contain a statement describing the benefits to the adopting foster parents under the program, as well as the terms and conditions for the use of the vouchers.

(c) Adopting foster parents shall present the vouchers to their attorney and licensed agency hired to perform the homestudy.

(d) An attorney hired by a foster parent shall submit a voucher for attorneys' fees with his or her first bill to CFSA, which shall set up an account with a \$5,000 balance. Thereafter, the attorney shall submit his or her bills quarterly to CFSA. CFSA shall pay the attorney within 30 days with funds from the account.

(e) The licensed agency hired to perform the homestudy shall submit its bill and the voucher for the homestudy to CFSA after the homestudy is complete for payment within 30 days.

Sec. 3808. Fiscal impact statement.

The Adoption Voucher Fund, which is subject to the availability of appropriations, shall be comprised of \$2 million of the \$5 million appropriated in the District of Columbia Appropriations Act for FY2000 as a Federal payment available until September 30, 2001, for incentives to promote the adoption of children in the District's foster care system in accordance with legislation enacted by the Council. The remaining \$3 million will fund the proposed Mayor's Advisory Committee on Permanent Homes for Children for use of the Federal Adoption Incentives Funds. Furthermore, the proposed Budget Request Act for FY2001 contains a request for \$5,000,000 for the same purpose to be available until September 20, 2002.

TITLE XXXIX. MAXIMIZATION OF MEDICAID REIMBURSEMENT

Sec. 3901. This title may be cited as the "Maximization of Medicaid Reimbursement Act of 2000".

Sec. 3902. The Medical Assistance Administration ("MAA") shall work closely with all District agencies and the Budget Director of the Council of the District of Columbia, in establishing Medicaid rates and Medicaid waiver programs to maximize Federal dollars as a means of reimbursement for services provided by District of Columbia agencies.

Sec. 3903. MAA shall submit to the Council no later than 15 days after the end of each quarter a report that identifies new District agency programs that are participating in the Medicaid program and the potential savings in local funds associated with their participation.

Sec. 3904. Fiscal impact statement.

This title may have a positive fiscal impact associated with increased recoupment of

Medicaid reimbursement for services provided by District agencies.

TITLE XL. STUDENT HEALTH INSURANCE

Sec. 4001. Short title.

This title may be cited as the "Student Health Insurance Plan Act of 2000".

Sec. 4002. (a) By January 1, 2001, the Administrator of School Health shall formulate a strategy for:

(1) Accumulating health insurance information by school nurses for all students enrolled in the District of Columbia Public Schools and the District of Columbia Charter Schools; and

(2) Beginning a Medicaid enrollment process, where there is no proof of health insurance, for Medicaid eligible students.

(b) The strategic plan shall be submitted to the Council by February 1, 2001.

Sec. 4003. Fiscal impact statement.

There shall be no fiscal impact because these responsibilities reside with the Administrator of School Health. Devising a strategy to identify and process Medicaid applications for uninsured students is the first step in reducing the number of District school students without insurance to pay for their health costs.

TITLE XLI. FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT INVESTIGATION

Sec. 4101. Short title.

This title may be cited as the "District of Columbia Fire and Emergency Medical Services Department Tyra Hunter Investigation and Report Act of 2000".

Sec. 4102. By January 1, 2001, the Chief of the District of Columbia Fire and Emergency Medical Services Department shall complete an internal investigation and submit to the Council a report on its findings concerning the Department's employees and actions with regard to the death of Tyra Hunter in 1995. Such investigation and report, consistent with the verdict in *Hunter v. District of Columbia*, shall include the following:

(1) The names of all of the employees who withheld care at the scene of the incident;

(2) The reasons why disciplinary action was not taken against the employees who withheld care;

(3) The individual(s) responsible for failing to initiate disciplinary action;

(4) The steps being taken to avoid similar incidents in the future; and

(5) The actions that would be taken were such an incident to occur in the future.

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Sec. 4103. Fiscal impact statement.

There shall be no fiscal impact associated with this title. Internal investigations and reports are routinely performed in cases of such incidents. The outcomes of such investigations may result in savings associated with the prevention of such incidents in the future.

**TITLE XLII. DEPARTMENT OF HUMAN SERVICES WELFARE-TO-WORK
TRANSITION PLAN**

Sec. 4201. Short title.

This title may be cited as the "Department of Human Services Welfare-to-Work Transition Plan Act of 2000".

Sec. 4202. Definitions.

(1) "Director" means the Director of the District of Columbia Department of Human Services.

(2) "TANF" means Temporary Assistance to Needy Families.

Sec. 4203. (a) By March 1, 2001, the Director shall develop and submit to the Council a Welfare-to-Work Transition Plan ("Plan") detailing the Department of Human Services strategies to transition TANF recipients whose benefits are set to expire between March 1, 2002, and March 1, 2003, into employment.

(b) The Plan shall:

(1) Identify and quantify all recipients whose benefits will expire between March 1, 2002, and March 1, 2003;

(2) Identify specific steps to be taken by the Department of Human Services to prepare these TANF recipients for employment; and

(3) Articulate interagency efforts to improve access to employment generally for TANF recipients.

Sec. 4204. Fiscal impact statement.

There shall be no fiscal impact because the Director is already required to collect this data for TANF.

TITLE XLIII. RISK MANAGEMENT

Sec. 4301. Short title.

This title may be cited as the "Risk Management for Settlements and Judgements Amendment Act of 2000".

Sec. 4302. An Act Authorizing the Commissioners of the District of Columbia to settle

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claims and suits against the District of Columbia is amended by adding a new subsection (c) to read as follows:

"(c)(1) In any case, claim, or suit, either at law or in equity, which the Mayor of the District of Columbia is empowered to settle, the payment for such settlement shall come from the current fiscal year operating budget of the agency or office named in the suit; provided that:

"(A) The settlement is less than \$10,000; and

"(B) The case was originally filed not more than 2 years before the settlement.

"(2) The Mayor may waive this requirement on a case-by-case basis for good cause shown."

Sec. 4303. Fiscal impact statement.

This amendment will have a positive, although unquantified, fiscal impact on the District. The current practice of paying all settlements and judgements out of a central fund provides little if any incentive for agencies to engage in risk management. This amendment does not increase the number of settlements and judgements, but will encourage agencies to improve risk management. To increase agency budgets to pay this cost would be to remove any incentive on the agency to attempt to control cost. In any case in which the Mayor waives application of this title, the cost will be borne by the Settlement and Judgements fund, as currently practiced.

TITLE XLIV. MULTIYEAR BUDGET PLANS FOR SPECIFIC PROGRAMS

Sec. 4401. Short title.

This title may be cited as the "Multiyear Budget Plan Act of 2000".

Sec. 4402. No later than September 30, 2000, the following agencies and agencies responsible for the following programs, shall submit to the Council of the District of Columbia and to the Chief Financial Officer a multiyear financial plan as required by this title:

(1) Commission on Mental Health;

(2) Child and Family Services;

(3) Special education services as provided by the District of Columbia Public Schools, including services provided under the LaShawn receivership;

(4) Settlements and Judgements Fund administered by the Corporation Counsel;

and

(5) Homeless services provided by the Department of Human Services.

Sec. 4403. The multiyear financial plan required by this title shall detail the projected cost of services for that agency or program for fiscal years 2001 through 2004, and shall be based on a performance plan for the same fiscal years. The multiyear financial plan shall specify reasonable assumptions for inflation, personal service levels, and wage increases, and identify all budgetary assumptions being used. The multiyear financial plan shall calculate and specify the cost per fiscal year to achieve the objectives and goals set forth in the performance plan.

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Sec. 4404. (a) For the purposes of this title, "performance plan" is a detailed statement that includes:

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

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

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

Sec. 4405. The multi-year financial plan shall include all funds, including local and federal funds.

Sec. 4406. For each of the agencies specified in section 4402, the performance plan shall detail how the agency or program will provide improved service delivery that:

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

Sec. 4407. The Chief Financial Officer shall have the authority to require greater specificity in the multi-year plan prior to submission, and to work with agencies to improve their submission.

Sec. 4408. This title is consistent with the FY 2001 budget and financial plan.

TITLE XLV. REPROGRAMMINGS OF APPROPRIATED FUNDS FOR FISCAL YEAR 2001 AND BEYOND

Sec. 4501. Short title.

This title may be cited as the "Reprogramming Policy Amendment Act of 2000".

Sec. 4502. Chapter 3 of Title 47 of the District of Columbia Code is amended as follows:

- (a) The table of contents is amended by adding the phrase "§ 47-365. Reprogrammings

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of appropriated funds for Fiscal Year 2001 and beyond." after the phrase "§ 47-364. [Repealed].".

(b) Subchapter IV is amended by adding a new section § 47-365 to read as follows:

"§ 47-365. Reprogrammings of appropriated funds for Fiscal Year 2001 and beyond.

"Funds appropriated pursuant to an appropriations act that remain available for obligation or expenditure in fiscal year 2001, or any subsequent fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded in an appropriations act, shall be available for obligation or expenditure for an agency through a reprogramming of funds which:

"(1) Creates new programs;

"(2) Eliminates a program, project, or responsibility center;

"(3) Establishes or changes allocations specifically denied, limited, or increased by Congress;

"(4) Increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

"(5) Reestablishes through reprogramming any program or project previously deferred through reprogramming;

"(6) Augments existing programs, projects, or responsibility centers through a reprogramming of funds in excess of \$1,000,000 or 10%, whichever is less; or

"(7) Increases by 20% or more personnel assigned to a specific program, project or responsibility center; "provided that the appropriations committees of both the Senate and House of Representatives are notified in writing 30 days in advance of any reprogramming as set forth in this section.".

Sec. 4503. Fiscal impact statement.

This title has no negative fiscal impact and is consistent with the FY 2001 budget and financial plan.

TITLE XLVI. ACCEPTANCE AND USE OF GIFTS

Sec. 4601. Short title.

This title may be cited as the "Acceptance and use of gifts by District Entities Act of 2000".

Sec. 4602. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2001, or any subsequent fiscal year, if :

(1) The Mayor approves the acceptance and use of the gift or donation; provided, that the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) The entity uses the gift or donation to carry out its authorized functions or

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duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term "entity of the District of Columbia government " includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

Sec. 4603. Fiscal impact statement.

This title has no negative fiscal impact and is consistent with the FY 2001 budget and financial plan.

TITLE XLVII. REQUIREMENT FOR CFO CERTIFICATIONS OF FUNDS FREED UP FROM RESERVE ROLLOVER AND PRIORITY FOR SPENDING SUCH FUNDS

Sec. 4701. Short title.

This title may be cited as the "Reserve Rollover CFO Certifications and Priority Spending Act of 2000".

Sec. 4702. Of the freed-up appropriated funds in FY 2001 from the reserve rollover as set forth in the FY 2001 Budget Request Act:

(1) The first \$32,000,000 shall be used to provide, in the following order, \$6,300,000 to the La Shawn Receivership, \$13,000,000 to the Commission on Mental Health, \$12,079,000 to the District of Columbia Public Schools, and \$621,000 to the Office of the Mayor, if the Chief Financial Officer certifies that the first \$32,000,000 is not required to replace funds expended in Fiscal Year 2000 from the Reserve established by section 202(i) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Pub. Law 104-8;

(2) The next \$37,000,000 shall be used to provide \$37,000,000 to Management Savings to the extent, if any, the Chief Financial Officer determines the Management Savings is not achieving the required savings, and the balance, if any, shall be provided in the following order: \$10,000,000 to the Children Investment Trust, \$1,511,000 to the Department of Parks and Recreation, \$1,293,000 to the Department of Fire and Emergency Medical Services, \$120,000 to the Commission on Arts and the Humanities, \$400,000 to the District of Columbia Library, \$574,000 to the Office on Aging, \$3,296,000 to the Department of Housing and Community Development, \$200,000 to the Department of Employment Services, \$2,500,000 to the University of the District of Columbia, \$1,500,000 to Public Works, \$1,000,000 to Department of Motor Vehicles, \$4,245,000 to the Department of Health, \$1,500,000 to the Commission on Latino Affairs, \$1,550,000 to the Taxicab Commission, \$2,500,000 to the Office of Property Management, and \$5,000,000 for the savings associated with the implementation of the Cafeteria Plan, if the Chief Financial Officer certifies that the \$37,000,000 is not required to

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replace funds expended in Fiscal Year 2000 from the Reserve established by section 202(i) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Pub. Law 104-8, in Fiscal Year 2000, and that all the savings are being achieved from the Management Savings;

(3) The next \$10,000,000 shall be used to provide \$ 10,000,000 to Operational Improvement to the extent, if any, the Chief Financial Officer determines the Operational Improvement is not achieving the required savings, and the balance, if any, shall be provided in the following order: \$100,000 to the Civilian Complaint Review Board, \$200,000 to the Metropolitan Police Department for the Emergency Response Team, \$1,042,000 to be used for Training, \$4,890,000 to the Settlement and Judgments Funds, and \$3,140,000 to the District of Columbia Financial Responsibility and Management Assistance Authority, if the Chief Financial Officer certifies that the \$ 10,000,000 is not required to replace funds expended in Fiscal Year 2000 from the Reserve established by section 202(i) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Pub. Law 104-8, in Fiscal Year 2000 and that all the savings are being achieved from the Operational Improvement Savings; and

(4) The balance shall be used for Pay-As-You-Go Capital Funds in lieu of capital financing if the Chief Financial Officer certifies that the balance is not required to replace funds expended in Fiscal Year 2000 from the Reserve established by section 202(i) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Pub. Law 104-8.

Sec. 4703. Fiscal impact statement.

This title is consistent with the FY 2001 budget and financial plan. The FY 2001 Budget Request Act codifies the interpretation that the \$150 million in appropriated reserve funds are non-lapsing funds that remain available until expended, and that any amount of the reserve funds expended in one fiscal year shall be replenished in the reserve funds from the following fiscal year appropriations to maintain the \$150,000,000 balance. Any amount of the reserve funds that is not expended in one fiscal year is available for reserve fund expenditures in subsequent fiscal years.

It is anticipated that most of the \$150,000,000 in reserve funds appropriated for FY 2000 will not be expended in FY 2000 and will be available to replenish the reserve funds in FY 2001. Because the FY 2001 Budget Request Act appropriated a new \$150,000,000 for the reserve funds in FY 2001, it is anticipated that the rollover of reserve funds from FY 2000 will free up FY 2001 appropriated dollars in the amount that rolls over. The FY 2001 Budget specifies the uses for these freed up appropriated dollars, and this title conforms with that specification. This title requires four stages of certifications by the Chief Financial Officer before the freed up appropriated dollars may be spent, and the title provides the prioritized order in which the funds shall be spent for the specified purposes.

TITLE XLVIII. MEDICAL EXPANSION PROGRAM

Sec. 4801. Short title.

This title may be cited as the "Medical Expansion Program Amendment Act of 2000".

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Sec. 4802. Sections 2202(b)(4) and 2206 of the Medical Assistance Expansion Program Act of 1999 is amended as follows:

(a) Section 2202(b)(4) is amended by striking the word "undocumented" and inserting the word "immigrant" in its place.

(b) Section 2206) is amended by striking the word "undocumented" and inserting the word "immigrant" in its place.

Sec. 4803. Fiscal impact statement.

This program was established in the Service Improvement and Fiscal Year 2000 Budget Support Act of 1999. The reprogramming of the monies to fund the program became available on March 28, 2000. The use of the word "undocumented" instead of the word "immigrant" has made the program difficult to put into place. Consequently, because the money for this program was allocated last year in the Service Improvement and Fiscal Year 2000 Budget Support Act of 1999 and the reprogramming is now in place to implement the program, the enactment of this title has no fiscal impact.

TITLE XLIX. FISCAL IMPACT STATEMENT PREPARED BY THE CFO

Sec. 4901. The fiscal impact statement prepared by the Chief Financial Officer, dated June 6, 2000, is attached.

TITLE XLX. EFFECTIVE DATE

Sec. 5001. 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), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia

*Codification
District of Columbia
Code
2001 Supp.*