

AN ACT

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District of
Columbia
Official Code*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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FISCAL YEAR 2004 BUDGET SUPPORT ACT OF 2003

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To amend Title 47 of the District of Columbia Official Code to conform the District of Columbia's reprogramming threshold requiring congressional notification for the District of Columbia Board of Education and the Board of Trustees of the University of the District of Columbia to reflect the current reprogramming threshold requiring congressional notification; to amend the Vacant and Abandoned Properties Community Development Act of 2002 to authorize the use of proceeds from the disposition of vacant and abandoned properties to finance or subsidize sales of bundled properties and to acquire additional parcels of land; to amend the Housing Act of 2002 to clarify the definition of the term "Federally-assisted housing accommodation" and to clarify certain notice provisions; to amend the Housing Production Trust Fund Act of 1988 to modify the minimum period of affordability required for housing units assisted by the Housing Production Trust Fund; to amend the District of Columbia Redevelopment Act of 1945 to reflect the transfer of authorities and responsibilities from the Redevelopment Land Agency to the RLA Revitalization Corporation; to amend the State Education Office Establishment Act of 2000 to include oversight for the functions and activities of the Educational Licensure Commission as a function of the State Education Office, to amend the Education Licensure Commission Act of 1976 to transfer the positions, personnel, property, records, unexpended balances of appropriations, allocations and other funds that support the functions of the Educational Licensure Commission from the Department of Consumer and Regulatory Affairs to the State Education Office; to amend the Uniform Per Student Funding Formula for Public Schools and the Public Charter Schools Amendment Act of 1998 to change the foundation level for calculating the costs of providing public education services; to amend the District of Columbia School Reform Act of 1995 to require the District of Columbia Public Schools to address the facility needs of the Public Charter Schools in its Facility Master Plan; to amend the District of Columbia School Reform Act of 1995 to require the Mayor to give Public Charter Schools first preference to purchase or lease former or current public school property; to amend the Special Education Assessment and Placement Act of 1998 to conform local law regarding the assessment and placement of students who need special education with the federal Individuals with Disability Education Act; to amend section 452 of the District of Columbia Home Rule Act to require the Board of Education to specify proposed expenditures requested in the Mayor's budget submission to the Council; to require the District of Columbia Public Schools to submit to the Board of Education by January 1st and July 1st of each year a Schedule A showing all the current funded positions of the District of Columbia Public Schools, their compensation levels, and indicating whether the positions are encumbered; to amend the Office of Administrative Hearings Establishment Act of 2001 to delay commencement of operations for the Office of Administrative Hearings until the first day of the pay period after 180 days following Council confirmation of the office's first Chief Administrative Law Judge, to authorize intra-district transfers of funds to various agencies to cover the costs of continuing their adjudicative functions until the office commences its operations, to authorize the office to begin adjudicating special education cases heard by

the D.C. Public Schools upon commencement of its operations, to delay the office's jurisdiction over cases adjudicated by the Department of Consumer and Regulatory Affairs until October 1, 2004, to delay the office's jurisdiction over cases pertaining to tax-related issues adjudicated by the Office of Tax and Revenue until October 1, 2004, and to repeal the provision authorizing the Mayor to temporarily exempt an agency or class of cases from coming under the office's jurisdiction; to amend the Emergency and Non-Emergency Number Telephone Calling Systems Fund Act of 2000 to impose a tax on local exchange carriers to fund the Emergency and Non-Emergency Number Telephone Calling Systems Fund; to amend the Abandoned and Junk Vehicle Removal Amendment Act of 1989 to dissolve the Abandoned and Junk Vehicle Division Fund and require that all proceeds and expenditures from the operation of the Abandoned and Junk Vehicle Division be deposited or charged to the General Fund; to amend the Water Pollution Control Act of 1984 to establish a Wetlands and Stream Mitigation Fund that shall be used for the repair and replacement of wetlands damaged or destroyed by activities in wetlands or underwater lands, to authorize the Mayor to require payment into a Wetlands and Stream Mitigation Fund when dredging, filling, or construction activities destroy or damage wetlands or underwater lands, to authorize the Mayor to allow underground injection of any substance except hazardous wastes, to authorize the Mayor to require a person to perform studies to ensure conformance with the Water Pollution Control Act before issuing a permit for underground injection, to establish a Wells Maintenance Fund that shall be used to pay for administrative costs associated with groundwater protection, to require a permit to construct a well unless exempted by the Mayor, to regulate construction and maintenance of wells, to authorize the Mayor to establish a schedule of fees for a permit to construct a well and to require reimbursement for other related costs, to authorize the Mayor to charge a fee to discharge any pollutant into the waters of the District, to clarify the Mayor's authority to inspect facilities affecting water quality, to establish criminal penalties for violating the requirements related to wells, and to repeal the District of Columbia Revolving Water Pollution Control Fund; to amend the Highway Trust Fund Establishment Act of 1996 and the Fiscal Year 1997 Budget Support Act of 1996 to restrict expenditures of the Local Roads Construction and Maintenance Fund to amounts equal to that obligated from local funds for renovation, repair, and maintenance of local transportation infrastructure until the funds obligated equal or exceed \$30 million; to amend the Office of the Chief Technology Establishment Act of 1998 to authorize the Director of the Department of Motor Vehicles to supervise the Destiny computer support staff; to require the Mayor and Director of Personnel to complete classification and compensation studies at the Department of Motor Vehicles by November 1, 2003; to authorize the Mayor to provide fire and emergency medical services training to non-District government agencies, organizations, and private individuals, to authorize the Mayor to impose fees to cover the costs of the training, to establish the Fire and Emergency Medical Services Training Improvement Fund and to require that the monies deposited in this Fund be used to improve the quality of the training programs

offered by the Fire and Emergency Medical Services Department; to amend the District of Columbia Procurement Practices Act of 1985 to authorize the Chief Procurement Officer to collect a sales discount from contractors awarded contracts from the Office of Contracting and Procurement's District of Columbia Supply Schedule Program ("DCSS"), to provide that the funds generated by the DCSS be deposited into the District of Columbia Supply Schedule Sales Discount and Operating Fund and used to cover operating costs of maintaining the DCSS, and to provide that 90% of certain excess funds be transferred to the General Fund of the District of Columbia; to amend the District of Columbia Child Support Enforcement Amendment Act of 1985 to require that 4 categories of payments received by the District under Part D of Title IV of the Social Security Act be allocated exclusively to the IV-D agency for the purpose of funding the IV-D program, and to provide that funds in 3 of the 4 categories shall be continually available to the IV-D agency until expended; to amend Title 47 of the District of Columbia Official Code to amend the definition of the term "performance-based budget," to require the Mayor to submit to the Council performance based budgets in Fiscal Year 2004 for certain agencies and for additional agencies in fiscal years 2005 and 2006, and to require in Fiscal Year 2005 and in subsequent years the Office of Budget and Planning to identify 25 critical programs to be benchmarked with comparable jurisdictions and to include those benchmarks in the budget and financial plan; to amend the Washington Convention Center Marketing Amendment Act of 2000 to recognize the Washington, DC Convention and Tourism Corporation as the primary contractor for certain matters; to limit the Mayor's Fiscal Year 2005 local funds budget submission to the Council to a maximum of 3.5% increase over the Fiscal Year 2004 local funds budget approved by the Council; to establish a public planning capital project fund to be used by the District of Columbia Office of Planning to prepare and develop public studies and recommendations for capital projects; to create an advisory committee to review the need for facilities owned and operated by the District government; to amend the Office of Medicaid Public Provider Operations Reform Establishment Act of 2002 to rename the office the Office of Medicaid Operations Reform, to expand the scope of the office's authority to include addressing spending pressures associated with Medicare, and Foster Care and Adoption Assistance programs, and to include the Department of Health and the Department of Mental Health among the agencies the office is to assist in addressing spending pressures associated with Medicaid, Medicare, and Foster Care and Adoption Assistance programs; to amend the Medicaid and Special Education Reform Fund Establishment Act of 2002 to expand the purposes for which the Medicaid and Special Education Reform Fund can be used to include addressing spending pressures associated with Medicare, and Foster Care and Adoption Assistance programs, to add the Department of Health and the Department of Mental Health to the agencies that may access the fund, and to provide that funds may be disbursed to certain agencies unable to generate the required savings plan only if the Chief Financial Officer has certified that a performance plan for the agency requesting the funds ensures that the agency will reduce costs and maximize third-party revenues

by no later than October 1, 2004; to amend the Tobacco Settlement Trust Fund Establishment Act of 1999 to authorize the transfer of specified amounts from the Tobacco Settlement Trust Fund to the General Fund of the District of Columbia and to the Medicaid and Special Education Reform Fund; to amend the Fiscal Year 2002 Budget Support Act of 2001 to authorize the transfer of \$4 million from the Department of Health Regulatory Enforcement Fund to the General Fund of the District of Columbia; to amend the Workforce Investment Implementation Act of 2000 to require that any individual who receives an Individual Training Account funded by the Workforce Investment Act be a District resident; to amend the Prison Overcrowding Emergency Powers Act of 1987 to require the Department of Corrections to use not less than \$1.43 million of its appropriated funds in Fiscal Year 2004 to procure additional bed space for prisoners who otherwise would be housed at the Central Detention Facility of the D.C. Jail; to amend section 47.368.01 of the District of Columbia Official Code to provide additional requirements for the Chief Financial Officer to certify before funds may be transferred from Other-Type Funds to the General Fund of the District of Columbia, and to clarify that the procedure for the Mayor requesting a transfer continues to apply after Fiscal Year 2003; to transfer the operation of the Disability Compensation Program from the Office of Personnel to the Office of the City Administrator, to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to make a conforming amendment, to require the Office of the City Administrator to report annually to the Council on its risk management activities, and to limit the number of full-time equivalent employees who shall perform the risk management function in the Office of the City Administrator in fiscal year 2004; to amend Chapter 37 of Title 47 of the District of Columbia Official Code to increase the filing threshold for District of Columbia estate taxes to \$1 million; to codify the program-based budget for the Metropolitan Police Department so that resources are allocated in accordance with the policies set by the District of Columbia's elected officials; to amend the Life Insurance Act of 1934 to repeal provisions that are outmoded and unnecessarily restrictive; to require that Klinge Road be opened to motor vehicle traffic; to establish the criteria for spending Pay-As-You-Go funding; to amend the Pilot Substance Abuse Program for Youth Act of 2001 to lower the age for program coverage from 16 to 14, and to require the Addiction Prevention and Recovery Administration to provide no less than 375 slots in the pilot program for residential treatment services for youths ages 14-21 in Fiscal Year 2004, with 100 of those slots to be reserved for priority treatment of youths in the care of the Youth Services Administration and available by October 31, 2003; to amend the Day Care Policy Act of 1979 to provide that the Department of Human Services may transfer no more than \$6 million to the District of Columbia Public Schools in Fiscal Year 2004 for the purpose of funding an after-school day care program pursuant to a memorandum of understanding, and to require that the memorandum of understanding include certain program eligibility and record-keeping requirements; to allocate the Department of Employment Services Personal and Nonpersonal Services budget and authorize the

maximum allowable FTEs; to require that the Mayor create at least a \$10 million savings in the total estimated costs of all District government contracts; to amend the Fiscal Year 2001 Budget Support Act of 2000 to require the Chief of the Metropolitan Police Department to have a minimum of 62% of all sworn police personnel assigned to direct service delivery in the Patrol Service Areas, with none to be deployed outside their respective Patrol Service Areas unless responding to an emergency situation, until the Metropolitan Police Department attains a force of 3,700 sworn officers; and to provide for Council approval for the Gales School renovation project.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2004 Budget Support Act of 2003".

TITLE I. REPROGRAMMING POLICY AMENDMENT

Sec. 101. Short title.

This title may be cited as the "Reprogramming Policy Amendment Act of 2003".

Sec. 102. Section 47-363(h) of the District of Columbia Official Code is amended by striking that phrase "\$50,000 at the control center level" and inserting the phrase "the thresholds established pursuant to section 109 of the District of Columbia Appropriations Act, 2003, approved February 20, 2003 (Pub. L. 108-7; 117 Stat. 11)," in its place.

**Amend
§ 47-363**

Sec. 103. Fiscal impact statement.

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

**TITLE II. HOUSING AND ECONOMIC DEVELOPMENT AMENDMENTS
SUBTITLE A. VACANT AND ABANDONED PROPERTIES AMENDMENT**

Sec. 201. Short title.

This title may be cited as the "Vacant and Abandoned Properties Amendment Act of 2003".

Sec. 202. Section 5 of the Vacant and Abandoned Properties Community Development Act of 2002, effective April 4, 2003 (D.C. Law 14-267; 50 DCR 420), is amended by adding a new subsection (c) to read as follows:

"(c) There is established, under the authority of the Mayor, a designated and nonlapsing account into which proceeds from the sale of bundled properties may be deposited, which shall remain available until expended and the balance of which shall not exceed one million dollars, that shall be used to:

"(1) Finance or subsidize the sale of other bundled properties; and

"(2) Acquire additional parcels of property."

Sec. 203. Fiscal impact statement.

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

SUBTITLE B. HOUSING NOTICE AMENDMENT

Sec. 211. Short title.

This title may be cited as the “Housing Notice Amendment Act of 2003”.

Sec. 212. Title II of the Housing Act of 2002 is amended as follows:

(a) Section 202(6) is amended to read as follows:

“(6) “Federally-assisted housing accommodation” means a housing accommodation that is:

“(A) Covered in whole or in part by a contract for project-based assistance under section 8 of the United States Housing Act of 1937, including the following programs:

“(i) The new construction or substantial rehabilitation program under section 8(b)(2) of the United States Housing Act of 1937, as in effect before October 1, 1983;

“(ii) The property disposition program under section 8(b) of the United States Housing Act of 1937;

“(iii) The moderate rehabilitation program under section 8(e)(2) of the United States Housing Act of 1937;

“(iv) The loan management assistance program under section 8 of the United States Housing Act of 1937; and

“(v) The programs authorized by amendments to section 8 of the United States Housing Act of 1937 contained in the Multifamily Assisted Housing Reform and Affordability Act of 1997, approved October 27, 1997 (Pub. L. No. 105-65; 11 Stat. 1344);

“(B) Assisted under section 23 of the United States Housing Act of 1937, as in effect before January 1, 1975;

“(C) Assisted under the rent supplement program under section 101 of the Housing and Urban Development Act of 1965, approved August 10, 1965 (79 Stat. 451; 12 U.S.C. § 1701s);

“(D) Financed under section 202 of the Housing Act of 1959, approved September 23, 1959 (75 Stat. 162; 12 U.S.C. § 1701q);

“(E) Financed under section 811 of the National Housing Act, approved November 28, 1990 (104 Stat. 4324; 42 U.S.C. § 8013);

“(F) Financed in whole or in part by a mortgage insured or held by the Secretary under section 236 of the National Housing Act, approved June 27, 1934 (48 Stat. 1246; 12 U.S.C. § 1701 *et seq.*), or subject to an interest reduction payment agreement with the Secretary;

“(G) Financed in whole or in part by a below market interest rate

mortgage insured or held by the Secretary under section 221(d)(3) of the National Housing Act, pursuant to the proviso in section 221(d)(5) of the National Housing Act; or

“(H) Subject to a use agreement under the Flexible Subsidy program established by the Housing and Community Development Amendments of 1978, approved October 31, 1978 (Pub. L. No. 95-557; 92 Stat. 2080).”.

(b) Section 203 is amended by adding a new subsection (e) to read as follows:

“(e) The one-year notice provision of this section shall not be required with respect to any property which ceased to be a federally assisted housing accommodation prior to April 19, 2002.”.

Sec. 213. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 603(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D. C. Official Code § 1-206.02(c)(3)).

SUBTITLE C. CONTINUING BASIS AMENDMENT

Sec. 221. Short title.

This title may be cited as the “Continuing Basis Definition Amendment Act of 2003”.

Sec. 222. The Housing Production Trust Fund Act of 1988 is amended as follows:

(a) Section 2 is amended by adding a new paragraph (3B) to read as follows:

“(3B) Continuing affordability means:

“(A) For rental units, a period of at least 30 years; and

“(B) For for-sale units, a period of at least 5 years.”.

(b) Section 3(d)(8) is amended by striking the phrase "targeted populations." and inserting the phrase “targeted populations; provided, that the Department shall not be required to assure affordability on a continuing basis where assistance is provided for the rehabilitation of owner-occupied single-family homes or where assistance is provided under the Homestead Housing Preservation Act of 1986 or another statutory program." in its place.

Sec. 223. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 603(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D. C. Official Code § 1-206.02(c)(3)).

SUBTITLE D. REDEVELOPMENT ACT AMENDMENTS

Sec. 231. Short title.

This title may be cited as the “Redevelopment Act Amendments Act of 2003”.

Sec. 232. The District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 790; D.C. Official Code § 6-301.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 6-301.01) is repealed.

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(b) Section 3 (D.C. Official Code § 6-301.02) is amended as follows:

(1) Paragraph (1) is amended by striking the word " "Agency" " and inserting the word " "Corporation" " in its place.

(2) Paragraphs (4), (5), (7), (8), (9), (10), (11), (12), (13), (14), (16), (17), (18), (19), (20), and (21) are repealed.

(c) Section 4 (D.C. Official Code § 6-301.03) is repealed.

(d) Section 5 (D.C. Official Code § 6-301.04) is amended as follows:

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

"(a) The Corporation may acquire and assemble real property by purchase, exchange, gift, dedication, or eminent domain and may build new structures upon, rent, maintain, manage, operate, repair, clear, transfer, lease, and sell such real property in order to further the redevelopment of blighted territory, to prevent, reduce, or eliminate blighting factors or causes of blight, or to further the purposes of the National Capital Revitalization Corporation Act of 1998, effective September 11, 1998 (D.C. Law 12-144; D.C. Official Code § 2-1219.01 *et seq.*)."

(2) Subsection (b) is amended by striking the word "Agency" wherever it appears and inserting the word "Corporation" in its place.

(3) Subsections (c) and (d) are repealed.

(e) Sections 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, and 21 (D.C. Official Code §§ 6-301.05, 6-301.06, 6-301.07, 6-301.08, 6-301.09, 6-301.10, 6-301.11, 6-301.12, 6-301.13, 6-301.14, 6-301.15, 6-301.16, 6-301.17, 6-301.18 and 6-301.19) are repealed.

Sec. 233. The National Capital Revitalization Corporation Act of 1998, effective September 11, 1998 (D.C. Law 12-144; D.C. Official Code § 2-1219.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 2-1219.01) is amended as follows:

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

"(21A) "Disposition" means the sale, or lease of greater than 30 years, of a property owned by the Corporation to a third party in which the Corporation has no ownership interest."

(2) The existing language in paragraph (29A) is designated as (29C).

(3) A new paragraph (29A) is added to read as follows:

"(29A) "Neighborhood Development Plan" means a plan adopted by the Office of Planning and approved by the Council that designates an area for redevelopment."

(4) A new paragraph (29B) is added to read as follows:

"(29B) "Offering document" means a prospectus, request for proposals or bids, or any other notification to solicit offers for the disposition of a property."

(b) Section 8(b) (D. C. Official Code § 2-1219.07(b)) is amended to read as follows:

"(b) All disposition of real property by the Corporation, or any subsidiary thereof, shall be subject to the following Council review provisions:

"(1) Prior to the issuance of an offering document pertaining to the disposition of a property, the Corporation shall submit a proposed resolution to approve the draft offering

Repeal
§ 6-301.01
Amend
§ 6-301.02

Repeal
§ 6-301.03
Amend
§ 6-301.04

Repeal
§§ 6-301.05 to
6-301.19

Amend
§ 2-1219.01

Amend
2-1219.07

document to the Council for a 45-day period of review, excluding days of Council recess. If the Council does not approve or disapprove the proposed resolution within the 45-day period, the proposed resolution shall be deemed approved.

“(2) Prior to the disposition of a property pursuant to a method other than an offering document, the Corporation shall submit a proposed resolution to approve the disposition to the Council for a 45-day period of review, excluding days of Council recess. The proposed resolution shall include a description of the proposed method of disposition and relevant documents, if any. If the Council does not approve or disapprove the proposed resolution within the 45-day period, the proposed resolution shall be deemed approved.

“(3) Approval by the Council of a resolution under paragraph (1) or (2) of this subsection shall expire one year after the effective date of the approval resolution unless an exclusive right agreement has been executed; provided, that if the Corporation determines before the end of the one-year period that an exclusive right agreement will not be executed within the one-year period, the Corporation may submit to the Council, no later than 45 days, excluding days of Council recess, before the end of the one-year period a resolution seeking additional time for the execution of the exclusive right agreement. The resolution shall include a report on efforts made toward execution of an exclusive right agreement and the reasons for the inability to execute an exclusive right agreement within the one-year period. The proposed resolution shall be subject to a 45-day period of Council review, excluding days of Council recess. If the Council does not approve or disapprove the resolution within the 45-day period, the resolution shall be deemed approved.

“(4) If an exclusive right agreement is executed pertaining to property to be disposed of under this section, approval by the Council of a resolution under paragraph (1) or (2) of this subsection shall expire one year after the execution of the agreement unless:

“(A) A land disposition agreement has been executed, subject to the provisions of this section; or

“(B) The Board grants an extension of the expiration date, not to exceed 12 months and which shall be based on a determination that special factors exist justifying the extension such as the need for zoning changes, historic preservation, street and alley closings, abatement of environmental hazards, or taking by eminent domain.

“(5) If the Board determines before the end of the 2-year period that no land disposition agreement can be executed within the 2-year period as described in paragraph (4) of this subsection, the Corporation may submit to the Council, no later than 30 days, excluding Saturdays, Sundays, legal holidays or days of Council recess, before the end of the 2-year period a resolution seeking additional time for the disposition of the property, which resolution shall include a detailed status report on efforts made toward disposition of the property and the reasons for the inability to dispose of the property within the 2-year period. If the Council does not approve or disapprove the resolution within the 30-day period, the resolution shall be deemed approved.

“(6) At least 15 days prior to the execution of a disposition agreement and after at least 15 days public notice, the Corporation shall hold a public hearing on the terms and conditions of the disposition.”.

Sec. 234. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 603(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D. C. Official Code § 1-206.02(c)(3)).

TITLE III. PUBLIC EDUCATION AMENDMENTS

SUBTITLE A. EDUCATIONAL LICENSURE COMMISSION TRANSFER.

Sec. 301. Short title.

This subtitle may be cited as the “Transfer of the Educational Licensure Commission Amendment Act of 2003”.

Sec. 302. Section 3(b) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)), is amended as follows:

Amend
§ 38-2602

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

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

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

“(6) Oversee the functions and activities of the Educational Licensure Commission, established by section 3 of the Education Licensure Commission Act of 1976, effective April 6, 1977 (D.C. Law 1-104; D.C. Official Code § 38-1303).”.

Sec. 303. The Education Licensure Commission Act of 1976, effective April 6, 1977 (D.C. Law 1-104; D.C. Official Code § 38-1301 *et seq.*), is amended by adding a new section 12a to read as follows:

“Sec. 12a. Transfer of the Educational Licensure Commission from the Department of Consumer and Regulatory Affairs to the State Education Office.

“(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 that support the functions of the Educational Licensure Commission, established by section 3 are hereby transferred to the State Education Office, established by section 2 of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2601).

“(b) All of the powers, duties, and functions delegated to the Department of Consumer and Regulatory Affairs concerning the activities of the Educational Licensure Commission, including those delegated pursuant to this act, are hereby transferred to the State Education Office, established by section 2 of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)). ”.

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Sec. 304. Fiscal impact statement.

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

SUBTITLE B. UNIFORM PER STUDENT FUNDING FORMULA FOR PUBLIC SCHOOLS AND PUBLIC CHARTER SCHOOLS.

Sec. 311. Short title.

This subtitle may be cited as the “Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Amendment Act of 2003”.

Sec. 312. The Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Amendment Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901 *et seq.*), is amended as follows:

(a) Section 104 (D. C. Official Code §38-2903) is amended by striking the phrase "\$6,419 per student for 2003" and inserting the phrase "\$6,551 per student for FY 2004" in its place.

Amend
§ 38-2903

(b) Section 105 (D.C. Official Code §38-2904) is amended to read as follows:

“Sec. 105. Weightings applied to counts of students enrolled at certain grade levels.

Amend
§ 38-2904

“The student counts at certain grade levels and in certain programs shall be weighted to provide an amount per student differing from the basic foundation level in accordance with the following schedule:

Grade Level	Weighting	Per Pupil Allocation in FY 2004
Pre-School/Pre- Kindergarten	1.17	\$7,664
Kindergarten	1.03	\$7,664
Grades 1-3	1.03	\$6,747
Grades 4-5	1.00	\$ 6, 551
Ungraded ES	1.03	\$6,747
Grades 6-8	1.03	\$6,747
Ungraded MS/JHS	1.03	\$6,747
Grades 9-12	1.17	\$7,664
Ungraded SHS	1.17	\$7,664

ENROLLED ORIGINAL

Alternative	1.30	\$8,516
Special Education Schools	1.17	\$7,664
Adult	0.75	\$4,913

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

Amend
§ 38-2905

Level/Program	Definition	Weighting	Supplemental \$ per Pupil FY 2004
Level 1: Special Education	Regular class; special education services 6 hours or less per school week	0.55	\$3,603
Level 2: Special Education	Resource room; special education services 7-15 hours per school week	0.85	\$5,568
Level 3: Special Education	Separate class; special education services more than 15 hours per school week	1.50	\$9,826
Level 4: Special Education	Separate DCPS or public charter school	2.70	\$17,687
LEP/NEP	Limited and non-English proficient students	0.40	\$2,620
Summer	An accelerated instructional program in the summer for students who do not meet literacy standards pursuant to promotion policies of the District of Columbia Public Schools and public charter schools	0.17	\$1,114

ENROLLED ORIGINAL

Residential	D.C. Public School or public charter school that provides students with room and board in a residential setting, in addition to their instructional program	1.70	\$11, 136
Level 1: Special Education - Residential	Additional funding to support the after-hours level 1 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.374	\$2,450
Level 2: Special Education - Residential	Additional funding to support the after-hours level 2 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	1.36	\$8,909
Level 3: Special Education - Residential	Additional funding to support the after-hours level 3 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.941	\$19,266
Level 4: Special Education - Residential	Additional funding to support the after-hours level 4 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.924	\$19,154

ENROLLED ORIGINAL

Level 5: Special Education - Residential	Residential 24 hour intensity in a public charter school	9.40	\$61,577
LEP/NEP - Residential	Additional funding to support the after-hours level 3 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.68	\$4,454

Sec. 313. Fiscal impact statement.

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

SUBTITLE C. PUBLIC SCHOOLS FACILITIES MASTER PLAN

Sec. 321. Short title.

This subtitle may be cited as the “Public Schools Facilities Master Plan Amendment Act of 2003”.

Sec. 322. Section 2552(a)(1) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321[263]; D.C. Official Code § 38-1805.52(a)(1)), is amended to read as follows:

“(a) Program. -- Not later than 12 months after the effective date of the Public Schools Facilities Master Plan Amendment Act of 2003, passed on 1st reading on May 6, 2003 (Engrossed version of Bill 15-218), the Mayor and the Council, in consultation with the Administrator, the Board of Education, the Public Charter School Board, representatives of the Public Charter Schools, and the Superintendent, shall:

“(1) Design and implement a comprehensive long-term program for the repair and improvement, and maintenance and management, of the District of Columbia Public Schools facilities, which program shall incorporate the work completed in accordance with the program described in section 2551(b)(2) and shall provide for the facilities needs of all public school students and all public charter school students; and”.

**Amend
§ 38-1805.52**

Sec. 323. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 603(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D. C. Official Code § 1-206.02(c)(3)).

SUBTITLE D. PUBLIC CHARTER SCHOOL FACILITIES PREFERENCE AMENDMENT

Sec. 331. Short title.

This subtitle may be cited as the “Public Charter School Facilities Preference Amendment Act of 2003”.

Sec. 332. Section 2209(b) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321[244]; D.C. Official Code § 38-1802.09(b)), is amended as follows:

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

(1) Strike the word “preference” and insert the phrase “first preference” in its place.

(2) Strike the word "lease" and insert the phrase "lease, transfer, or use" in its place.

(b) Paragraph (2)(A) is amended by striking the word "preference" and inserting the phrase “first preference” in its place.

**Amend
§ 38-1802.09**

Sec. 333. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 603(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D. C. Official Code § 1-206.02(c)(3)).

SUBTITLE E. SPECIAL EDUCATION STUDENT ASSESSMENT, EVALUATION, AND PLACEMENT

Sec. 341. Short title.

This subtitle may be cited as the “Special Education Student Assessment, Evaluation, and Placement Amendment Act of 2003”.

Sec. 342. Section 602 of the Special Education Assessment and Placement Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 38-2501), is amended as follows:

(a) Subsection (a) is amended by striking the phrase “60 days” and inserting the phrase “120 days” in its place.

(b) Subsection (b) is amended by striking the phrase “charter, public, private, or residential placement within 60 days from the date that the evaluation or assessment was completed” and inserting the phrase “program of special education services” in its place.

**Amend
§ 38-2501**

Sec. 343. Fiscal impact statement.

ENROLLED ORIGINAL

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 603(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D. C. Official Code § 1-206.02(c)(3)).

SUBTITLE F. BOARD OF EDUCATION BUDGET SUBMISSION

Sec. 351. Short title.

This subtitle may be cited as the “District of Columbia Board of Education Budget Submission Amendment Act of 2003”.

Sec. 352. Section 452 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.52), is amended as follows:

(a) The existing language is designated as subsection (a).

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

“(b) Not less than 5 weeks before the Mayor’s annual submission of the budget pursuant to section 442, the Mayor shall submit to the Board of Education the budget mark for agencies under the purview of the Board. By March 1 of each year, or no later than the Mayor's annual submission of the budget pursuant to section 442, whichever is later, the Board of Education shall submit to the Council a budget detailing how the Mayor's proposed budget for the District of Columbia Public Schools shall be spent. The Board's submission shall allocate all monies by responsibility center and object class.

Amend
§ 1-204.52

“(c) The submission shall also include a presentation that specifies the monies budgeted for each school. In order that the Council and the public may know the totality of funds, goods, and services that will be provided directly to the local schools, the submission shall specify the following:

“(1) The funds available to each school, for which the decision to spend is made by the school's local school restructuring team; and

“(2) Any other responsibility center funds, the spending of which directly benefits local schools (for example, textbooks, substitute teachers, transportation, maintenance/engineers, nurses, or teachers salaries).”.

Sec. 353. Applicability.

Section 362 of this subtitle shall take effect upon enactment into law by the United States Congress.

Sec. 354. Fiscal impact statement.

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

SUBTITLE G. PUBLIC SCHOOLS SCHEDULE A SUBMISSION

Sec. 361. Short title.

This subtitle may be cited as the "Public Schools Schedule A Submission Act of 2003".

Sec. 362. The District of Columbia Public Schools shall submit to the Board of Education by January 1st and July 1st of each year a Schedule A showing all the current funded positions of the District of Columbia Public Schools, their compensation levels, and indicating whether the positions are encumbered. The Board of Education shall approve or disapprove each Schedule A within 30 days of its submission and provide the Council of the District of Columbia a copy of the Schedule A within 5 days of its approval.

Sec. 363. Fiscal impact statement.

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

SUBTITLE H. SPECIAL EDUCATION TASK FORCE ESTABLISHMENT

Sec. 371. Short title.

This subtitle may be cited as the "Special Education Task Force Establishment Act of 2003".

Sec. 372. Establishment.

There is established a Special Education Task Force ("Task Force") with the purpose of serving as a collaborative body of District agencies that will monitor, support, and implement special education reform within the District of Columbia Public Schools.

Sec. 373. Functions.

Specific functions of the Task Force shall include the following:

- (1) Within 60 days of the approval of the Board of Education, adopt, by a majority vote, the Special Education Reform Plan developed pursuant to section 384;
- (2) Convene monthly, or more frequently as deemed necessary and appropriate, to report on the implementation of the Special Education Reform Plan and identify obstacles and recommend amendments to the Special Education Reform Plan;
- (3) Identify ways to better coordinate and improve special education service delivery;
- (4) Monitor the Special Education Reform to ensure that the Reform Plan is executed in an appropriate and timely manner; and
- (5) Determine specific savings targets for Fiscal Year 2004 and beyond, including those associated with the Tobacco Settlement funds provided to the District of Columbia Public Schools in Fiscal Year 2003.

Sec. 374. Special Education Reform Plan.

The Superintendent of Schools shall develop a Special Education Reform Plan ("Reform Plan") which shall include the following:

- (1) Measurable goals;
- (2) Timelines for deliverables;
- (3) Roles and responsibilities of all District agencies that provide special education related services;
- (4) Proposed legislative initiatives;
- (5) Targeted savings activities for fiscal years 2003 through 2005; and
- (6) Continued review and input from Task Force members.

Sec. 375. Composition of the Task Force.

(a) The Task Force shall be comprised of the following 9 voting members, or designees thereof:

- (1) The Mayor of the District of Columbia;
- (2) The Chair of the Committee on Education, Libraries and Recreation for the Council of the District of Columbia;
- (3) The Chair of the Committee of Finance and Revenue for the Council of the District of Columbia;
- (4) The President of the Board of Education;
- (5) The Superintendent of the District of Columbia Public Schools;
- (6) The State Education Officer of the District of Columbia;
- (7) The Deputy Mayor for Children, Youth, Families and Elders;
- (8) The Chief Financial Officer for the District of Columbia; and
- (9) The Chief Financial Officer for the District of Columbia Public Schools.

(b) The following shall serve as advisory, nonvoting members of the Task Force:

- (1) The members of the Council's Committee on Education, Libraries and Recreation;
- (2) The department head or designee of the Office of Special Education;
- (3) The department head or designee of the Committee on Special Education and Student Services for the Board of Education;
- (4) The Corporation Counsel for the District of Columbia;
- (5) The department head or designee of the Department of Mental Health;
- (6) The department head or designee of the Child and Family Service Agency;
- (7) The department head or designee of the Medical Assistance Administration;
- (8) The department head or designee of the Office of Medicaid Public Provider Operation Reform;
- (9) The representative of the State Advisory Panel on Special Education in the District of Columbia; and
- (10) Two parents of District of Columbia Special Education students.

(c) The Task Force shall be co-chaired by the Mayor and the Chair of the Committee on Education, Libraries and Recreation for the Council of the District of Columbia.

(d) The Director of the State Education Office shall provide staffing for the Task Force.

Sec. 376. Memorandum of Understanding.

(a) The voting members of the Task Force shall adopt and sign a Memorandum of Understanding regarding the implementation of the Reform Plan, which shall be submitted to the Council.

(b) This subtitle shall expire upon the submission of the Memorandum of Understanding to the Council pursuant to subsection (a) of this section.

Sec. 377. Fiscal impact statement.

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

TITLE IV. OFFICE OF ADMINISTRATIVE HEARINGS AMENDMENT

Sec. 401. Short title.

This title may be cited as the “Office of Administrative Hearings Amendment Act of 2003”.

Sec. 402. The Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.01 *et seq.*), is amended as follows:

(a) Section 5 (D.C. Official Code § 2-1831.02) is amended as follows:

(1) Subsection (b) is amended by striking the phrase “October 1, 2003” and inserting the phrase “the day that begins the first pay period after 180 days following Council confirmation of the individual who will serve as the first Chief Administrative Law Judge of the Office” in its place.

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

“(c)(1)(A) If the Office begins operations after October 1, 2003, the Chief Financial Officer shall make intra-district transfers, on a quarterly basis, to the Department of Health, the Department of Human Services, the Board of Appeals and Review, the Child and Family Services Agency, and the Department of Motor Vehicles for the continuing costs of their adjudication functions during Fiscal Year 2004. The intra-district transfer shall be calculated as a pro rata share of the funds and full-time equivalent positions that each agency, respectively, transferred to the Office for its Fiscal Year 2004 baseline budget prepared by the Office of the Chief Financial Officer. Any amount so transferred shall remain a portion of the Office’s baseline budget for any succeeding fiscal year.

“(B) In calculating any pro rata share for the Board of Appeals and Review, the Chief Financial Officer shall exclude from consideration any period that occurs, in whole or in part, during the first quarter of Fiscal Year 2004. The Chief Financial Officer shall also make an intra-district transfer to the Office’s budget of any unused funds in the Fiscal Year 2004 budget of the Board of Appeals and Review, as of the date that the Office commences operations in accordance with subsection (b) of this section.

“(2) If the Office begins operation after October 1, 2003, the Chief Financial Officer shall make an intra-district transfer, from the D.C. Public Schools to the Office, of the

pro rata share of the \$1,866,000 budgeted for adjudication of cases related to special education. The Chief Financial Officer shall calculate the pro rata share as a percentage of funds equal to the percentage of pay periods in fiscal year 2004 during which the Office has the responsibility of hearing special education cases.

“(3) All funding and full-time equivalent position authority associated with the administrative adjudication functions of any agency to which this act becomes applicable on October 1, 2004, shall be transferred from that agency on or before the date that this act becomes applicable to that agency.

“(4) All property associated with the administrative adjudication functions of any agency to which this act becomes applicable shall be transferred to the Office on or before the date that this act becomes applicable to that agency.”.

(b) Section 6 (D.C. Official Code § 2-1831.03) is amended as follows:

Amend
§ 2-1831.02

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

(A) The introductory language is amended by striking the phrase “As of October 1, 2003,” and inserting the phrase “As of the day that begins the first pay period after 180 days following Council confirmation of the individual who will serve as the first Chief Administrative Law Judge of the Office,” in its place.

(B) Paragraph (4) is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “All adjudicated cases pertaining to special education heard by the D.C. Public Schools” in its place.

(C) Paragraph (7) is repealed.

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

(A) Paragraph (2) is amended by striking the phrase “All adjudicated cases pertaining to special education heard by the D.C. Public Schools” and inserting the phrase “Department of Consumer and Regulatory Affairs” in its place.

Amend
§ 2-1831.03

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

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

“(4) All adjudicated cases pertaining to tax-related issues heard by the Office of Tax and Revenue.”.

(3) Subsection (d) is repealed.

Sec. 403. Fiscal impact statement.

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

TITLE V. EMERGENCY AND NON-EMERGENCY NUMBER TELEPHONE CALLING SYSTEMS FUND AMENDMENT

Sec. 501. Short title.

This title may be cited as the “Emergency and Non-Emergency Number Telephone Calling Systems Fund Amendment Act of 2003”.

ENROLLED ORIGINAL

Sec. 502. The Emergency and Non-Emergency Number Telephone Calling Systems Fund Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 34-1801 *et seq.*), is amended as follows:

(a) Section 602(1) and (9) (D.C. Official Code § 34-1801(1) and (9)) are repealed.

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

“(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 a tax imposed under section 604. All monies collected under section 604, and all interest earned on those monies, shall be deposited into the Fund without regard to fiscal year limitation pursuant to an act of Congress. All monies 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.”.

(c) Section 604 (D.C. Official Code § 34-1803) is amended to read as follows:

“(a)(1) There is imposed upon all local exchange carriers, including wireline and wireless carriers, a tax calculated on the basis of each individual telephone line sold or leased in the District of Columbia as follows:

Amend
§ 34-1801
Amend
§ 34-1802

“(A) For wireline local exchange service:

“(i) \$0.76 per exchange access line;

“(ii) \$0.62 per Centrex line; and

“(iii) \$0.62 per private branch exchange (“PBX”) station; and

“(B) For wireless telephone exchange service, \$0.76 for each telephone number that has a District of Columbia billing address.

“(2) The PBX tax per station shall be converted into a per-trunk tax based on a ratio of 8 PBX stations to one PBX trunk.

“(b) Each local exchange carrier shall submit the tax imposed under subsection (a) of this section to the Mayor on a quarterly basis.

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

Amend
§ 34-1803

“(d) Each local exchange carrier is authorized to state on the invoice to customers a separate line item stating the amount of tax levied pursuant to this section.”.

(d) Section 605 (D.C. Official Code § 35-1804) is repealed.

(e) A new section 605a is added to read as follows:

“Sec. 605a. Report to the Council.

“Not later than September 15, 2003, the Mayor shall submit to the Council an analysis of the expenses of the Fund, which analysis shall include a recommendation as to whether the tax imposed under section 604 should be adjusted. In preparing this analysis:

“(1) It shall be assumed that funding for call center operating personnel will be shifted from the Fund to the General Fund of the District of Columbia; and

“(2) A replacement reserve schedule for all technology equipment and software shall be used.”.

Sec. 503. Hiring freeze exemption.

The positions identified in the Fiscal Year 2004 Spending Plan for the Fund, dated April 16, 2003, shall not be subject to a hiring freeze during Fiscal Year 2004.

Repeal
§ 34-1804

Sec. 504. Applicability.

Section 502 shall apply as of October 1, 2003.

Sec. 505. Fiscal impact statement.

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

TITLE VI. PUBLIC WORKS, ENVIRONMENTAL, AND MOTOR VEHICLE
AMENDMENTS

SUBTITLE A. ABANDONED AND JUNK VEHICLE DIVISION FUND
AMENDMENT

Sec. 601. Short title.

This title may be cited as the “Abandoned and Junk Vehicle Division Fund Amendment Act of 2003”.

Sec. 602. Section 5 of the District of Columbia Abandoned and Junk Vehicle Removal Amendment Act of 1989, effective September 9, 1989 (D.C. Law 8-24; D.C. Official Code § 50-2404), is repealed.

Sec. 603. Section 1b of An Act To prohibit parking of vehicles upon public or private property in the District of Columbia without the consent of the owner of such property, effective September 9, 1989 (D.C. Law 8-24; D.C. Official Code § 50-2623), is amended as follows:

(a) Subsection (b) is amended by striking the phrase “and deposit any proceeds into the Abandoned and Junk Vehicle Division Fund (“Fund””, established in section 5 of the District of Columbia Abandoned and Junk Vehicle Removal Amendment Act of 1989, effective September 1989 (D.C. Law 8-24; D.C. Official § 50-2404)”.

(b) Subsection (c) is amended by striking the phrase “Fund to be used by the Abandoned and Junk Vehicle Division to carry out its duties” and inserting the phrase “General Fund” in its place.

Repeal
§ 50-2404

Sec. 604. Upon the effective date of this title, any monies that are in the Abandoned and Junk Vehicle Division Fund shall upon its dissolution be deposited into the General Fund.

Sec. 605. Fiscal impact statement.

Amend
§ 50-2623

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

SUBTITLE B. WATER POLLUTION CONTROL AMENDMENT

Sec. 611. Short title.

This title may be cited as the “Water Pollution Control Amendment Act of 2003”.

Sec. 612. The Water Pollution Control Act of 1984, effective March 16, 1985 (D.C. Law 5-188; D.C. Official Code § 8-103.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 8-103.01) is amended as follows:

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

"(1A) "Abandon" means to cease using a functioning well, to fill or plug a well to render it unproductive, to permanently disconnect a well from a water system, to allow a well to fall into a state of disrepair so extensive that it is impractical to obtain ground water, or to fail to renew a permit pursuant to section 14a within 90 days after expiration."

(2) Paragraph (16) is amended to read as follows:

"(16) "Owner" or "operator" means for a vessel or onshore or offshore facilities, a person owning, operating, or chartering by demise the vessel or the facilities, except that, for the purpose of sections 14a and 14b, the term "owner" means a person who has the legal right to construct a well for personal use or for the use of another person."

(3) A new paragraph (23A) is added to read as follows:

"(23A) "Underground injection" means discharging any substance through a well into ground water, or into the subsurface where the substance has the potential to enter the waters of the District."

Amend
§ 8-103.01

(4) A new paragraph (26A) is added to read as follows:

"(26A) "Well" means any test hole, shaft, or soil excavation created by any means including, but not limited to, drilling, coring, boring, washing, driving, digging, or jetting, for purposes including, but not limited to, locating, testing, diverting, artificially recharging, or withdrawing fluids, or for the purpose of underground injection."

(b) Section 7 (D.C. Official Code § 8-103.06) is amended as follows:

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

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

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

"(3) Allow dredge and fill activities or construction activities in wetlands and on underwater lands; provided, that:

"(A) The activities do not interfere with fish migration and the aquatic habitat remains preserved; or

"(B) Damage to, or destruction of, the habitat is mitigated to the extent the Mayor requires through onsite or offsite replacement of the habitat or through payment of

an amount determined by the Mayor that shall be deposited into the fund established under section 10(d); and".

Amend
§ 8-103.06

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

"(4) Allow underground injection, except for any hazardous waste as defined by section 2(2) of the District of Columbia Hazardous Waste Management Act of 1977, effective March 16, 1978 (D.C. Law 2-64; D.C. Official Code § 6-702(2)), and the rules and regulations promulgated thereunder."

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

"(d) Before any permit is issued under subsection (a)(1), (3), or (4) of this section, or any federal permit is certified under subsection (j) of this section, the Mayor may require the person seeking the permit or certification to perform studies to ensure conformance with the act."

(c) Section 10 (D.C. Official Code § 8-103.09) is amended as follows:

(1) The section heading is amended by striking the phrase "District of Columbia Water Pollution Control Fund" and inserting the phrase "District of Columbia Wetland and Stream Mitigation Trust Fund" in its place.

(2) Subsection (c) is repealed.

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

"(d)(1) The District of Columbia Wetland and Stream Mitigation Trust Fund ("Wetland Fund") is hereby established as a nonlapsing, revolving fund pursuant to an act of Congress, to be administered by the Mayor and used for restoration, creation, and enhancement of wetlands and the waters of the District. Excluding monies collected in the current year, any money deposited in the Wetland Fund in the year prior to the current year and the interest earned on that money remaining in the Fund after the payment of the costs accrued in the prior year, less 10% of the remainder amount that shall be retained as a reserve operating balance, shall be transferred or revert to the General Fund of the District of Columbia.

Amend
§ 8-103.09

"(2) The Wetland Fund shall be financed by payments received to mitigate the damage to or destruction of habitat pursuant to section 7(a)(3).

"(3) The Wetland Fund shall be accounted for under the procedures established pursuant to D.C. Official Code § 47-371 *et seq.*, and any other applicable law.

"(4) The Mayor may use the Wetland Fund to repair or replace aquatic habitat that is damaged or destroyed by activities in wetlands or on underwater lands including, but not limited to, dredge and fill activity, or construction activities."

(d) A new section 10a is added to read as follows:

"Sec. 10a. District of Columbia Wells Maintenance Fund; establishment; financing.

"(a) The District of Columbia Wells Maintenance Fund ("Wells Fund") is hereby established as a nonlapsing, revolving fund pursuant to an act of Congress, to be administered by the Mayor and used for administrative costs associated with regulating wells in the District of Columbia. Excluding monies collected in the current year, any money deposited in the Wells Fund in the year prior to the current year and the interest earned on that money remaining in the Fund after the payment of the costs accrued in the prior year, less 10% of the remainder

amount that shall be retained as a reserve operating balance, shall be transferred or revert to the General Fund of the District of Columbia.

"(b) The Wells Fund shall be financed by payments received pursuant to section 14b(a) and (b).

"(c) The Wells Fund shall be accounted for under the procedures established pursuant to D.C. Official Code § 47-371 *et seq.*, and any other applicable law.

"(d) The Mayor may use the Wells Fund to pay for administrative costs associated with groundwater protection including, but not limited to, personnel costs."

(e) New sections 14a and 14b are added to read as follows:

"Sec. 14a. Well construction, maintenance, and abandonment.

"(a) Except as provided in subsection (d) of this section, no person may construct a well without first obtaining a permit subject to the terms, conditions, or restrictions the Mayor deems necessary including the right to inspect the permittee's property during reasonable times and in a reasonable manner, to ensure compliance with this act or any rules promulgated thereunder. A permit issued pursuant to this subsection shall be valid for a period of 2 years after the date of issue. The Mayor may issue rules for modifying, revoking, reissuing, or terminating permits.

"(b) The owner of a well shall maintain the well in accordance with the rules promulgated by the Mayor.

"(c) A person shall provide at least 30 days written notice to the Mayor before abandoning the well. Within 30 days of the date of this notice, the person shall seal and fill the well pursuant to rules issued by the Mayor. A person who fails to renew a permit within 90 days after the expiration date of the permit shall be deemed to have provided notice of abandoning the well and shall seal and fill the well within 120 days of the permit's expiration date.

"(d) The Mayor may create categories of wells and exempt certain categories of wells from the requirements of this section and section 14b.

"Sec. 14b. Fees, reimbursements, and costs.

"(a) The Mayor shall establish a schedule of fees for permits required by section 14a.

"(b) The Mayor may require reimbursement of costs for services including, inspections, sample collection, or document review pursuant to section 14a.

"(c) The Mayor may charge a fee for any permit issued pursuant to section 7."

(f) Section 16 (D.C. Official Code § 8-103.15) is amended as follows:

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

"(a) The Mayor may issue a subpoena to compel the presentation of information pertinent to the regulation of the quality of District waters. If any person neglects or refuses to obey the subpoena, the Mayor may invoke the aid of a court of competent jurisdiction to compel compliance with the subpoena. The court may issue an order requiring the subpoenaed person to appear before the Mayor to produce the information requested. The court may punish any failure to obey an order issued pursuant to this subsection as a contempt thereof.

"(b) For the purpose of enforcing this act or any rule issued pursuant to this act, the Mayor or his or her designated representative may, at any reasonable time, upon the presentation of appropriate credentials to the owner, operator, or agent in charge:

"(1) Enter without delay any place to inspect any facilities, discharges, activities, equipment, wells, wetlands, underwater lands, or any other item that reasonably relates to the regulation of the quality of District waters;

Amend
§ 8-103.15

"(2) Inspect and obtain samples of any water or soil that will assist in regulating the quality of District waters; and

"(3) Inspect and copy any record, report, information, or test result required to be maintained pursuant to the rules issued pursuant to this act."

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

"(c) If the Mayor is denied access to any place, that reasonably relates to the regulation of the quality of District waters, the Mayor may apply to a court of competent jurisdiction for a search warrant."

(g) Section 17(a) (D.C. Official Code § 8-103.16(a)) is amended as follows:

(1) Paragraph (2) is amended by striking the period at the end and inserting the phrase ", except that any person who violates section 14a, or the regulations promulgated thereunder, shall be fined not more than \$5,000, imprisoned for no more than 90 days, or both." in its place.

(2) Paragraph (3) is amended by striking the period at the end and inserting the phrase ", except that any person who violates section 14a, or the regulations promulgated thereunder, shall be fined not more than \$10,000, imprisoned for no more than one year, or both." in its place.

Sec. 613. Fiscal impact statement.

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

Amend
§ 8-103.16

SUBTITLE C. LOCAL ROADS CONSTRUCTION AND MAINTENANCE FUND AMENDMENT

Sec. 621. Short title.

This title may be cited as the "Local Roads Construction and Maintenance Fund Amendment Act of 2003".

Sec. 622. The Highway Trust Fund Establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-184; D.C. Official Code § 9-111.01 *et seq.*), is amended as follows:

(a) Section 102a (D.C. Official Code § 9-111.01a) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "Department of Public Works' Division of Transportation" and inserting the phrase "Department of Transportation" in its place.

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

"(c)(1) Expenditures from the Local Roads Construction and Maintenance Fund shall be made only to supplement local funds, in an amount equal to the total non-special purpose local funds appropriated and obligated for the purposes specified in subsection (b) of this

section; provided, that the provisions of this subsection shall not apply when the total amount of non-special purpose local funds obligated equals or exceeds \$30 million for a particular fiscal year.

Amend
§ 9-111.01a

"(2) The Chief Financial Officer shall certify that the requirements of paragraph (1) of this subsection have been met prior to the expenditure of funds from the Local Roads Construction and Maintenance Fund.

"(3) This subsection shall apply as of October 1, 2004.

"(d)(1) Beginning on October 1, 2003, and on October 1 of each year thereafter, the Mayor shall submit to the Council a plan for the use of all monies in the Local Roads Construction and Maintenance Fund for the following fiscal year.

"(2) The proposed plan shall be submitted to the Council for approval, in whole or in part, by resolution for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the proposed plan has not been approved by the Council within the 45-day period, the proposed plan shall be deemed disapproved.

"(3) The expenditure of monies in the Fund shall be subject to Council approval of the plan, and the certification of the Chief Financial Officer required by subsection (c)(2) of this section."

(b) A new section 102b is added to read as follows:

"Sec. 102b. Local Roads Construction and Maintenance Fund - dedicated revenue.

"Local funds from the following sources shall be used to fund the Department of Transportation for the purposes of administering, operating, maintaining, and improving the District's local transportation infrastructure, and to provide revenue to permit expenditures from the Local Roads Construction and Maintenance Fund in accordance with section 102a, as follows:

"(1) Beginning October 1, 2003:

"(A) Thirty three percent of the proceeds collected by the District for "Public Space Rental";

"(B) Fifty percent of the proceeds of sales and use taxes collected by the District for "parking and storing vehicles"; and

"(C) Fifty percent of the proceeds collected by the District from "parking meter revenues".

"(2) Beginning October 1, 2004, the percentage established in paragraph (1)(A) of this section shall increase to 50%, and the percentage established in paragraph (1)(C) of this section shall increase to 75%."

Sec. 623. Section 1704 of the Fiscal Year 2002 Budget Support Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 9-111.31), is amended as follows:

(a) Strike the subsection designation "(a)".

(b) Subsection (b) is repealed.

Sec. 624. Section 604(5) of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 10-1141.04(5)), is repealed.

Sec. 625. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 603(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D. C. Official Code § 1-206.02(c)(3)).

**Amend
§ 9-111.31**

**SUBTITLE D. DEPARTMENT OF MOTOR VEHICLES DESTINY STAFFING
AMENDMENT**

Sec. 631. Short title.

This title may be cited as the "Department of Motor Vehicles Destiny Staffing Amendment Act of 2003".

**Amend
§ 10-1141.04**

Sec. 632. Section 1814(9) of the Office of the Chief Technology Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 1-1403(9)), is amended by striking the period at the end of the sentence, and inserting the phrase "; provided, that this paragraph shall not apply to the Department of Motor Vehicles." in its place.

Sec. 633. Fiscal impact statement.

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

**SUBTITLE E. POSITION RECLASSIFICATION OF DEPARTMENT OF MOTOR
VEHICLES STAFF AMENDMENT**

Sec. 641. Short title.

This title may be cited as the "Position Reclassification of Department of Motor Vehicles Staff Amendment Act of 2003".

**Amend
§ 1-1403**

Sec. 642. Reclassification of positions at the Department of Motor Vehicles.

The Mayor and Director of the Office of Personnel shall complete classification and compensation studies of the positions of motor vehicle inspectors and front-line counter employees at the Department of Motor Vehicles by November 1, 2003.

Sec. 643. Fiscal impact statement.

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

TITLE VII. FIRE AND EMERGENCY MEDICAL SERVICES TRAINING

Sec. 701. Short title.

This title may be cited as the “Fire and Emergency Medical Services Training Act of 2003”.

Sec. 702. Fire and Emergency Medical Services training for non-District of Columbia personnel.

(a) The Mayor may provide training to non-District of Columbia government agencies, organizations, and individuals through the Fire and Emergency Medical Services Department ("Department"), including hazardous materials training, firefighting training, emergency medical technician training, fire extinguisher safety training, and cardiopulmonary resuscitation training.

(b) The Mayor may impose fees to cover the costs of any training provided under subsection (a) of this section. The fees shall be established in accordance with the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*).

Sec. 703. Establishment of Fire and Emergency Medical Services Training Fund.

(a) There is established a nonlapsing, revolving Fire and Emergency Medical Services Training Fund (“Fund”), which shall be separate from the General Fund of the District of Columbia. All fees generated under section 702(b) shall be deposited into the Fund, and any interest earned on these deposits shall be credited to the Fund.

(b) The monies in the Fund shall be expended solely and exclusively to cover the costs directly associated with operating the Department’s training programs, and shall be used to acquire improved technology and equipment, to hire, train, and certify staff, and to otherwise improve the quality of the training programs offered by the Department.

(c) All monies deposited in the Fund shall be appropriated without fiscal year limitation pursuant to an act of Congress. Excluding monies collected in the current year, any money deposited in the Fund in the year prior to the current year and the interest earned on that money remaining in the Fund after the payment of the costs accrued in the prior year, less 10% of the remainder amount that shall be retained as a reserve operating balance, shall be transferred or revert to the General Fund of the District of Columbia.

(d) Nothing in this section shall be construed as prohibiting or limiting the allocation of additional funds from the revenues of the District of Columbia for the purposes designated in subsection (b) of this section.

Sec. 704. Fiscal impact statement.

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

TITLE VIII. DISTRICT OF COLUMBIA SUPPLY SCHEDULE OPERATING FUND AMENDMENT

Sec. 801. Short title.

This title may be cited as the “District of Columbia Supply Schedule Sales Discount and Operating Fund Amendment Act of 2003”.

Sec. 802. The District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*), is amended by adding a new section 1103 to read as follows:

“Sec. 1103. District of Columbia Supply Schedule Sales Discount and Operating Fund.

“(a) For the purposes of this section, the term:

“(1) “Collected Funds” means all funds collected pursuant to subsection (b) of this section in a current fiscal year and all interest earned on those funds.

“(2) “District of Columbia Supply Schedule” or “DCSS” means the District of Columbia’s multiple award schedule procurement program for providing commercial products and services to the District government agencies.

“(b) The Chief Procurement Officer may charge and collect, on a quarterly basis, from contractors awarded contracts in the DCSS, a sales discount in an amount to be determined by regulation, on all sales, purchase orders, delivery orders, task orders, and purchase card transactions made under contracts awarded under the DCSS.

“(c) There is established a fund designated as the District of Columbia Supply Schedule Sales Discount and Operating Fund (“Fund”), which shall be separate from the General Fund of the District of Columbia.

“(d) All Collected Funds shall be deposited into the Fund without regard to fiscal year limitation pursuant to an act of Congress and except as provided in this section, shall not be transferred or revert to the General Fund of the District of Columbia. Collected Funds shall be used to pay the costs of operating and maintaining the DCSS in the following fiscal year. Excluding monies collected in the current year, any money deposited in the Fund in the year prior to the current year and the interest earned on that money remaining in the Fund after the payment of the costs accrued in the prior year, less 10% of the remainder amount that shall be retained as a reserve operating balance, shall be transferred or revert to the General Fund of the District of Columbia.

“(e) Nothing in this section shall be construed as prohibiting or limiting the allocation of additional funds from the revenues of the District of Columbia for the purposes designated in subsection (b) of this section.”.

Sec. 803. Fiscal impact statement.

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

TITLE IX. CHILD SUPPORT ENFORCEMENT PROGRAM FUNDING AMENDMENT

Sec. 901. Short title.

This title may be cited as the “Child Support Enforcement Program Funding

Amendment Act of 2003”.

Sec. 902. Section 27a of the District of Columbia Child Support Enforcement Amendment Act of 1985, effective August 17, 1991 (D.C. Law 9-39; D.C. Official Code § 46-226.01), is amended to read as follows:

“Sec. 27a. Child support enforcement funding.

“(a) The following payments received by the District under Part D of Title IV of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), and appropriated by Congress shall be allocated exclusively to the IV-D agency for the purpose of funding for the IV-D program:

“(1) Reimbursements from the federal government for fixed percentages of the costs of administering the IV-D program;

“(2) Incentive payments received by the District based on the performance of the District’s IV-D program;

“(3) Support collections retained by the District pursuant to section 457 of the Social Security Act, approved January 4, 1975 (88 Stat. 2356; 42 U.S.C. § 657); and

“(4) Reimbursements and fees received in connection with the operation of the IV-D program.

“(b) The payments specified in subsection (a)(2), (3), and (4) of this section shall not lapse at the end of any fiscal year or at any other time, but shall continue to be available to the IV-D agency for the purpose of funding the IV-D program until expended, subject to authorization by Congress in an appropriations act.

“(c) The payments allocated to the IV-D agency pursuant to subsection (a) of this section shall be in addition to the annual appropriation for the IV-D agency.”.

Amend
§ 46-226.01

Sec. 903. Fiscal impact statement.

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

TITLE X. PERFORMANCE-BASED BUDGET SUBMISSIONS AND FINANCIAL ACCOUNTABILITY

Sec. 1001. Short title.

This title may be cited as the “Performance and Financial Accountability Act of 2003”.

Sec. 1002. Section 47-308.01 of the District of Columbia Official Code is amended to read as follows:

“§ 47-308.01. Performance-based budget.

“(a) For purposes of this section, the term, ‘performance-based budget’ means a budget presentation consisting of:

“(1) Agency programs;

“(2) Estimated total program activity costs, as well as full-time equivalents for the current and next fiscal year;

“(3) Agency strategic result goals;

“(4) Program overview describing the activities within each program;

“(5) Estimated program costs; and

“(6) Program performance measures.

“(b) Beginning with the District of Columbia's Fiscal Year 2004 budget and financial plan, any agency that has converted to a performance-based budget shall continue presenting its budget in such format, unless the Chief Financial Officer considers it appropriate to present an agency's budget in a different format.

“(c) Beginning in Fiscal Year 2004 and continuing in subsequent fiscal years until all applicable agencies funded by the General Fund within the District of Columbia's budget and financial plan are submitting performance-based budgets, the Mayor shall identify by executive order, no later than July 10, at least 15 additional agencies to submit performance-based budgets the following fiscal year. For the Fiscal Year 2006 budget and financial plan, the Mayor shall submit to the Council a performance-based budget for every operating agency in the District of Columbia, unless the Chief Financial Officer considers it inappropriate to do so.

“(d) Beginning in Fiscal Year 2005, the Chief Financial Officer shall provide service level costs for 20 services, as requested by the Council. Beginning in Fiscal Year 2006, the Chief Financial Officer shall provide service level costs for all operating agencies in the District of Columbia.

“(e) Beginning in Fiscal Year 2005 and continuing in subsequent fiscal years, the Office of Budget and Planning, in consultation with the Office of the City Administrator, shall identify 25 critical programs to benchmark with comparable jurisdictions and shall include those benchmarks in the budget and financial plan.

“(f) The Office of Budget and Planning shall review all agency program expenditures, including program definitions, estimated program costs, program performance measures, and agency benchmarks, which expenditures shall be included in the District of Columbia's budget and financial plan. For the Fiscal Year 2006 budget, no operating agency budget shall be forwarded to the Mayor for approval without the Office of Budget and Planning's determination that it is a performance-based budget, except those agencies for which the Chief Financial Officer considers such a budget to be inappropriate.

“(g)(1) Each agency that has transitioned to the performance-based budget format shall submit a copy of its strategic business plan to the Council prior to January 31 of each year.

“(2) The Office of the City Administrator, in conjunction with the Office of the Chief Financial Officer, shall make available, in electronic format, copies of agency strategic business plans to the public and shall display the strategic business plans on the District government's internet site.”.

Sec. 1003. Fiscal impact statement.

Amend
§ 47-308.01

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

TITLE XI. CONVENTION CENTER MARKETING AMENDMENT

Sec. 1101. This title may be cited as the “Washington Convention Center Marketing Amendment Act of 2003”.

Sec. 1102. Section 208a(e) of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.08a(e)), is amended to read as follows:

“(e) The marketing service contracts shall include contracts with the following entities:

“(1) The Washington, DC Convention and Tourism Corporation, pursuant to which the Washington, DC Convention and Tourism Corporation shall be designated as the primary contractor to:

“(A) Market and sell meetings and conventions for the Washington Convention Center and hotels in the District of Columbia;

“(B) Market and promote the District of Columbia as a destination; and

“(C) Increase revenue to the District of Columbia and the Washington Convention Center Authority by maximizing sales of hotel rooms and restaurant meals;

“(2) The D.C. Chamber of Commerce, pursuant to which the D.C. Chamber of Commerce shall be designated as the primary contractor to promote participation by local, small, and minority businesses in the hospitality industry, especially through neighborhood and cultural tourism; and

“(3) The Greater Washington Ibero American Chamber of Commerce, for the purpose of pursuit of special projects, as designated by the Authority.”.

**Amend
§ 10-1202.08a**

Sec. 1103. Fiscal impact statement.

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

TITLE XII. FISCAL YEAR 2005 BUDGET SUBMISSION

Sec. 1201. Short title.

This title may be cited as the “Fiscal Year 2005 Budget Submission Act of 2003”.

Sec. 1202. (a) For fiscal year 2005, the Mayor shall submit a budget to the Council that increases local funds spending by no more than 3.5% of the fiscal year 2004 budget approved by the Council. Any spending transferred from local funds in fiscal year 2004 to non-local funds in Fiscal year 2005 shall be included in any calculation to determine whether the proposed spending for fiscal year 2005 is more than 3.5% greater than local spending in fiscal year 2004.

(b) By July 1, 2003, the Chief Financial Officer and the Mayor shall identify by contract or subagency, the areas where contract savings identified by the Fiscal Year 2004 Budget Request Act, passed on May 6, 2003 (Enrolled version of Bill 15-214) shall occur and submit the information to Council.

(c) The budget submission pursuant to subsection (a) of this section shall provide that not less than 1/2 of the personnel costs for Public Safety Communications Center services in fiscal year 2004 shall instead be paid by local funds in fiscal year 2005.

Sec. 1203. Fiscal impact statement.

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

TITLE XIII. PUBLIC PLANNING CAPITAL PROJECT

Sec. 1301. Short title.

This title may be cited as the "Public Planning Capital Project Act of 2003".

Sec. 1302. Establishment of Public Planning Capital Project Fund.

(a) The Public Planning Capital Project Fund is hereby established.

(b) With each annual capital budget request submitted by the Mayor to the Council in accordance with section 442 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 798; D.C. Official Code § 1-204.42), the Mayor shall include as a discrete capital project a public planning fund for which the Mayor shall propose any amount he considers necessary for the uses and purposes set forth in subsection (c) of this section.

(c) Subject to authorization by Congress in an appropriations act, the monies designated for the public planning capital project fund shall be used by the District of Columbia Office of Planning, or its successor, to fund the preparation and development of public planning studies and recommendations for proposed capital projects that will be funded or guaranteed, in part or in whole, by the District government.

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

Sec. 1303. Fiscal impact statement.

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

TITLE XIV. FACILITY AND PROGRAM COORDINATION ADVISORY COMMITTEE

Sec. 1401. Short title.

This title may be cited as the “Master Facilities Planning and Program Coordination Advisory Committee Act of 2003”.

Sec. 1402. Master Facilities Planning and Program Coordination Advisory Committee.

(a) There is established the Master Facilities Planning and Program Coordination Advisory Committee (“Advisory Committee”), to be led by the Office of the City Administrator (“OCA”). The OCA will also lead the overall effort to develop the Facility and Program Coordination Management Plan.

(b) The Advisory Committee shall be composed of 9 members. Six members shall be appointed by the Mayor, one of whom the Mayor shall designate to serve as chair, and 3 members shall be appointed by the Chairman of the Council. Each member shall be a resident of the District of Columbia (“District”), and have demonstrated experience in facility management or program coordination in one or more of the following fields: real estate, recreation, schools, public safety, libraries, and neighborhood revitalization planning and policy. One of the Mayor’s appointees shall be a member of the Board of Education. The Mayor and the Chairman of the Council shall make their appointments to the Advisory Committee no later than 30 days after the effective date of this title.

(c) The Advisory Committee shall perform the following duties:

(1) Review the list to be provided by the Office of Property Management of all facilities owned and operated by the District government;

(2) Review data which provides benchmarks for the District and comparable jurisdictions regarding the number of public facilities maintained by the District government using demand and usage metrics, including facilities per capita and per square mile;

(3) Review a 10-year projected annual average cost for maintaining the current inventory of properties to be prepared by the Chief Financial Officer of the District of Columbia and the Mayor;

(4) Provide advice and comments on a standard developed by the Mayor for the location of public facilities, which standard shall include population density, public needs, accessibility, frequency of use, proximity to similar facilities, opportunity for multiple uses, the cost effectiveness of facility maintenance, and program integration plans;

(5) Provide advice and comments on conclusions prepared by the Mayor on the number of facilities that the District should maintain based on:

(A) Benchmark comparisons;

(B) Available sources of funding;

(C) Program integration plans;

(D) The standard developed by the Mayor under paragraph (4) of this subsection; and

(E) Other measures which the Advisory Committee considers appropriate;

(6) Provide advice and comments on recommendations prepared by the Mayor for renovation, construction, consolidation, and closure of selected facilities based on an

analysis conducted, which advice and comments the Mayor shall review in formulating his proposed Capital Improvement Plan;

(7) Provide advice and comments on the appropriate relationship between the Master Facilities Plan and the Comprehensive Plan;

(8) Provide advice and comments on Mayoral plans for program integration regarding the impact of the neighborhood places and wraparound schools initiative on facility co-location and investment; and

(9) Conduct a public hearing on Mayoral plans for the Master Facilities Plan and program coordination.

(d) No member of the Advisory Committee shall be compensated for time expended in the performance of duties, except to the extent that the member is a District government employee serving as part of his or her existing responsibilities, but members shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of the Advisory Committee's duties pursuant to applicable District government rules and regulations.

Sec. 1403. Funding.

The functions of this title are to be funded in the amounts of \$1.8 million in Fiscal Year 2004 and \$1.1 million in Fiscal Year 2005 from the Public Planning Capital Project Fund established in section 1302 of the Fiscal Year 2004 Budget Support Act of 2003, passed on 2nd reading on June 3, 2003 (Enrolled version of Bill 15-218). Of this total amount, not less than \$1.2 million shall be made available to the Office of Property Management ("OPM"), in consultation with the Office of Planning, for the development of a facility inventory and conditions assessment. Other amounts as required shall be transferred to OPM and other District agencies for the fulfillment of the provisions of this title. In all cases, this work shall be performed without the use of contractors, except where specialized expertise or expedited effort is required.

Sec. 1404. Fiscal impact statement.

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

TITLE XV. MEDICAID AND TOBACCO FUNDING AMENDMENT

Sec. 1501. Short title.

This title may be cited as the "Medicaid and Tobacco Funding Amendment Act of 2003".

ENROLLED ORIGINAL

Sec. 1502. The Office of Medicaid Public Provider Operations Reform Establishment Act of 2002, effective October 1, 2002 (D.C. Law 14-190; D.C. Official Code § 4-204.11 *et seq.*), is amended as follows:

(a) Section 1501 (D.C. Official Code § 4-204.11) is amended by striking the phrase “Public Provider”.

(b) Section 1502 (D.C. Official Code § 4-204.12) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “Public Provider”.

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

“(1A) “Foster Care and Adoption Assistance” means the programs authorized by Part E of Title IV of the Social Security Act, approved June 17, 1980 (94 Stat. 501; 42 U.S.C. § 670 *et seq.*)”.

Amend
§ 4-204.11

Amend
§ 4-204.12

(3) Paragraph (2) is amended by striking the phrase “and by” and inserting the phrase “or by” in its place.

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

“(2A) “Medicare” means the health insurance programs authorized by Title XVIII of the Social Security Act, approved July 30, 1965 (79 Stat. 290; 42 U.S.C. § 1395 *et seq.*)”.

(5) Paragraph (3) is amended by striking the phrase “Public Provider”.

(c) Section 1503 (D.C. Official Code § 4-204.13) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “Public Provider”.

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

“(f) If spending pressures generated by the Medicaid, Medicare, and Foster Care and Adoption Assistance programs make it necessary that funds from the Medicaid and Special Education Reform Fund be made available for expenditure by the Department of Human Services, the Child and Family Services Agency, the Department of Mental Health, or the Department of Health, the Director, in accordance with section 1555(a)(2)(A) of the Medicaid and Special Education Reform Fund Establishment Act of 2002, effective October 1, 2002 (D.C. Law 14-190; D.C. Official Code § 4-204.55(a)(2)(A)), shall submit to the Mayor either a plan to generate savings comparable to the funds allocated or a performance plan to ensure future reduction of costs and maximization of third-party revenues.”.

Amend
§ 4-204.13

(d) Section 1504 (D.C. Official Code § 4-204.14) is amended as follows:

(1) The introductory language is amended as follows:

(A) Strike the phrase “Medicaid infrastructure” and insert the phrase “Medicaid, Medicare, and Foster Care and Adoption Assistance infrastructure” in its place.

(B) Strike the phrase “Medicaid programs” and insert the phrase “Medicaid, Medicare, and Foster Care and Adoption Assistance programs” in its place.

Amend
§ 4-204.14

(2) Paragraph (1) is amended by striking the phrase “Medicaid claims, and maximizing Medicaid reimbursements,” and inserting the phrase “Medicaid, Medicare, and Foster Care and Adoption Assistance claims, and maximizing Medicaid, Medicare, and Foster Care and Adoption Assistance reimbursements,” in its place.

(3) Paragraph (2) is amended by striking the word “Medicaid” and inserting the phrase “Medicaid, Medicare, and Foster Care and Adoption Assistance” in its place.

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(4) Paragraph (4) is amended by striking the word “Medicaid” and inserting the phrase “Medicaid, Medicare, and Foster Care and Adoption Assistance ” in its place.

Sec. 1503. The Medicaid and Special Education Reform Fund Establishment Act of 2002, effective October 1, 2002 (D.C. Law 14-190; D.C. Official Code § 4-204.51 *et seq.*), is amended as follows:

(a) Section 1552 (D.C. Official Code § 4-204.52) is amended as follows:

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

“(1A) “Foster care and adoption assistance” means the programs authorized by Part E of Title IV of the Social Security Act, approved June 17, 1980 (94 Stat. 501; 42 U.S.C. § 670 *et seq.*)”.

(2) Paragraph (3) is amended by striking the phrase “and by” and inserting the phrase “or by” in its place.

Amend
§ 4-204.52

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

“(4) “Medicare” means the health insurance programs authorized by title XVIII of the Social Security Act, approved July 30, 1965 (79 Stat. 290; 42 U.S.C. § 1395 *et seq.*).

“(5) “Special Education” means services provided under Special Education Assessment and Placement Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 38-2501), to students who are classified as having a disability, as defined in section 101(a)(1) of the Individuals with Disabilities Education Act, approved April 13, 1970 (84 Stat. 175; 20 U.S.C. § 1401(a)(1)), or in section 7(8) of the Rehabilitation Act of 1973, approved September 26, 1973 (87 Stat. 359; 29 U.S.C. § 706(8))”.

(b) Section 1553 (D.C. Official Code § 4-204.53) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “Medicaid and Special Education reform” and inserting the phrase “Medicaid, Medicare, Foster Care and Adoption Assistance, and Special Education reform” in its place.

(2) Subsection (b) is amended by striking the phrase “Medicaid and Special Education reform” and inserting the phrase “Medicaid, Medicare, Foster Care and Adoption Assistance, and Special Education reform” in its place.

Amend
§ 4-204.53

(c) Section 1554 (D.C. Official Code § 4-204.54) is amended as follows:

(1) The introductory language is amended to read as follows:

“The Fund shall be used for the following purposes:”.

(2) New paragraphs (1A) and (1B) are added to read as follows:

“(1A) Ensuring adequate resources are available to support District-wide Medicare costs and revenue shortfalls;

“(1B) Ensuring adequate resources are available to support District-wide Foster Care and Adoption Assistance costs and revenue shortfalls;”.

Amend
§ 4-204.54

(3) Paragraph (3) is amended by striking the word “Medicaid” in both places and inserting the phrase “Medicaid, Medicare, and Foster Care and Adoption Assistance” in its place.

(4) Paragraph (4) is amended by striking the word “Medicaid” and inserting the phrase “Medicaid, Medicare, Foster Care and Adoption Assistance,” in its place.

(d) Section 1555 (D.C. Official Code § 4-204.55) is amended as follows:

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

(A) Paragraph (1) is amended by striking the phrase “or the Department of Human Services” and inserting the phrase “the Department of Human Services, the Department of Mental Health, or the Department of Health” in its place.

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

“(2)(A) Certifying either that:

“(i) A savings plan to be submitted by the Director of the Office of Medicaid Operations Reform to the Mayor will generate savings for the Child and Family Services Agency, the Department of Human Services, the Department of Mental Health, or the Department of Health, respectively, comparable to the funds to be allocated to the agency during Fiscal Year 2003 or Fiscal Year 2004; or

“(ii) If a savings plan that will generate savings comparable to the funds allocated is not possible, a performance plan to be submitted by the Director of the Office of Medicaid Operations Reform to the Mayor will ensure that the agency to which the requested funds are to be allocated will implement policies and procedures and develop the infrastructure necessary to enable the agency to reduce costs and maximize third-party revenues by no later than October 1, 2004; or

“(B) Certifying that a savings plan to be submitted by the District of Columbia Public Schools will generate savings comparable to the funds allocated to the agency during Fiscal Year 2003 or Fiscal Year 2004; and”.

(2) New subsections (a-1), (a-2), (a-3), (a-4), (a-5), and (a-6) are added to read as follows:

“(a-1) A savings plan required under subsection (a)(2)(A)(i) of this section that pertains to the allocation of funds to an agency in Fiscal Year 2003 shall be submitted no later than December 31, 2002. The plan shall commence no later than October 1, 2003, and shall generate savings comparable to the funds allocated to the agency from the Fund in Fiscal Year 2003.

“(a-2) A savings plan required under subsection (a)(2)(A)(i) of this section that pertains to the allocation of funds to an agency in Fiscal Year 2004 shall be submitted no later than December 31, 2003. The plan shall commence no later than October 1, 2004, and shall generate savings comparable to the funds allocated to the agency from the Fund in Fiscal Year 2004.

“(a-3) A performance plan required under subsection (a)(2)(A)(ii) of this section shall be submitted no later than December 31, 2003, and shall commence no later than October 1, 2004.

“(a-4) The savings plan required under subsection (a)(2)(B) of this section that pertains to the allocation of funds to the District of Columbia Public Schools in Fiscal Year 2003 shall be submitted, no later than December 31, 2002, by the District of Columbia Public Schools to the Special Education Task Force established by Subtitle I of Title III of the Fiscal Year 2004 Budget Support Act of 2003, passed on 1st reading on May 6, 2003 (Engrossed version of Bill

Amend
§ 4-204.55

15-218). The plan shall commence no later than October 1, 2003, and generate savings comparable to the funds allocated to the agency from the Fund in Fiscal Year 2003.

“(a-5) The savings plan required under subsection (a)(2)(B) of this section that pertains to the allocation of funds to the District of Columbia Public Schools in Fiscal Year 2004 shall be submitted, no later than December 31, 2003, by the District of Columbia Public Schools to the Special Education Task Force established by Subtitle I of Title III of the Fiscal Year 2004 Budget Support Act of 2003, passed on 1st reading on May 6, 2003 (Engrossed version of Bill 15-218). The plan shall commence no later than October 1, 2004, and generate savings comparable to the funds allocated to the agency from the Fund in Fiscal Year 2004.

“(a-6) Beginning 3 months following the commencement of any plan submitted pursuant to subsection (a)(2) of this section, or no later than January 2, 2004, the Mayor and the Special Education Task Force shall provide the Council with quarterly reports on the progress made by the Department of Human Services, the Child and Family Services Agency, the Department of Mental Health, the Department of Health, and the District of Columbia Public Schools, in reducing costs associated with the Medicaid, Medicare, Foster Care and Adoption Assistance, and Special Education programs.”.

(3) Subsection (b) is amended by striking the phrase “or the Department of Human Services” and inserting the phrase “the Department of Human Services, the Department of Mental Health, or the Department of Health” in its place.

Sec. 1504. The Tobacco Settlement Trust Fund Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D.C. Official Code § 7-1811.01 *et seq.*), is amended as follows:

(a) Section 2302a(e)(2) (D.C. Official Code § 7-1811.02(e)(2)) is amended by striking the phrase “fiscal year 2003 shall not exceed \$1,000.” and inserting the phrase “Fiscal Year 2004 shall not exceed \$10,000.” in its place.

(b) Section 2303b(b)(5) (D.C. Official Code § 7-1811.03(b)(5)) is amended to read as follows:

“(5)(A) All residual funds accumulated from fiscal years 2001 and 2002 shall be allocated to the General Fund during Fiscal Year 2003. Beginning October 1, 2002 through September 30, 2004, 100% of the residual shall be spent for purposes specified in local law. For Fiscal Year 2003, 100% of the residual shall be transferred to the General Fund, and 100% of the annual savings from debt defeasance and prepayment, after being reduced by \$1 million to be allocated to the General Fund, shall be allocated to the Medicaid and Special Education Reform Fund (“Reform Fund”) established by section 1553 of the Medicaid and Special Education Reform Fund Establishment Act of 2002, effective October 1, 2002 (D.C. Law 14-190; D.C. Official Code § 4-204.53) (“Reform Fund Act”). For Fiscal Year 2004, 100% of the residual shall be transferred to the General Fund, and 100% of the annual savings from debt defeasance and prepayment shall be allocated to the Reform Fund. Funds deposited in the Reform Fund shall be disbursed to the Department of Human Services, the Child and Family Services Agency, the Department of Mental Health, the Department of Health, and the District of Columbia Public Schools only for spending pressures associated with the Medicaid,

Amend
§ 7-1811.02

Amend
§ 7-1811.03

Medicare, Foster Care and Adoption Assistance, and Special Education programs and in accordance with section 1555 of the Reform Fund Act.

“(B) For the purposes of this paragraph, the term:

“(i) “Foster Care and Adoption Assistance” means the programs authorized by Part E of Title IV of the Social Security Act, approved June 17, 1980 (94 Stat. 501; 42 U.S.C. § 670 *et seq.*).

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

“(iii) “Medicare” means the health insurance programs authorized by Title XVIII of the Social Security Act, approved July 30, 1965 (79 Stat. 290; 42 U.S.C. § 1395 *et seq.*).

“(iv) “Special Education” means services provided under the Special Education Assessment and Placement Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 38-2501), to students who are classified as having a disability, as defined in section 101(a)(1) of the Individuals with Disabilities Education Act, approved April 13, 1970 (84 Stat. 175; 20 U.S.C. § 1401(a)(1)), or in section 7(8) of the Rehabilitation Act of 1973, approved September 26, 1973 (87 Stat. 359; 29 U.S.C. § 706(8)).”.

Sec. 1505. Applicability.

Section 1504(a) shall apply as of October 1, 2003.

Sec. 1506. Fiscal impact statement.

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

TITLE XVI. DEPARTMENT OF HEALTH FUNCTIONS CLARIFICATION AMENDMENT

Sec. 1601. Short title.

This title may be cited as the "Department of Health Functions Clarification Amendment Act of 2003".

Sec. 1602. Section 4903 of the Fiscal Year 2002 Budget Support Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-732), is amended as follows:

(a) Subsection (a) is amended by striking the word “Revenues” and inserting the phrase “Except as provided in subsection (e) of this section, revenues” in its place.

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

“(e) Effective October 1, 2003, \$4 million shall be transferred or revert from the Fund to the General Fund for Fiscal Year 2004.”.

Sec. 1603. Fiscal impact statement.

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

Amend
§ 7-732

TITLE XVII. RESIDENCY REQUIREMENT FOR WORKFORCE INVESTMENT ACT PARTICIPATION

Sec. 1701. This title may be cited as the “Residency Requirement for Individual Training Accounts Funded by the Workforce Investment Act Amendment Act of 2003”.

Sec. 1702. The Workforce Investment Implementation Act of 2000, effective July 18, 2000 (D.C. Law 13-150; D.C. Official Code § 32-1601 *et seq.*), is amended by adding a new section 3a to read as follows:

“Sec. 3a. Participant eligibility criteria.

“Any individual who receives an Individual Training Account as provided in Chapter 5, section 134 of the Federal Act shall be a bona fide resident of the District.”.

Sec. 1703. Fiscal impact statement.

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

TITLE XVIII. DEPARTMENT OF CORRECTIONS PROCUREMENT OF JAIL BED SPACE AMENDMENT

Sec. 1801. Short title.

This title may be cited as the “Department of Corrections Procurement of Jail Bed Space Amendment Act of 2003”.

Sec. 1802. The Prison Overcrowding Emergency Powers Act of 1987, effective November 14, 1987 (D.C. Law 7-43; D.C. Official Code § 24-201.41 *et seq.*), is amended as follows:

(a) Section 2(6) (D.C. Official Code § 24-201.41(6)) is amended by striking the word “bedspace” and inserting the phrase “bed space” in its place.

(b) Section 5 (D.C. Official Code § 24-201.44) is amended as follows:

(1) Subsection (c) is amended by striking the word “bedspace” and inserting the phrase “bed space” in its place.

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

“(d) In Fiscal Year 2004, the Department shall use not less than \$1.43 million of its appropriated funds to procure, in accordance with the requirements of this section, additional bed space for prisoners who otherwise would be housed within the Central Detention Facility of the D.C. Jail; provided, that additional bed space per this subsection shall not be created at the Correctional Treatment Facility except by approval of the Council.”.

Amend
§ 24-201.41

(c) Section 6 (D.C. Official Code § 24-201.45) is amended by striking the word “bedspace” and inserting the phrase “bed space” in its place.

Amend
§ 24-201.44

Sec. 1803. Fiscal impact statement.

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

TITLE XIX. TRANSFER OF OTHER-TYPE FUNDS

Amend
§ 24-201.45

Sec. 1901. Short title.

This title may be cited as the “Transfer of Other-Type Funds Act of 2003”.

Sec. 1902. Section 47-368.01 of the District of Columbia Official Code is amended as follows:

(a) Subsection (a) is amended by striking the phrase “from which a total of \$9.5 million may be obtained” and inserting the phrase “from which the transfer of funds requested under subsection (c) of this section may be obtained” in its place.

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

“(b) Notwithstanding any other provision of law, including the dedication of funds to a particular use, all or part of the balance in an Other-Type Fund may be transferred to the General Fund of the District of Columbia in accordance with the procedure set forth in subsection (c) of this section.”.

Amend
§ 47-368.01

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

(1) The introductory language is amended by striking the phrase “may submit” and inserting the phrase “shall submit” in its place.

(2) Subparagraph (A) is amended to read as follows:

“(A) The Chief Financial Officer’s certification that the proposed transfer of funds:

“(i) Is needed for the purpose for which the transferred funds are to be used;

“(ii) Is not prohibited by federal law, court order, or settlement;

“(iii) Does not involve funds that have been properly identified as deferred revenue or restricted fund balance;

“(iv) Will not prevent an agency or a program from meeting maintenance of effort or matching fund requirements; and

“(v) Will not result in a federal grant or other source of funding being decreased or eliminated;”.

(d) A new subparagraph (C-i) is added to read as follows:

“(C-i) The amount and source of the funds to be transferred from the designated Other-Type Fund, and the purpose for which the funds will be used;”.

Sec. 1903. Applicability.

Section 1902(b) of this title shall apply as of October 1, 2003.

Sec. 1904. Fiscal impact statement.

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

TITLE XX. DISABILITY COMPENSATION PROGRAM TRANSFER

Sec. 2001. This title may be cited as the "Disability Compensation Program Transfer and Risk Management Amendment Act of 2003".

Sec. 2002. (a) All of the powers, duties, and functions transferred to the Office of Personnel under section 1202 of the District of Columbia Government Employees Disability Compensation Reorganization and Amendment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; 48 DCR 6891), are hereby transferred to the Office of the City Administrator.

(b) All property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available to the Office of Personnel under section 1202 of the District of Columbia Government Employees Disability Compensation Reorganization and Amendment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; 48 DCR 6891), are hereby transferred to the Office of the City Administrator.

Sec. 2003. Section 2302a of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 1-623.02a), is amended by striking the phrase "to the Director of Personnel" and inserting the phrase "to the City Administrator" in its place.

Sec. 2004. Report by the Office of the City Administrator to the Council on risk management activities.

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

(1) "Actual losses sustained" means actual claims, judgements, or settlements paid by the District of Columbia government.

(2) "Administrative costs of risk management" means the actual cost of operating a risk management program.

(3) "Cost of funding losses" means the total cost incurred by the District of

Columbia government on an annual basis for funding losses.

(4) "Cost of risk" means the costs of actual losses sustained, administrative costs of the risk management program, costs of funding losses, cost of risk control efforts and other outside service costs.

(5) "Outside service costs" means all funds expended by the District of Columbia government to external entities involved in risk management activities.

(6) "Risk management" means the process of making and implementing decisions to systematically preserve the physical, human, and financial resources of organizations, with the goals of minimizing the adverse effects of accidental losses on organizations and clarifying an organization's understanding of its exposure to risks, including loss of, or damage to, property; liability loss; interrupted revenue; and loss of personnel resources.

(b) On or before February 1 of each year, the Office of the City Administrator, or any successor agency which shall perform its risk management functions, shall provide a report to the Council delineating the savings realized by the District of Columbia as a result of implementing risk management plans and strategies. The report shall:

- (1) Be prepared on an agency-by-agency basis;
- (2) State the itemized cost of risk in the prior fiscal year;
- (3) State the changes in the total cost of risk realized in the prior fiscal year resulting from implementing risk management plans compared to the cost of risk in both the next preceding fiscal year and the baseline fiscal year 2004 (comparative cost of risk information for fiscal years 2002 and 2003 shall be used to the extent that is available); and
- (4) Include all data, on an agency-by-agency basis, reported to the City Administrator by agencies on the Risk Management Council addressing risk within agencies and plans implemented to control those risks.

Sec. 2005. Limitation on number of full-time equivalent employees in fiscal year 2004.

In the performance of its risk management functions, the Office of the City Administrator, or any successor agency, which shall perform such functions shall not employ more than 23 full-time equivalent employees during fiscal year 2004; provided, that if funds become available, new positions created shall be filled first in the Disability Compensation Claims Bureau Unit (3 positions) and Risk Identification and Analysis Division (one position) as funds become available. For the purpose of this section, the term "risk management" shall have the same meaning as in section 2004(a)(2).

Sec. 2006. Fiscal impact statement.

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

TITLE XXI. INHERITANCE AND ESTATE TAX PARITY

Sec. 2101. Short title.

This title may be cited as the "Inheritance and Estate Tax Parity Act of 2003".

Sec. 2102. Chapter 37 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-3701(4)(B) is amended as follows:

(1) Sub-subparagraph (ii) is amended by striking the phrase "\$675,000" and inserting the phrase "\$345,800" in its place.

(2) Sub-subparagraph (iii) is amended by striking the phrase "\$675,000" and inserting the phrase "\$1 million" in its place.

(b) Section 47-3705(a)(2) is amended by striking the phrase "\$675,000" and inserting the phrase "\$1 million" in its place.

Amend
§ 47-3701

Sec. 2103. Applicability.

Section 2102 shall apply as of January 1, 2003.

Sec. 2104. Fiscal impact statement.

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

Amend
§ 47-3705

TITLE XXII. METROPOLITAN POLICE DEPARTMENT PROGRAM-BASED BUDGET

Sec. 2201. Short title.

This title may be cited as the "Metropolitan Police Department Program-Based Budget Act of 2003".

Sec. 2202. Fiscal Year 2004 Metropolitan Police Department budget.

(a) The Fiscal Year 2004 budget for the Metropolitan Police Department is enacted at the program level with funding totals for Agency Management Program, Regional Field Operations, Investigative Field Operations, Special Field Operations, Public Safety Communications Center, Police Business Services, and Organizational Change and Professional Responsibility.

(b) For the purposes of this title, the term "program" shall be a budget category consistent with D.C. Official Code § 47-361(10).

(c) Reprogrammings from program to program under this title shall be in accordance with D.C. Official Code § 47-363.

Sec. 2203. Fiscal impact statement.

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

TITLE XXIII. LIFE INSURANCE AMENDMENT

Sec. 2301. Short title.

This title may be cited as the "Life Insurance Amendment Act of 2003".

Sec. 2302. The Life Insurance Act of 1934, approved June 19, 1934 (48 Stat. 1156; D.C. Official Code § 31-4701 *et seq.*), is amended as follows:

(a) Section 10 (D.C. Official Code § 31-4710) is repealed.

(b) Section 11 (D.C. Official Code § 31-4711) is amended by striking the phrase "(a) that provisions (6) to (10) of this section, inclusive, shall not apply to policies issued to a creditor to insure debtors of such creditor, or to policies issued pursuant to section 10(8) of this chapter; (b) that the standard provisions required for individual life insurance policies shall not apply to group life insurance policies; (c) that if the group life insurance policy is on a plan of insurance other than the term plan, it shall contain a nonforfeiture provision or provisions which in the opinion of the Commissioner is or are equitable to the insured persons and to the policyholder, but nothing herein shall be construed to require that group life insurance policies contain the same nonforfeiture provisions as are required for individual life insurance policies; and (d)" and inserting the phrase "(a) that the standard provisions required for individual life insurance policies shall not apply to group life insurance policies; (b) that if the group life insurance policy is on a plan of insurance other than the term plan, it shall contain a nonforfeiture provision or provisions which in the opinion of the Commissioner is or are equitable to the insured persons and to the policyholder, but nothing herein shall be construed to require that group life insurance policies contain the same nonforfeiture provisions as are required for individual life insurance policies; and (c)" in its place.

Repeal
§ 31-4710
Amend
§ 31-4711

Sec. 2303. Fiscal impact statement.

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

TITLE XXIV. KLINGLE ROAD RESTORATION

Sec. 2401. This title may be cited as the "Klingle Road Restoration Act of 2003".

Sec. 2402. The portion of Klingle Road, N.W., between Porter Street, N.W., on the east to Cortland Place, N.W., on the west shall be re-opened to the public for motor vehicle traffic, with the repair and reconstruction of Klingle Road, which shall include the establishment of a District Department of Transportation storm water management plan, to commence no later than 180 days following the effective date of this title.

Sec. 2403. Fiscal impact statement.

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

TITLE XXV. CRITERIA FOR SPENDING PAY-AS-YOU-GO FUNDING

Sec. 2501. Short title.

This title may be cited as the "Criteria for Spending Pay-As-You-Go Funding Act of 2003".

Sec. 2502. Criteria for spending Pay-As-You-Go funding in Fiscal Year 2004.

(a) Of the Pay-As-You-Go Capital funding for Fiscal Year 2004, a total of \$11.257 million shall be made available for Pay-As-You-Go once the Chief Financial Officer has determined and certified that those funds are not necessary for any of the following purposes:

- (1) The Metropolitan Police Department, up to \$1.097 million, to cover the costs of an additional 100 officers;
- (2) The Child and Family Services Agency, up to \$2.5 million, to cover court mandated hiring of social workers;
- (3) The Youth Services Administration, up to \$3 million, to cover court mandated expenses for foster care homes for committed youth, intensive substance abuse services, or community based therapeutic group homes;
- (4) The Department of Mental Health, up to \$2 million, to cover court mandated staff hiring expenses;
- (5) The Department of Health, up to \$2 million, to cover inflationary increases for institutional Medicaid providers; or
- (6) Up to \$660,000 to cover court mandated costs.

(b) No Pay-As-You-Go funding shall be available for the Metropolitan Police Department, unless the Chief Financial Officer has determined, certified, and provided written notification to the Council that the Metropolitan Police Department has reached a sworn police officer level of 3700.

(c) No Pay-As-You-Go funding shall be available for the Child and Family Services Agency, unless the Chief Financial Officer has determined, certified, and provided written notification to the Council that the purpose of the funding is to hire additional social workers.

(d) No Pay-As-You-Go funding shall be available for the Youth Services Administration, unless the Chief Financial Officer has determined, certified, and provided written notification to the Council that the funding is needed to comply with the court mandate.

(e) No Pay-As-You-Go funding shall be available for the Department of Mental Health, unless the Chief Financial Officer has determined, certified, and provided written notification to the Council that the funding is needed to hire staff to comply with the court mandate.

(f) No Pay-As-You-Go funding shall be available for the Department of Health, unless the Chief Financial Officer has determined, certified, and provided written notification to the Council that the funding is needed to meet inflationary increases for Medicaid providers.

(g) No Pay-As-You-Go funding shall be available to cover court mandated costs pursuant to subsection (a)(6) of this section, unless the Chief Financial Officer has determined, certified, and provided written notification to the Council that the funding is needed for such purpose.

Sec. 2503. Fiscal impact statement.

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

TITLE XXVI. SUBSTANCE ABUSE PROGRAM FOR YOUTH AMENDMENT

Sec. 2601. Short title.

This title may be cited as the "Substance Abuse Treatment for Youth Amendment Act of 2003".

Sec. 2602. Section 4212 of the Pilot Substance Abuse Program for Youth Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-3101), is amended as follows:

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

(b) The newly designated subsection (a) is amended by striking the number "16" and inserting the number "14" in its place.

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

"(b) The Addiction Prevention and Recovery Administration shall provide no less than 375 slots in the pilot program for residential treatment services for youths ages 14-21 in Fiscal Year 2004, with 100 of those slots being reserved for priority treatment of youths in the care of the Youth Services Administration. The 100 slots reserved for priority treatment of youths in the care of the Youth Services Administration shall be available no later than October 31, 2003, pursuant to an agreement between the Addiction Prevention and Recovery Administration and the Youth Services Administration."

Amend
§ 7-3101

Sec. 2603. Fiscal impact statement.

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

TITLE XXVII. DAY CARE IN SCHOOLS ELIGIBILITY REQUIREMENT

Sec. 2701. Short title.

This title may be cited as the "Day Care in Schools Eligibility Requirement Amendment Act of 2003".

Sec. 2702. The Day Care Policy Act of 1979, effective September 19, 1979 (D.C. Law 3-16; D.C. Official Code § 4-401 *et seq.*), is amended by adding a new section 3a to read as follows:

"Sec. 3a. Funding for day care provided by D.C. Public Schools.

"(a) In Fiscal Year 2004, the Department may transfer no more than \$6 million to the D.C. Public Schools for the purpose of funding an after-school day care program pursuant to a memorandum of understanding. The memorandum of understanding shall include the

following program requirements:

- “(1) Participation in the program shall be based on TANF eligibility;
- “(2) Verification of family income shall be required before a child may be enrolled in the program;
- “(3) Priority shall be given to children of families actively participating in TANF;
- “(4) Additional slots shall be allocated on the sliding scale set forth in section 6(b); and
- “(5) Records documenting the costs of the program shall be maintained and provided to the Department on an annual basis, including:
 - “(A) Verifiable data establishing the number of children enrolled by the program;
 - “(B) Documentation that each enrolled child met the eligibility requirements for the program; and
 - “(C) Reports documenting, for each month of operation, the funds expended in relation to service delivery.”.

Sec. 2703. Fiscal impact statement.

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

TITLE XXVIII. DEPARTMENT OF EMPLOYMENT SERVICES BUDGET

Sec. 2801. Short title.

This title may be cited as the "Department of Employment Services Budget and FTE Authority Act of 2003".

Sec. 2802. For Fiscal Year 2004, the Department of Employment Services ("DOES") shall have:

- (1) No more than 551 full time equivalent ("FTE") employees; and
- (2) A total budget of \$87,613,00, to be allocated as follows:
 - (A) Personal Services budget not to exceed \$31,635,824; and
 - (B) Nonpersonal Services budget not to exceed \$55,924,229,including no less than \$35,430,176 for Subsidies and Transfers.

Sec. 2803. Fiscal impact statement.

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

TITLE XXIX. CONTRACTS SAVINGS

Sec. 2901. Short title.

This title may be cited as the "Contracts Savings Act of 2003".

Sec. 2902. Contracts Savings.

(a) The Mayor shall create not less than a \$10 million savings in the total estimated costs of all District government contracts during Fiscal Year 2004, through either contract administration efficiencies or through the negotiation or renegotiation of a sufficient number of District government contracts by first examining all sole source and personal services contracts as well as cuts in contracts where contractors are billing at an annual rate of more than \$150,000 a year prior to considering reductions in contractual services that directly benefit and affect residents, which savings shall be realized and allocated in not less than the following amounts in the following titles of the District of Columbia Fiscal Year 2004 budget as appropriated by Congress:

- (1) Governmental Direction and Support: \$621,000;
- (2) Economic Development and Regulation: \$160,000;
- (3) Public Safety and Justice: \$2,152,000;
- (4) Public Education System: \$2,879,000;
- (5) Human Support Services: \$3,280,000; and
- (6) Public Works: \$928,000.

(b) In the event that proposed cuts create unforeseen operational or financial complications, the Mayor shall identify and implement alternate contract reductions. In the instance that after a comprehensive review of contracts the Mayor demonstrates and the CFO certifies that some amount not to exceed \$5 million in contract savings can not be achieved without excessive operational or financial complications, that unachievable amount shall be transferred from the unrestricted unreserved fund balance to offset the unachievable savings.

Sec. 2903. Fiscal impact statement.

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

TITLE XXX. NEIGHBORHOOD SAFETY

Sec. 3001. Short title.

This title may be cited as the "Neighborhood Safety Amendment Act of 2003".

Sec. 3002. Section 842 of the Fiscal Year 2001 Budget Support Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 5-101.04), is amended by adding new subsections (d), (e), and (f) to read as follows:

“(d)(1) Until MPD attains 3,700 sworn officers, the Chief of the MPD shall deploy sworn officers as necessary to ensure that a minimum of 62% of all sworn police personnel are assigned to direct service delivery in the PSAs. Sworn officers assigned to PSAs shall not be deployed outside of their respective PSAs at any time, unless responding to an emergency

situation.

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

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“(A) “Sworn police personnel” is limited to all of the sworn lieutenants, sergeants, and officers.

“(B) Emergency situation” means any extraordinary occurrence in the District of Columbia which requires the use of sworn police personnel to protect the health and safety of residents and visitors, including civil disorder, riots, acts of terrorism, or natural disasters.

“(e) The deployment of sworn officers to the PSAs shall be based on the following considerations:

“(1) The number of Part 1 offenses;

“(2) Drug activities;

“(3) The number of arrests;

“(4) The need for traffic enforcement; and

“(5) The number of calls for service.

“(f) Until MPD attains 3,800 sworn officers, all newly sworn officers who were recruited by MPD to become police officers shall be assigned to neighborhood patrols in the PSAs.”.

Sec. 3003. Applicability.

This title shall apply as of October 1, 2003. The delayed applicability of the title shall not be construed as prohibiting the Chief of the Metropolitan Police Department from implementing the changes mandated by the title prior to October 1, 2003.

Sec. 3004. Fiscal impact statement.

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

TITLE XXXI. GALES SCHOOL RENOVATION APPROVAL.

Sec. 3101. Short title.

This title may be cited as the “Gales School Renovation Approval Act of 2003”.

Sec. 3102. Gales School Renovation Approval.

(a) Before any funds may be expended for project number CAC37C, denominated in the budget and financial plan as the Gayle School Child Advocacy Center Modernization, the Mayor shall submit to the Council, and the Council shall approve, a plan for the use of this funding. The plan shall include:

(1) The nature and purpose of the planned renovations;

(2) A detailed statement of the planned renovations;

(3) The use of the property after the renovations are completed;

(4) The occupant of the property after the renovations are completed;

(5) Whether a declaration of surplus for the property is to be sought and, if so, plans for disposition, if any, of the property and the proposed terms of the disposition.

(b) The proposed plan shall be submitted to the Council for approval, by resolution for a 90-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the proposed plan has not been approved by the Council within the 90-day period, the proposed plan shall be deemed disapproved.

(c) The Chief Financial Officer of the District of Columbia shall certify that expenditure of funds for the project is authorized under the budget and financial plan.

Sec. 3103. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 603(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D. C. Official Code § 1-206.02(c)(3)).

TITLE XXXII. EFFECTIVE DATE.

Sec. 3201. 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), a 60-day period of Congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia