


COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

MEMORANDUM

To: Members of the Council

From: Nyasha Smith, Secretary to the Council
Date: April 1, 2013
Subject: Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Thursday, March 28, 2013. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Fiscal Year 2014 Budget Support Act of 2013", B20-199

INTRODUCED BY: Chairman Mendelson at the request of the Mayor

The Chairman is referring this legislation to the Committee of the Whole with comments from standing committees on the specific subtitle indicated below:

TITLE I. GOVERNMENT DIRECTION AND SUPPORT

SUBTITLE A. BONUS AND SPECIAL PAY LIMITATION GO
SUBTITLE B. ONE CITY FUND ESTABLISHMENTCOW
SUBTITLE C. DEPARTMENT OF GENERAL SERVICES PROTECTIVE SERVICES
DIVISION GO, JPS
SUBTITLE D. CAPTIVE PROPERTY INSURANCE GO, BCRA
SUBTITLE E. FLEXIBILITY IN PROVISION OF TECHNOLOGY SERVICES..... GO

TITLE II. ECONOMIC DEVELOPMENT AND REGULATION

SUBTITLE A. LIMITED GRANT-MAKING AUTHORITY REALIGNMENTED, JPS
SUBTITLE B. WORKFORCE INVESTMENT COUNCIL AND WORKFORCE
INTERMEDIARY GRANT MAKING AUTHORITY WCA
SUBTITLE C. UNEMPLOYMENT COMPENSATION ANTI-FRAUD FEDERAL
CONFORMITY WCA
SUBTITLE D. UNEMPLOYMENT COMPENSATION PENALTY REDUCTION WCA
SUBTITLE E. UNEMPLOYMENT COMPENSATION BENEFITS CHARGES
FEDERAL CONFORMITY..... WCA
SUBTITLE F. WORKERS COMPENSATION AVERAGE WEEKLY WAGE
CALCULATION ALIGNMENT WCA
SUBTITLE G. COMPLIANCE UNIT..... BCRA
SUBTITLE H. PROJECT-BASED AND SPONSOR-BASED LOCAL RENT
SUPPLEMENT FUNDINGED
SUBTITLE I. HOUSING PRODUCTION TRUST FUND REVENUE DEDICATIONED

TITLE III. PUBLIC SAFETY AND JUSTICE

SUBTITLE A. DEPARTMENT OF CORRECTIONS CENTRAL CELLBLOCK MANAGEMENT ...JPS
SUBTITLE B. SECURITY LICENSE STREAMLINING.....JPS
SUBTITLE C. AUTOMATED TRAFFIC ENFORCEMENT ENHANCEMENTCOW

TITLE IV. PUBLIC EDUCATION

SUBTITLE A. UNIFORM PER STUDENT FUNDING FORMULA FOR PUBLIC
SCHOOLS AND PUBLIC CHARTER SCHOOLS E
SUBTITLE B. ENROLLMENT TRANSPARENCY..... E
SUBTITLE C. PUBLIC CHARTER SCHOOLS PAYMENT IMPROVEMENT..... E
SUBTITLE D. STATE ATHLETICS ACTIVITIES FUND E

TITLE V. HEALTH AND HUMAN SERVICES

SUBTITLE A. HEALTHCARE ALLIANCE PRESERVATION..... H
SUBTITLE B. DEPARTMENT OF HEALTH CARE FINANCE ESTABLISHMENT H
SUBTITLE C. STEVIE SELLOWS INTERMEDIATE CARE FACILITY
QUALITY IMPROVEMENT H
SUBTITLE D. HOMELESS SERVICES REFORM..... HS
SUBTITLE E. DDS MANAGEMENT REFORM HS
SUBTITLE F. MEDICAL ASSISTANCE PROGRAM..... H
SUBTITLE G. DHS CONFORMING AMENDMENTS HS
SUBTITLE H. DEPARTMENT OF HEALTH GRANT MAKING AUTHORITY H
SUBTITLE I. MEDICAID HOSPITAL OUTPATIENT SUPPLEMENTAL PAYMENT H
SUBTITLE J. DPR O-TYPE..... WCA
SUBTITLE K. DEPARTMENT OF BEHAVIORAL HEALTH H
SUBTITLE L. TANF BENEFITS REDUCTION DELAY HS
SUBTITLE M. DHS MOU AUTHORITY H, HS
SUBTITLE N. HOSPITAL FINANCING CAPITAL PLAN..... H, FR

TITLE VI. TRANSPORTATION, PUBLIC WORKS, AND THE ENVIRONMENT

SUBTITLE A. SAFETY BASED TRAFFIC ENFORCEMENT FINE REDUCTION TE, JPS
SUBTITLE B. DMV IMMOBILIZATION TE
SUBTITLE C. WEATHERIZATION PLUS HEALTH TE
SUBTITLE D. STORMWATER IN LIEU FEE SPECIAL PURPOSE REVENUE FUND..... TE
SUBTITLE E. DDOT PARKING METER REVENUE..... TE, ED

TITLE VII. FINANCE AND REVENUE

- SUBTITLE A. SUBJECT TO APPROPRIATIONS REPEALERSCOW
- SUBTITLE B. TAX INCREMENT REVENUE BONDS DC USA PROJECT EXTENSION FR
- SUBTITLE C. DELINQUENT DEBT RECOVERY FR, H
- SUBTITLE D. BANK FEES SPECIAL FUND..... FR
- SUBTITLE E. AFFORDABLE HOUSING REAL PROPERTY TAX RELIEF FR
- SUBTITLE F. BEULAH BAPTIST CHURCH REAL PROPERTY EQUITABLE TAX RELIEF FR
- SUBTITLE G. GALA HISPANIC THEATER REAL PROPERTY TAX ABATEMENT FR
- SUBTITLE H. ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
REIMBURSEABLE DETAIL BCRA, FR
- SUBTITLE I. MUNICIPAL BOND TAX REPEAL FR
- SUBTITLE J. MANDARIN HOTEL FY13 AND FY14 FUND TRANSFERS FR
- SUBTITLE K. COMBINED REPORTING FR
- SUBTITLE L. FIRST CONGREGATIONAL UNITED CHURCH OF CHRIST FR
- SUBTITLE M. TREGARON CONSERVANCY TAX EXEMPTION AND RELIEF FR

TITLE VIII. CAPITAL BUDGET

- SUBTITLE A. WATERFRONT PARK BOND..... FR
- SUBTITLE B. CAPITAL CAPACITY EXPANSION..... FR
- SUBTITLE C. PAY-AS-YOU-GO CAPITAL ACCOUNT AMENDMENT
AND STREETCAR FUNDING DEDICATION FR
- SUBTITLE D. GREAT STREETS NEIGHBORHOOD RETAIL PRIORITY AREA.....ED, FR
- SUBTITLE E. WATERFRONT PARK AT THE YARDS BCRA, FR

TITLE IX. ADDITIONAL REVENUE CONTINGENCY LIST

- SUBTITLE A. REVISED REVENUE ESTIMATE CONTINGENCY PRIORITY LISTCOW

Attachment

cc: General Counsel
Budget Director
Legislative Services



2013 MAR 28 PM 5:26
OFFICE OF THE
MAYOR

VINCENT C. GRAY
MAYOR

March 28, 2013

The Honorable Phil Mendelson
Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Chairman Mendelson:

On behalf of the residents of the District of Columbia, I submit to you the District of Columbia Fiscal Year 2014 Budget and Financial Plan, entitled "Investing for Tomorrow."

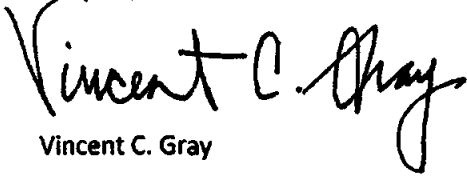
This proposal is the District of Columbia's eighteenth consecutive balanced budget. As you know, the District's economy is growing rapidly, with more than 28,000 private sector jobs created over the past two years and an unemployment rate that has fallen nearly three percentage points. To support our growing population and to continue building a more prosperous, equitable, safe and sustainable city for all, my proposed budget makes important investments in three key strategies: (1) growing and diversifying the District's economy; (2) educating children and preparing the workforce for the new economy; and (3) improving the quality of life for all residents. As the title of the budget suggests, investing in these strategies will build a better tomorrow for all District residents.

The document also includes hard choices that were required to build a fiscally sound budget and financial plan. We have worked hard to strike a balance between cost savings, program realignments, and new revenues. The result is that we are able to make critical investments while maintaining our commitment to fiscal discipline. Highlights of these critical investments include:

- \$100 million in new funding for affordable housing initiatives between Fiscal Years 2013 and 2014;
- \$91.9 million for pay increases for District employees, including first responders and teachers;
- \$15 million for the new One City Fund, a District-wide grant program;
- \$10 million to fund expanded library hours, books and materials;
- \$150 million for library facilities;
- \$1.7 billion for school modernization;
- \$622 million to replace the South Capitol corridor's Frederick Douglass Bridge;
- \$400 million to expand our streetcar system; and
- \$118 million to improve parks and recreational facilities.

We are proud that this budget proposal is balanced and structurally sound. But perhaps most importantly, we are pleased to be making the critical investments needed to ensure the District's tomorrow is even brighter than today. I look forward to the Council's review of this proposal, and to working together to finalize and execute our budget for Fiscal Year 2014.

Sincerely,

A handwritten signature in black ink that reads "Vincent C. Gray". The signature is written in a cursive style with a large, prominent "V" at the beginning.

Vincent C. Gray

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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

To limit payment from the categories of bonus and special pay; to establish a One City Fund and requirements for sub-grants; to amend the Department of General Services Establishment Act of 2011 to clarify the responsibilities of the protective services division of the Department of General Services; to amend the District of Columbia Medical Liability Captive Insurance Agency Establishment Act of 2008 to change the name of the District of Columbia Medical Liability Captive Insurance Agency to the Captive Insurance Agency, to provide property insurance for risks to District government real property assets for various hazards, to authorize the Agency to enter into contracts with other insurance companies, captives, risk pools, re-insurers, and other similar entities, to require that the Agency’s Advisory Council include members with property insurance and re-insurance expertise, to change the submission due date of the Agency’s annual report to December 15, and to require the Agency’s plan of operation to be modified to include procedures for offering property insurance; to enhance support for certain technology services of the District of Columbia government and facilitate the provision of those services by increasing flexibility in current law that provides for a dedicated account to collect technology service fees; to amend the Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Act of 2012 to transfer grant-making authority for the Neighborhood Parade and Festival Fund to the Homeland Security and Emergency Management Agency and to continue other programs for FY14; to authorize the Workforce Investment Council and the Workforce Intermediary to make grants; to amend D.C. Official Code § 47-2828; to amend the District of Columbia Unemployment Compensation Act to comply with the federal conformity requirements of the Trade Adjustment Assistance Extension Act of 2011 by adding a fifteen percent penalty to unemployment compensation benefits obtained by fraud; to amend the Section 4(b)(2) District of Columbia Unemployment Compensation Act to reduce the penalty for late filed contributions and contribution reports; to amend the Section 3 of the District of Columbia Unemployment Compensation Act to comply with the federal conformity requirements of the Trade Adjustment Assistance Extension Act of 2011 by restricting the non-charging of unemployment compensation benefits in situations where the employer’s failure to provide timely information results in an overpayment of benefits; to transfer the management and operation of the Central Cellblock at 300 Indiana Avenue, NW from the

1 Metropolitan Police Department to the Department of Corrections; to amend Chapter 28
2 of Title 47 of the District of Columbia Official Code to require license fees from security
3 agencies, security officers, special police officers, campus police officers, and private
4 detectives to be deposited in a special purpose revenue fund; to repeal the requirement to
5 place all automated traffic enforcement revenue in excess of \$88 million into the E-911
6 fund; to approve changes to the uniform per student funding formula; to amend the
7 District of Columbia School Reform Act of 1995 to require additional reporting on
8 student enrollment by the Office of the State Superintendent of Education; and to establish
9 a single statewide method for projecting student enrollment for budgeting purposes; to
10 establish improved procedures for payments of District of Columbia Public Charter
11 Schools; to establish the District of Columbia State Athletic Activities, Programs, and
12 Office Fund within the Office of the State Superintendent of Education in order to house
13 funds generated by sponsorships, advertisements, and fees related to state athletic
14 activities and programs; to amend the Homeless Services Reform Act of 2005 by
15 amending the definitions of “homeless” and “transitional housing,” adding the terms
16 “Provider premises,” “Provisional Placement Status,” and “Rapid Re-housing” as well as
17 their respective definitions, to clarify that transitional housing is for up to two years, to
18 give the Mayor the authority to require homeless services clients to establish and
19 contribute to savings and escrow accounts and to draft corresponding rules, to authorize
20 the Department or its designee to place homeless services clients in Provisional Placement
21 Status while it determines eligibility and priority, and to allow for the discharge of
22 services when a homeless services client is absent due to relocation to other program or
23 facility, abandons his or her unit, or receives services for the length of the program; to
24 amend the Developmental Disabilities Service Management Reform Amendment Act of
25 2013; to amend the Medical Assistance Program Emergency Amendment Act of 2013; to
26 amend sections 101 and 515 of the District of Columbia Public Assistance Act of 1982, to
27 make conforming amendments to the Temporary Assistance for Needy Families (TANF)
28 eligibility requirements to conform with current federal TANF eligibility requirements
29 outlined in 45 C.F.R. § 260.30; to amend the Department of Health Functions
30 Clarification Act of 2001 by authorizing the Department of Health to award grants for
31 ambulatory health services, poison control hotline and prevention education services,
32 operations and primary care services for school-based health clinics, and a teen pregnancy
33 prevention program in Fiscal Year 2014; to enable DHCF to make supplemental access
34 payments to District hospitals; to amend the Safety-Based Traffic Enforcement
35 Amendment Act of 2012 to repeal the prohibition on changes to speed limits done on an
36 emergency basis and to amend the DC Municipal Regulations to revise fines for moving
37 violations; to amend the District of Columbia Traffic Act, 1925 to require payment of all
38 outstanding fees, charges, fines or penalties incurred against a person or any automobile in
39 which the person has an ownership interest or had an ownership interest when a notice of
40 infraction was issued, before the District will remove an immobilization mechanism on a
41 motor vehicle or release a motor vehicle from impoundment; to amend the Clean and
42 Affordable Energy Act of 2008 to allow DDOE to repair, replace, or tune-up heating
43 systems and hot water heaters through the Heating System Repair, Replacement, or Tune-
44 up Program, and provide essential weatherization services to low-income households
45 through the Low-Income Weatherization Plus Program; to establish a Stormwater In-Lieu
46 of Payment special purpose revenue fund to allow the District’s to effectively track and
47 report on the use of In-Lieu Fee (ILF) payments to achieve stormwater retention; to
48 amend the District of Columbia Motor Vehicle Parking Facility Act of 1942, the
49 Department of Transportation Establishment Act of 2002 and the Performance Parking

1 Pilot Zone Act of 2008 to dedicate meter revenue to paying a portion of the District's
2 annual operating subsidies to the Washington Metropolitan Area Transit Authority; to
3 repeal the subject to appropriations clauses of legislation funded in the fiscal year 2014
4 budget; to extend the repayment of tax increment revenue bonds for the DC USA Parking
5 Garage Project; to amend the District of Columbia Delinquent Debt Recovery Act of 2012
6 to assist the Not-For-Profit Hospital Corporation in its turnaround efforts; to establish a
7 bank fees special fund; to amend section 47-4654 of the District of Columbia Official
8 Code to extend the real property exemption of certain properties owned by Beulah Baptist
9 Church of Deanwood Heights, the Beulah Community Improvement Association, and the
10 Dix Street Corridor Senior Housing, LP, from September 30, 2010 through September 30,
11 2020; to amend Chapter 46 of Title 47 of the District of Columbia Official Code to abate a
12 portion of the real property taxes assessed against Lot 79, Square 2837, so long as a
13 portion of the property is leased to GALA Hispanic Theatre; to repeal the sales tax
14 allocation to the Alcoholic Beverage Regulation Administration for reimbursable details;
15 to repeal the tax on out-of-state municipal bonds; to require that all entities taxable in the
16 District of Columbia shall determine the income apportionable or allocable to the District
17 of Columbia by reference to the income and apportionment factors of all commonly
18 controlled entities organized within the United States with which they are engaged in a
19 unitary business; to amend prior Budget Support Act provisions; to amend Chapter 27B of
20 Title 47 of the D.C. Official Code to apply the collection, enforcement and administrative
21 provisions of Title 47 to the Ballpark Fee, specifically to make Chapter 44 of Title 47
22 relating to the application of liens, refund offset provisions, and other enforcement and
23 procedural matters, also applicable to the Ballpark Fee; to amend the Pay-as-you-go
24 Capital Account so that funds are not used to reduce the District's borrowing until after
25 the Streetcar project has been paid off; to cancel the outstanding Great Streets or
26 Downtown Retail Priority Area TIF authority; to amend the Waterfront Park at the Yards
27 Act of 2009 and Title 47 of the DC Official Code to provide for maintenance fund monies
28 and waterfront park naming rights to be paid to the Capital Riverfront BID; to provide that
29 the transfer of monies in the Fund to the BID are authorized expenditures; to clarify the
30 CPI to be used for funding increases; provide for transfers of dedicated sales and use tax
31 revenues to the BID within 45 days from the close of the yearly period; to provide for
32 notification from DMPED to OTR of when a property becomes subject to the real
33 property special assessment; to provide for billing based on the real property billing cycles
34 with the same penalty and interest provisions; and to provide that a lien is not required to
35 be filed before a property may be sold at tax sale; and to provide a contingent revenue
36 priority list.

37
38 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this

39 act may be cited as the "Fiscal Year 2014 Budget Support Act of 2013".

40 **TITLE I. GOVERNMENT DIRECTION AND SUPPORT**

41 **SUBTITLE A. BONUS AND SPECIAL PAY LIMITATION**

42 Sec. 101. Short title.

43 This subtitle may be cited as the "Bonus and Special Pay Limitation Act of 2013".

1 Sec. 102. Bonus and special pay limitations.

2 (a) For fiscal year 2014, no funds shall be used to support the categories of special awards
3 pay or bonus pay; provided, that funds may be used to pay:

4 (1) Retirement awards;

5 (2) Hiring bonuses for difficult-to-fill positions;

6 (3) Additional income allowances for difficult-to-fill positions;

7 (4) Agency awards or bonuses funded by private grants or donations;

8 (5) Safe driving awards;

9 (6) Gainsharing incentives in the Department of Public Works;

10 (6) Suggestion/invention awards; or

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

13 (b) No special awards pay or bonus pay shall be paid to a subordinate agency head or an
14 assistant or deputy agency head unless required by an existing contract that was entered into prior
15 to the effective date of this subtitle.

16 (c) Notwithstanding any other provision of law, no restrictions on the use of funds to
17 support the categories of special awards pay (comptroller subcategory 0137) or bonus pay
18 (Comptroller subcategory 0138) shall apply in fiscal year 2014 to employees of the District of
19 Columbia Public Schools who are based at a local school or who provide direct services to
20 individual students.

21 **SUBTITLE B. ONE CITY FUND ESTABLISHMENT**

22 Sec. 111. Short title.

23 This subtitle may be cited as the "One City Fund Establishment Act of 2013".

24 Sec. 112. (a) There is established a One City Fund ("Fund") to provide sub-grants to

1 nonprofit organizations in education, job training, health, services for seniors, arts, public safety,
2 and the environment.

3 (b) The Mayor is authorized to make a grant to a single grant managing entity of which at
4 least 94% shall be used to make sub-grants for the purpose of promoting a growing economy,
5 educational improvement, increasing sustainability, and improving the quality of life for all
6 residents. The remaining 6% shall be utilized for administrative expenses and evaluation of the
7 Fund.

8 (c) The Fund is designed to provide sub-grants to non-profits in education, job training,
9 health, services for seniors, arts, public safety, and the environment. The funds shall be available
10 for conveyance to a grant managing entity for the purposes identified in section (b).

11 (d) Sub-grants shall be awarded, subject to the availability of funding, as follows:

12 (1) All sub-grants shall be awarded on a competitive basis;

13 (2) The sub-grants shall not exceed \$100,000 per year;

14 (3) Capacity building sub-grants are limited to one year;

15 (4) Program development sub-grants are limited to a maximum of three years and
16 contingent on first year grant outcomes;

17 (5) The sub-grant funds shall be used exclusively to serve District of Columbia
18 residents;

19 (6) Independent review panels shall be used as part of the sub-grant selection
20 process; and

21 (7) All sub-grants shall be subject to District transparency requirements such as
22 Freedom of Information Act requests.

23 Sec. 113. Required information prior to approval.

24 (a) To be eligible to receive a sub-grant from the grant managing entity pursuant to

1 section 112, a sub-grantee shall submit the following required documentation to the grant
2 managing entity as well as any additional information required by the grant managing entity:

3 (1) Internal Revenue Service certification that the organization is tax-exempt under
4 section 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A
5 Stat. 163; 26 U.S.C. § 501(c)(3));

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

7 (B) A recent financial statement, not more than 1 year old, prepared by a
8 certified accountant that shows that the organization is in good financial standing and which
9 delineates its:

10 (i) Existing assets and liabilities;

11 (ii) Pending lawsuits, if any; and

12 (iii) Pending and final judgments, if any;

13 (3) Internal Revenue Service Form 990 covering the organization's most recently
14 completed fiscal year;

15 (4) A notarized statement from the sub-grantee certifying that:

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

17 (B) The grant managing entity is authorized to verify the organization's tax
18 status with the District of Columbia Office of Tax and Revenue and the Office of Tax and
19 Revenue is authorized to release this information to the grant managing entity;

20 (C) The grant managing entity shall have access to the sub-grantees
21 financial, administrative, and operational records, including specific consent for the grant
22 managing entity to access its books, accounts, records, findings, and documents related to the
23 sub-grant; and

24 (D) The sub-grantee is registered with the District of Columbia Department

1 of Consumer and Regulatory Affairs.

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

3 (A) Scope of work; and

4 (B) Budget that describes how the sub-grant funds shall be spent.

5 Sec. 114. Beginning January 2, 2015, the grant managing entity shall submit an annual
6 report to the Mayor and the Council of all District funds allocated, which includes:

7 (a) Detailed sub-grantee data;

8 (b) Performance measures and performance outcomes under each sub-grant;

9 (c) The specific services provided under each sub-grant;

10 (d) The entity providing the services, if one other than the sub-grantee;

11 (e) The time period of delivery of the services;

12 (f) The type of service provided;

13 (g) The actual amount paid for the services; and

14 (h) The amount of other expenditures under the sub-grant, if any.

15 Sec. 115. For Fiscal Years 2014, 2015 and 2016, the Community Foundation for the
16 National Capital Region (“Community Foundation”) is designated as the grant managing entity.

17 The Community Foundation shall be required to enter into an Memorandum of Understanding
18 with the District of Columbia government, which shall set forth certain administrative
19 requirements for the Community Foundation to abide by when it obtains District funds and
20 awards sub-grants involving District funds and to clarify and reaffirm Community Foundation’s
21 responsibility and obligation with respect to District funds including the monitoring of the use of
22 District funds.

23 **SUBTITLE C. DEPARTMENT OF GENERAL SERVICES PROTECTIVE**
24 **SERVICES DIVISION**

1 Sec. 121. Short title.

2 This subtitle may be cited as the “Department of General Services Protective Services
3 Division Amendment Act of 2013”.

4 Sec. 122. Section 1023(6) of the Department of General Services Establishment Act of
5 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 10-551.02(6)) is
6 amended to read as follows:

7 “(6) Protective Services Division, which shall provide security services for
8 District government facilities through the use of special police officers (as described in and
9 regulated by Chapter 11 of Title 6-A of the District of Columbia Municipal Regulations), security
10 officers, civilian employees, and/or contractors.”

11 **SUBTITLE D. CAPTIVE PROPERTY INSURANCE AMENDMENT**

12 Sec. 131. Short title.

13 This subtitle may be cited as the “Captive Property Insurance Amendment Act of 2013”.

14 Sec. 132. The District of Columbia Medical Liability Captive Insurance Agency
15 Establishment Act of 2008, effective July 18, 2008 (D.C. Law 17-196; D.C. Official Code § 1-
16 307.81 *et seq.*), is amended as follows:

17 (a) Section 2 (D.C. Official Code § 1-307.81) is amended as follows:

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

19 “(2A) “Act of terrorism” has the same definition as found in section 102(1) of the
20 Anti-Terrorism Act of 2002, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code §
21 22-3152(1)).”.

22 (2) Paragraph (2) is amended by striking the phrase “Medical Liability”.

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

24 “(4A) “District” means District of Columbia.”

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

2 “(4B) “District real property asset” means real property titled in the name of the
3 District or in which the District has an interest or jurisdiction and includes all structures of a
4 permanent character erected thereon or affixed thereto, any natural resources located thereon or
5 thereunder, all riparian rights attached thereto, any air space located above or below the property,
6 or any street or alley under the jurisdiction of the Mayor.”.

7 (5) Paragraph (5) is amended by striking the phrase “Medical Liability” and
8 inserting the phrase “District of Columbia” in its place.

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

10 “(8A) “Medical malpractice” means professional negligence by act or omission by a
11 health care provider in which the treatment provided falls below the accepted standard of practice
12 in the medical community and causes injury or death to the patient, with most cases involving
13 medical error.”.

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

15 “(9A) “Property insurance” means an insurance policy that protects against most risks
16 to property such as earthquake, flood, acts of terrorism, fire, boiler, machinery, business
17 interruption, pollution, fidelity, builders risk, debris removal, and weather damage. Property is
18 insured under an open peril or named peril policy. Open perils cover all the causes of loss not
19 specifically excluded in the policy. Named perils require the actual cause of loss to be listed in the
20 policy for insurance to be provided.”.

21 (b) Section 3 (D.C. Official Code § 1-307.82) is amended to read as follows:

22 “(a) There is established, as a subordinate agency under the Mayor, the District of
23 Columbia Captive Insurance Agency.

24 “(b) The purpose of the Agency is to:

1 “(1) Provide medical malpractice liability insurance policies for health centers,
2 including coverage for the staff, contractors, and volunteer service providers for the services
3 provided at the health centers; and

4 “(2) Provide property insurance, including earthquake, flood, acts of terrorism,
5 inland marine, boiler, business interruption, pollution, fidelity, builders risk, debris removal, and
6 machinery insurance for District real property assets and other personal property including
7 equipment, content, and vehicles.

8 “(c) The liability of the Agency for property and medical malpractice liability insurance
9 policies shall be limited to the funds in the District of Columbia Captive Trust Fund.”.

10 (c) Section 4(a) (D.C. Official Code § 1-307.83(a)) is amended follows:

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

12 “(1) By delegation from the Mayor, to exercise procurement authority as is necessary or
13 proper to carry out the provisions and purposes of this part, including contract oversight and
14 contracting:

15 “(A) With other insurance companies, captives, risk pools, re-insurers, and other similar
16 entities;

17 “(B) With similar captives of other states, municipalities or counties for the joint
18 performance of common administrative functions; and

19 “(C) With persons or other entities for the performance of organizational, management, or
20 administrative functions;”.

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

22 “(4A) Issue policies of property insurance, including earthquake, flood, acts of terrorism,
23 inland marine, boiler, business interruption, pollution, fidelity, builders risk, debris removal, and
24 machinery insurance for District real property assets and other personal property, including

1 equipment, content, and vehicles, in accordance with the requirements of the plan of operation
2 under section 8;”.

3 (d) Section 6 (D.C. Official Code § 1-307.85) is amended as follows:

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

5 “(b) The Advisory Council shall consist of 7 members appointed by the Risk Officer. One
6 member shall represent the District of Columbia Primary Care Association, 2 members shall
7 represent District of Columbia health centers, 2 members shall have expertise in general property
8 insurance and re-insurance, and 2 members shall have general insurance expertise, whether
9 medical malpractice or general property insurance.”.

10 (2) Subsection (i) is amended as follows:

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

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

13 “(2A) Assess the needs and interests of the District with respect to obtaining property
14 insurance through the Agency; and”.

15 (e) Section 7(b) (D.C. Official Code § 1-307.86(b)) is amended by striking the phrase
16 “March 2” and inserting the phrase “December 15” in its place.

17 (f) Section 8(b) (D.C. Official Code § 1-307.87(b)) is amended by adding a new
18 paragraph (4A) to read as follows:

19 “(4A) Establish procedures for the offering of property insurance, including earthquake,
20 flood, acts of terrorism, inland marine, boiler, business interruption, pollution, fidelity, builders
21 risk, debris removal, and machinery insurance for District real property assets and other personal
22 property, including equipment, content, and vehicles;”.

23 (g) Section 11 (D.C. Official Code § 1-307.90) is amended to read as follows:

24 “(a) The Agency shall offer:

1 (1) Health centers medical malpractice insurance that is consistent with coverage
2 offered in the market; and

3 (2) Property insurance for the benefit of the District, including earthquake, flood,
4 acts of terrorism, inland marine, boiler, business interruption, pollution, fidelity, builders risk,
5 debris removal, and machinery for District real property assets and other personal property,
6 including equipment, content, and vehicles that is consistent with coverage offered in the market.

7 “(b) The insurance policies and coverage offered pursuant to this section shall be
8 established by the Risk Officer with the advice of the Advisory Council and subject to the
9 approval of the Commissioner.

10 “(c) Any policy offered by the Agency shall state that the liability of the Agency shall be
11 limited to the funds in the District of Columbia Captive Trust Fund.”

12 (h) Section 12(a) (DC Official Code § 1-307.91(a)) is amended by striking the phrase
13 “Medical Liability” and inserting the phrase “District of Columbia” in its place.

14 **SUBTITLE E. FLEXIBILITY IN PROVISION OF TECHNOLOGY SERVICES**

15 Sec. 141. Short title.

16 This subtitle may be cited as the “Technology Services Support Amendment Act of 2013”.

17 Sec. 142. Section 1002 of the Fiscal Year 2008 Budget Support Act of 2007, effective
18 September 18, 2007 (D.C. Law 17-20; D.C. Official Code § 1-1431) is amended by deleting
19 subsections (1), (2), (5), and (6) and re-numbering subsections (3) and (4) respectively as
20 subsections (1) and (2).

21 Sec. 143. Section 1004 of the Fiscal Year 2008 Budget Support Act of 2007, effective
22 September 18, 2007 (D.C. Law 17-20; D.C. Official Code § 1-1433) is amended to read as
23 follows:

24 “(a) There is established as a non-lapsing fund the Technology Infrastructure

1 Services Support Fund, which shall be used solely to defray operational costs of OCTO programs,
2 other than the DC-Net program, that the Chief Technology Officer shall designate based on the
3 use of such programs to provide services to independent agencies of the District and agencies of
4 the federal government. The Technology Infrastructure Services Support Fund shall be funded by
5 payments from independent District government agencies and federal agencies for services
6 furnished by such designated programs. All funds collected from these sources shall be deposited
7 into the Technology Infrastructure Services Support Fund.”

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

9 **SUBTITLE A. LIMITED GRANT-MAKING AUTHORITY REALIGNMENT**

10 Sec 201. Short Title

11 This subtitle may be cited as the “Deputy Mayor for Planning and Economic
12 Development Limited Grant-Making Authority Amendment Act of 2013”.

13 Sec. 202. The Deputy Mayor for Planning and Economic Development Limited Grant-
14 Making Authority Act of 2012, effective September 20, 2012 (D.C. Law 19-168; 59 DCR 8025)
15 is amended as follows:

16 (a) Section 2032(a)(3) is repealed. Section 2032(a)(2) is amended by adding “and” at the
17 end.

18 (b) Section 2032(b) is amended as follows:

19 (1) Strike the year “2013” and insert the year “2014” in its place

20 (2) Subsections (E) and (F) are repealed. Subsection (C) is amended by
21 adding “and” at the end.

22 (c) Section 2033 is amended as follows:

23 (1) Subsection (a) is amended by striking the phrase “Deputy Mayor for Planning
24 and Economic Development” and inserting the phrase “Homeland Security and Emergency

1 Management Agency” in its place.

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

3 “(a-1) The Homeland Security and Emergency Management Agency is
4 authorized to make grants for the purpose of providing funds for parades, festivals, and any other
5 celebrations sponsored by a neighborhood or civic association in accordance with subsections (b)
6 and (c) of this section.

7 **SUBTITLE B. WORKFORCE INVESTMENT COUNCIL AND WORKFORCE**
8 **INTERMEDIARY GRANT MAKING AUTHORITY**

9 Sec 211. Short Title

10 This subtitle may be cited as the “Workforce Investment Council and Workforce
11 Intermediary Grant Making Authority Act of 2013”.

12 Sec. 212. The Workforce Investment Council and the Workforce Intermediary shall have
13 grant-making authority for the purpose of providing competitive grants.

14 **SUBTITLE C. UNEMPLOYMENT COMPENSATION ANTI-FRAUD FEDERAL**
15 **CONFORMITY**

16 Sec. 221. Short title.

17 This subtitle may be cited as the “Unemployment Compensation Anti-Fraud Federal
18 Conformity Amendment Act of 2013”.

19 Sec. 222. Section 19(e) of the District of Columbia Unemployment Compensation Act,
20 effective August 31, 1954 (68 Stat. 996; D.C. Official Code § 51-119 (e)) is amended by adding a
21 new paragraph (3) to read as follows:

22 “(3) Commencing with overpayment amounts established after September 30, 2013, there
23 shall be added to the overpayment amount established pursuant to paragraph (1) of this section a
24 penalty in the amount of fifteen percent (.15) of the amount of the overpayment. All penalties

1 collected pursuant to this paragraph shall be deposited into the District Unemployment Fund
2 established by D.C. Official Code § 51-102.”

3 **SUBTITLE D. UNEMPLOYMENT COMPENSATION PENALTY REDUCTION**
4 **AMENDMENT**

5 Sec. 231. Short title.

6 This subtitle may be cited as the “Unemployment Compensation Penalty Reduction
7 Amendment Act of 2013”.

8 Sec. 232. Section 4(c)(2) of the District of Columbia Unemployment Compensation Act,
9 effective September 24, 1993 (D.C. Law 10-15; D.C. Official Code § 51-104 (b)(2)) is amended
10 by striking the number “25” where it appears and inserting the number “10” in its place.

11 **SUBTITLE E. UNEMPLOYMENT COMPENSATION BENEFITS CHARGES**
12 **FEDERAL CONFORMITY AMENDMENT**

13 Sec. 241. Short title.

14 This subtitle may be cited as the “Unemployment Compensation Benefit Charges Federal
15 Conformity Amendment Act of 2013”.

16 Sec. 242. Section 3(c)(2) of the District of Columbia Unemployment Compensation Act,
17 effective August 28, 1935 (59 Stat. 947; D.C. Official Code § 51-103 (c)(2)) is amended by
18 adding a new subparagraph (F) to read as follows:

19 “(F) Commencing with overpayments of benefits established after September 30, 2013, no
20 employer shall be relieved of benefit charges for payments made from the District unemployment
21 Fund if the charges resulted from benefit payments made because the employer or the employer’s
22 agent was at fault for failing to respond timely or adequately to the request of the Director for
23 information relating to the claim for benefits unless the Director finds such failure was for good
24 cause”.

1 **SUBTITLE F. WORKERS COMPENSATION AVERAGE WEEKLY WAGE**

2 **CALCULATION ALIGNMENT**

3 Sec. 251. Short title.

4 This subtitle may be cited as the "Workers' Compensation Average Weekly Wage
5 Calculation Alignment Act of 2013".

6 Sec. 252. Section 6 of the District of Columbia Workers' Compensation Act of 1979,
7 effective July 1, 1980 (D.C. Law 3-77; D. C. Official Code § 32-1505 (d) is amended to read as
8 follows:

9 "For the purposes of this section, the average weekly wage of insured employees in the
10 District of Columbia shall be determined by the Mayor as follows:

11 “(1) For the calendar year 2013, the average weekly wage rate is set at \$1416.00.

12 “(2) For years commencing after January 1, 2013, on or before November 1st of each
13 preceding year, the total wages reported on contribution reports for employees, excluding
14 employees of the government of the District of Columbia, and the government of the United
15 States, to the Department of Employment Services for the year ending on the preceding June 30th
16 shall be divided by the average number of such employees (determined by dividing the total
17 employees reported in each quarter for the preceding year, excluding employees of the
18 government of the District of Columbia, and the government of the United States by 4). The
19 average annual wage thus obtained shall be divided by 52 and the average weekly wage thus
20 determined rounded to the nearest cent. The average weekly wage as so determined shall be
21 applicable for the year beginning the following January 1st.”.

22 **SUBTITLE G. COMPLIANCE UNIT AMENDMENT**

23 Sec. 261. Short title.

24 This subtitle may be cited as the “Compliance Unit Amendment Act of 2013”.

1 Sec. 262. Sections 2 and 4 of the Compliance Unit Establishment Act of 2008, effective
2 June 13, 2008 (D.C. Law 17-176; D.C. Official Code §§ 1-301.182 and 1-301.184) are amended
3 by striking the phrase “Office of the District of Columbia Auditor” wherever it appears in
4 sections 2 and 4 and inserting the phrase “Department of Small and Local Business
5 Development” in its place.

6 Sec. 263. All positions, personnel, property, records, and unexpended balances of
7 appropriations, allocations, and other funds available or to be made available to the compliance
8 office established by section 2 of the Compliance Unit Establishment Act of 2008, effective June
9 13, 2008 (D.C. Law 17-176; D.C. Official Code § 1-301.181), are hereby transferred from the
10 Office of the District of Columbia Auditor to the Department, pursuant to the Compliance Unit
11 Amendment Act of 2013, effective ____ XX, 2013 (D.C. Law 20-XX; 60 DCR ____).

12 Sec. 264. Section 2363 (a-1)(1) of the Small, Local, and Disadvantaged Business
13 Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-
14 33; D.C. Official Code § 2-218.63(a-1)(1)) is amended by inserting a new paragraph (3) to read
15 as follows:

16 “(3) The compliance unit established by section 2 of the Compliance Unit Establishment
17 Act of 2008, effective June 13, 2008 (D.C. Law 17-176; D.C. Official Code § 1-301.181), and
18 transferred to the Department by section 2315 of this Act.”.

19 Sec. 265. This act shall not be construed to limit the authority granted to the Office of the
20 District of Columbia Auditor by section 455 of the District of Columbia Home Rule Act,
21 approved December 24, 1974 (87 Stat. 803; D.C. Official Code § 1-204.45).

22 **SUBTITLE H. PROJECT-BASED AND SPONSOR-BASED LOCAL RENT**
23 **SUPPLEMENT FUNDING**

24 Sec. 271. Short title.

1 This subtitle may be cited as the “Local Rent Supplement Project-Based and Sponsor-
2 Based Funding Amendment Act of 2013”.

3 Sec. 272. Section 26b of the District of Columbia Housing Authority Act of 1999,
4 effective March 2, 2007 (D.C. Law 16-192; D.C. Official Code § 6-227), is amended by striking
5 the existing subsection (e)(1) in its entirety and inserting a new subsection (e)(1) to read as
6 follows:

7 “(e)(1) Beginning in fiscal year 2014, and for each fiscal year thereafter, all slots for the
8 \$5,000,000 for project-based and sponsor-based voucher assistance shall be filled with priority
9 one homeless families or individuals referred by the Department of Human Services, the
10 Department of Mental Health, or other District agencies under the direction of the Mayor.”.

11 **SUBTITLE I. HOUSING PRODUCTION TRUST FUND REVENUE**
12 **DEDICATION AMENDMENT**

13 Sec. 281. Short title.

14 This subtitle may be cited as the “Housing Production Trust Fund Revenue Dedication
15 Amendment Act of 2013”.

16 Sec. 282. Section 2072 of the Fiscal Year 2013 Budget Support Act of 2012, effective
17 September 20, 2012 (D.C. Law 19-168; 59 DCR 8025), is repealed.

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

19 **SUBTITLE A. DEPARTMENT OF CORRECTIONS CENTRAL CELLBLOCK**
20 **MANAGEMENT**

21 Sec. 301. Short title.

22 This subtitle may be cited as the “Department of Corrections Central Cellblock
23 Management Amendment Act of 2013”.

24 Sec. 302. Section 2 of An Act To create a Department of Corrections in the District of

1 Columbia, approved June 27, 1946 (60 Stat. 320; D.C. Official Code § 24-211.02), is amended by
2 adding a new subsection (a-1) to reads as follows:

3 “(a-1)(1) The Department of Corrections shall have charge of the management and
4 operation of the Central Cellblock, located at 300 Indiana Avenue, NW, Washington DC, and
5 shall be responsible for the safekeeping, care, and protection of all persons detained at the Central
6 Cellblock, by the Metropolitan Police Department, prior to their initial court appearance.

7 “(2) Nothing in this subsection shall be construed as:

8 (A) Removing any authority from the Metropolitan Police Department to
9 determine where to hold in custody any person arrested and awaiting an initial court appearance;

10 (B) Granting any arrest powers to any employee of the Department of Corrections
11 performing any duty at the Central Cellblock; or

12 (C) Limiting any powers or authority of the Metropolitan Police Department or
13 the Department of Corrections.

14 Sec. 303. Transfers

15 All property, records, unexpended balances of appropriations, allocations, and other funds
16 required for the management and operation of the Central Cellblock at 300 Indiana Avenue, NW,
17 Washington DC. are hereby transferred from the Metropolitan Police Department to the
18 Department of Corrections.

19 **SUBTITLE B. SECURITY LICENSE STREAMLINING**

20 Sec. 311. Short title.

21 This subtitle may be cited the “Streamlining of Security Licensing Amendment Act of
22 2013”.

23 Sec. 312. Deposit of Licensing Fees into Occupations and Professions Licensing Special
24 Account Fund.

1 (a) The Mayor shall deposit all fees from the licensing of security agencies, security
2 officers, special police officers, campus police officers, and private detectives into the
3 Occupations and Professions Licensing Special Account, established pursuant to D.C. Official
4 Code § 47-2853.11.

5 (b) D.C. Official Code § 47-2839 (2005 Repl.) is amended by adding a new subsection (f-
6 1) to read as follows:

7 “(f-1) All license fees collected pursuant to this section shall be deposited into the
8 fund established pursuant to D.C. Official Code § 47-2853.11.”.

9 (c) D.C. Official Code § 47-2839.01 (2012 Supp.) is amended by adding a new subsection
10 (e-1) to read as follows:

11 “(e-1) All license fees collected pursuant to this section shall be deposited into the
12 fund established pursuant to D.C. Official Code § 47-2853.11.”.

13 **SUBTITLE C. AUTOMATED TRAFFIC ENFORCEMENT ENHANCEMENT**

14 Sec. 321. Short title.

15 This subtitle may be cited as the “Automated Traffic Enforcement Enhancement
16 Amendment Act of 2013”.

17 Sec. 322. Section 3042(b)(2) of the Fiscal Year 2013 Budget Support Act of 2012,
18 effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 34-1803.03(2)), is
19 repealed.

20 **TITLE IV. PUBLIC EDUCATION**

21 **SUBTITLE A. UNIFORM PER STUDENT FUNDING FORMULA FOR PUBLIC**
22 **SCHOOLS AND PUBLIC CHARTER SCHOOLS AMENDMENT**

23 Sec. 401. Short title.

24 This subtitle may be cited as the "Funding for Public Schools and Public Charter Schools

1 Amendment Act of 2013".

2 Sec. 402. The Uniform Per Student Funding Formula for Public Schools and Public
3 Charter Schools and Tax Conformity Clarification Amendment Act of 1998, effective March 26,
4 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901 *et seq.*), is amended as follows:

5 (a) Section 104 (D.C. Official Code § 38-2903) is amended by striking the phrase "\$9,124
6 per student for fiscal year 2013" and inserting the phrase "\$9,306 per student for fiscal year 2014"
7 in its place.

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

Grade Level	Weighting	Per Pupil Allocation in FY 2013
Pre-School	1.34	\$12,470
Pre-Kindergarten	1.30	\$12,098
Kindergarten	1.30	\$12,098
Grades 1-3	1.00	\$9,306
Grades 4-5	1.00	\$9,306
Grades 6-8	1.03	\$9,585
Grades 9-12	1.16	\$10,795
Alternative program	1.17	\$10,888
Special education school	1.17	\$10,888
Adult	0.75	\$6,980

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

"General Education Add-ons:

"Level/ Program	Definition	Weighting	Per Pupil Supplemental FY 2013
"LEP/NEP	Limited and non-English proficient students	0.45	\$4,188

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"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	\$1,582
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"Special Education Add-ons:

Level/ Program	Definition	Weighting	Per Pupil Supplemental FY 2013
"Level 1: Special Education	Eight hours or less per week of specialized services	0.58	\$5,397
"Level 2: Special Education	More than 8 hours and less than or equal to 16 hours per school week of specialized services.	0.81	\$7,538
"Level 3: Special Education	More than 16 hours and less than or equal to 24 hours per school week of specialized services	1.58	\$14,703
"Level 4: Special Education	More than 24 hours per week which may include instruction in a self-contained (dedicated) special education school other than residential placement	3.10	\$28,849
"Special Education Capacity Fund	Weighting provided in addition to special education level add-on weightings on a per student basis for each student identified as eligible for special education.	0.40	\$3,722

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"Residential	D.C. Public School or public charter school that provides students with room and board in a residential setting, in addition to their instructional program	1.70	\$15,820
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"Residential Add-ons:

"Level/ Program	Definition	Weighting	Per Pupil Supplemental FY 2013
"Level 1: Special Education - Residential	Additional funding to support the after-hours level 1 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.374	\$3,480
"Level 2: Special Education - Residential	Additional funding to support the after-hours level 2 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	1.360	\$12,656
"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	\$27,369
"Level 4: Special Education - Residential	Additional funding to support the after-hours level 4 special education needs of limited and non- English proficient students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.924	\$27,211
"LEP/NEP - Residential	Additional funding to support the after-hours Limited and non-English proficiency needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.68	\$6,328

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

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"Level/ Program	Definition	Weighting	Per Pupil Supplemental FY 2013
"Special Education Level 1 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs.	0.064	\$596
"Special Education Level 2 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.231	\$2,150
"Special Education Level 3 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.500	\$4,653
"Special Education Level 4 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.497	\$4,625".

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22 **SUBTITLE B. ENROLLMENT TRANSPARENCY AMENDMENT**

23 Sec. 411 Short title.

24 This subtitle may be cited as the "Enrollment Transparency Amendment Act of 2013".

25

1 Sec.412. The District of Columbia School Reform Act of 1995, approved April 26, 1996
2 (110 Stat. 1321; D.C. Code, § 38-1800.01 *et seq.*), is amended as follows:

3 (a) Section 2402 (D.C. Official Code § 38-1804.02) is amended as follows:

4 (1) Strike the phrase “Not later than 30 days after April 26, 1996, and not
5 later than October 15 of each year thereafter” and insert in its place the phrase “Not later than
6 October 15 and May 15 of each year,” in subsection (b).

7 (2) Strike the heading “Annual reports” at subsection (c) and replace with
8 the word “Reports”.

9 (3) Strike the phrase “the Authority (during a control year),” in subsection
10 (c).

11 (4) Insert the phrase “and May 30” after the phrase “October 30” in
12 subsection (c).

13 (5) Strike the heading “Audit of initial calculations.” and replace with
14 “Audit of October 15 calculations.” at subsection (d).

15 (6) Insert the phrase “of October 15 of each year” after the phrase
16 “independent audit of the initial calculations” in paragraph (d)(1).

17 (7) Insert the phrase “October 15” before “report” in subparagraph
18 (d)(2)(A).

19 (8) Insert the phrase “October 15” before “report” in paragraph (d)(3).

20 Sec. 413. The Uniform Per Student Funding Formula for Public Schools and Public
21 Charter Schools Act of 1998, effective March 26, 1999 as amended (D.C. Law 12-207; D.C.
22 Code § 38-2901 *et seq.*), is amended as follows:

23 (a) Section 103(c) (D.C. Official Code § 38-2902 (c)) is amended as follows:

1 (1) Replace the phrase “The Formula shall apply only to Public Charter
2 Schools until the DCPS student enrollment count is verified by” with the phrase “The student
3 count to which the Formula is applied for DCPS and Public Charter Schools shall be verified by”
4 and replace the phrase “a census on the student enrollment of the DCPS” with the phrase “an
5 audit according to a methodology determined by the Office of the State Superintendent of
6 Education.”

7 (b) Section 107 as amended (D.C. Official Code § 38-2906) is further amended as
8 follows:

9 (1) Strike the phrase “; provided, that for fiscal year 2008, the projected
10 change in enrollment shall equal the average annual change in enrollment for the preceding 3
11 years. Beginning in fiscal year 2012, the base for the projections shall be the audited enrollment
12 for the school year preceding the fiscal year for which the appropriation is made” in subsection
13 (a).

14 (2) Strike the phrase “Repealed.” and insert a new paragraph in subsection
15 (c) to read as follows: “The Mayor shall develop a single statewide methodology for projecting
16 enrollment, provided that the base for the projection shall be the first audited enrollment for the
17 school year preceding the fiscal year for which the appropriation is made.”

18 (3) Add to paragraph (1) of subsection (d), the phrase “required by § 38-
19 1804.02” after the phrase “each year” and replace the phrase “on the student enrollment of each
20 DCPS school and of each public charter school” with the phrase “on the student enrollment of
21 DCPS and the Public Charter Schools according to a methodology determined by the Office of
22 the State Superintendent of Education.”

1 (4) Add the letter “t” to “no” in the phrase “no later than” in paragraph (2)
2 of subsection (d).

3 **SUBTITLE C. DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOLS**
4 **PAYMENT IMPROVEMENT**

5 Sec. 421. Short title.

6 This subtitle may be cited as the “District of Columbia Public Charter Schools Payment
7 Improvement Act of 2013”.

8 Sec. 422. The Uniform Per Student Funding Formula for Public Schools and Public
9 Charter Schools Act of 1998, effective March 26, 1999 as amended (D.C. Law 12-207; D.C.
10 Code § 38-2901 *et seq.*), is amended as follows:

11 (a) Section 107b (D.C. Official Code § 38-2906.02) is amended as follows:

12 (1) Strike the phrase “4 equal” in subsection (a).

13 (2) Strike the word “Each”, replace the word “payment” with “Payments”,
14 and strike the phrase “one-fourth of each public charter school’s entitlement,” in subsection (b).

15 (3) Insert the phrase “and shall be 30% of the school’s entitlement” after
16 “§38-1804.02(a)” in paragraph (1) of subsection (b).

17 (4) Strike the phrase “and January 15”, strike the “s” in “payments”, and
18 insert the phrase “and shall be equal to 55% of the school’s entitlement less amounts paid in
19 July” after “October 5” in paragraph (2) of subsection (b).

20 (5) Replace the current paragraph (3) of subsection (b) with the following
21 paragraph: “The basis of the January 15 payment shall be the unaudited October enrollment
22 numbers for that school contained in reports submitted by the eligible chartering authorities on

1 October 5 and shall be equal to 80% of the school's entitlement less amounts paid in July and
2 October."

3 (6) Insert a new paragraph (4) under subsection (b) to read as follows:
4 "The basis of the April 15 payment shall be the audited October enrollment numbers and shall be
5 equal to 100% of the school's entitlement less amounts paid in July, October, and January;
6 provided, that these amounts shall be adjusted in accordance with the provisions of subsection
7 (c) of this section."

8 (7) Insert "(1)" before "Payments for special education," at the beginning
9 of subsection (d) and insert the phrase "set forth in subsection (g)" after "such students".

10 (8) Insert new paragraphs (2) and (3) under subsection (d) to read as
11 follows:

12 "(d) (2) Payments for summer school will be made by the Chief
13 Financial Officer on April 15 on the basis of a funding schedule from the District of Columbia
14 Public Charter School Board listing each charter school offering a summer school program in
15 accordance with the requirements of §38-1804.01(b)(3)(B). The Office of the State
16 Superintendent of Education shall certify enrollment projections based upon information
17 contained in the state education longitudinal data system that form the basis of the funding
18 schedule. The payment amount shall be equal to 75% of the total summer school entitlement for
19 each charter school. Not later than August 25 of each year the Office of the State Superintendent
20 of Education shall certify the final actual summer school enrollment for each charter school. The
21 final payment for summer school will be issued to each charter school not later than September
22 30 of each year and shall be equal to the remainder of the school's entitlement."

1 “(d) (3) Payments for the Special Education Extended School Year
2 add-on shall be made in full to each charter school by the Chief Financial Officer following
3 certification of the actual enrollment for each school by the Office of the State Superintendent of
4 Education.

5 **SUBTITLE D. DC STATE ATHLETICS ACTIVITIES FUND**

6 Sec. 431. Short title,

7 This subtitle may be cited as the “District of Columbia State Athletic Activities,
8 Programs, and Office Fund Act of 2012”.

9 Sec. 432. (a) There is established as a non-lapsing fund the State Athletic Activities,
10 Programs, and Office Fund (“Fund”), which shall be used solely as provided in subsection (b) of
11 this section and administered by the State Superintendent of Education through the Office of
12 State Superintendent of Education (“OSSE”). The Superintendent may designate or assign the
13 authority to administer the Fund to entities within OSSE, including the State Athletic Office
14 (“SAO”);

15 (b) (1) The Fund shall be used to enhance the development of state interscholastic
16 athletic programs and competitions, and supplement the operations budget of the District of
17 Columbia State Athletic Association (DCSAA). The Statewide Director of Athletics shall
18 prioritize resources from the Fund in order to ensure well-designed and effective interscholastic
19 athletic programs and competitions throughout the District of Columbia.

20 (2) The Fund may be used for the financial support of state athletic programs
21 and competitions, including, but not limited to, funding for championship events, equipment,
22 memorabilia, training, security, awards, and related operations, to ensure well-designed and

1 effective state athletic programs and events that comply with National Federation of State High
2 School Associations (NFHS) standards and District of Columbia laws and regulations.

3 (c) The Fund shall be funded by annual appropriations, which shall be deposited
4 into the Fund, in addition to any proceeds resulting from sponsorships or advertisements, ticket
5 or merchandise sales, fundraising activities, competitions, or other athletic programs and
6 activities organized or directed by the State Athletic Office or the District of Columbia State
7 Athletic Association (DCSAA) or both;

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

13 (e) The Mayor, pursuant to Title I of the District of Columbia Administrative
14 Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et*
15 *seq.*) may issue rules to implement the provisions of this act. The proposed rules shall be
16 submitted to the Council for a 30-day period of review, excluding Saturdays, Sundays, holidays
17 and days of the Council recess. If the Council does not approve or disapprove the proposed
18 rules, by resolution, within the 30-day period, the proposed rules shall be deemed approved.

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

20 **SUBTITLE A. DC HEALTHCARE ALLIANCE PRESERVATION**

21 Sec. 501. Short title.

22 This subtitle may be cited as the “DC HealthCare Alliance Preservation Amendment Act
23 of 2013.”

1 Sec. 502. Section 7(c) of the Health Care Privatization Amendment Act of 2001, effective
2 July 12, 2001 (D.C. Law 14-18; D.C. Official Code § 7-1405(c)), paragraph (2) is amended to
3 read as follows:

4 “(2) A contract between the District of Columbia and a health maintenance
5 organization or a managed care organization that provides health care services to persons
6 enrolled in the DC HealthCare Alliance shall include coverage for all services, including
7 hospital-based services, being provided to DC HealthCare Alliance enrollees as of January 1,
8 2013; except the Department of Health Care Finance shall have the authority to exclude coverage
9 for those hospital-based emergency services that are eligible for Medicaid reimbursement under
10 section 401(b)(1)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of
11 1996, approved August 21, 1996 (110 Stat. 502; 8 U.S.C. § 1611(b)(1)(A)), section 1903(v)(3)
12 of the Social Security Amendments Act of 1965, approved July 30, 1965 (79 Stat. 286; 42 U.S.C.
13 1396b(v)(3)), and 42 C.F.R. § 440.255(c).”

14 **SUBTITLE B. DEPARTMENT OF HEALTH CARE FINANCE**
15 **ESTABLISHMENT AMENDMENT**

16 Sec. 511. Short title.

17 This subtitle may be cited as the “Department of Health Care Finance Establishment
18 Amendment Act of 2013”.

19 Sec. 512. Section 6 of the Department of Health Care Finance Establishment Act of 2007,
20 effective February 27, 2008 (D.C Law 17- 109; D.C. Official Code § 7-771.05 *et seq.*) , is
21 amended by adding the following :

22 (7) Establish and assess user fees including enrollment fees.

23 Section 513. A new section is added to read as follows:

1 “There is established as a nonlapsing fund, the DHCF Assessment Fund (“Fund”) into
2 which all user fees, including enrollment fees collected pursuant to section 6(7) shall be
3 deposited into the Fund and shall be used for the administration and maintenance of the
4 Department’s provider operations and enrollment activities and health information exchange
5 activities. The Fund shall be administered by the Department of Health Care Finance. All
6 revenues that are deposited in the Fund shall not revert to the unrestricted fund balance of the
7 General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but
8 shall be continually available for the uses and purposes set forth in this section, without regard to
9 fiscal year limitation, subject to appropriations by Congress.”.

10 **SUBTITLE C. STEVIE SELLOWS INTERMEDIATE CARE FACILITY**

11 **QUALITY IMPROVEMENT**

12 Sec. 521. Short Title.

13 This subtitle may be cited as the “Stevie Sellows Intermediate Care Facility Quality
14 Improvement Act of 2013”.

15 Sec. 522. Chapter 12D of Title 47 of the District of Columbia Official Code is amended
16 as follows:

17 (a) Section 47-1270 is amended as follows:

18 (1) Designate paragraph (1) as (1B).

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

20 “(1) “Administrative Costs” means the costs of the DHCF to administer,
21 manage, and monitor the ICF/IID reimbursement program and the Stevie Sellows quality
22 improvement funding support, including personnel costs.

23 “(1A) “DHCF” means the Department of Health Care Finance.”.

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

2 “(2A) “ICF/IID” means Intermediate Care Facility for People with
3 Intellectual Disabilities.”.

4 (4) Paragraph (4) is amended by striking the phrase “the Department of Health”
5 and inserting the acronym “DHCF” in its place.

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

7 “(5A) “Rebasing Year” means the third year after the effective date of the
8 State Plan Amendment governing the reimbursement of ICF/IID and every subsequent third
9 year.”

10 (b) Section 47-1271(b) is amended to read as follows:

11 “(b) The Fund shall be used to:

12 (1) Fund quality of care improvements for those facilities that meet the
13 requirements of the District’s State Plan for Medical Assistance (“State Plan”) and the
14 accompanying rules governing the reimbursement of ICF/IID.

15 (2) Cover administrative costs of the Department of Health Care Finance
16 (“DHCF”) in administering the ICF/IID reimbursement program and the Stevie Sellows quality
17 improvement funding support, which costs shall not be more than 10% of the Fund’s total
18 revenues; and

19 (3) Cover administrative costs of DHCF in auditing the ICF/IID in a
20 rebasing year or as necessary to ensure the integrity of the ICF/IID reimbursement methodology,
21 which costs shall not be more than 15% of the Fund’s total revenues.”

22 (c) Section 47-1271(c) is amended to read as follows:

1 “(c) Notwithstanding subsection (b) of this section, of the revenues deposited in
2 the Fund in fiscal year 2011, at least \$1 million shall be used to support quality of care
3 improvements for those facilities that meet the requirements of § 47-1272, and up to \$3.7 million
4 may be used to support Medicaid services in the District of Columbia, including reimbursements
5 for ICF/IID for the services that they provide.”

6 (d) Section 47-1273(c) is amended to read as follows:

7 “(a) Except as provided in § 47-1278(d), each ICF/IID in the District of Columbia
8 shall pay an assessment of 5.5 percent of the gross revenues per annum.

9 (e) Each ICF/IID shall pay the assessment required by subsection (a) of this section in
10 quarterly installments.

11 (f) The Mayor shall provide notice to each ICF/IID of the amount of the assessment for
12 the quarter no later than 30 days after the end of each quarter.

13 (g) The assessment required by subsection (a) of this section shall be determined by the
14 Medicaid claims information from the DHCF Medicaid Management Information System
15 (“MMIS”).

16 (h) If the total amount of the assessments to be collected for a fiscal year is inadequate to
17 cover disbursements required under § 47-1271(b), the Mayor may raise the assessment up to the
18 maximum allowed under federal law.

19 (i) Section 47-1274 is being amended by deleting paragraph (b)

20 **SUBTITLE D. HOMELESS SERVICES REFORM AMENDMENT**

21 Sec. 531. Short title.

22 This subtitle may be cited as the “Homeless Services Reform Amendment Act of 2013”.

23 Sec. 532. Section 2 of the Homeless Services Reform Act of 2005, effective October 22,

1 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01 *et seq.*), is amended as follows:

2 (a) Section 2 (D.C. Official Code § 4-751.01) is amended as follows:

3 (1) Paragraph 18(A) is amended by inserting the phrase, “including any individual
4 or family who is fleeing, or is attempting to flee, domestic violence and who has no other
5 residence and lacks the resources or support networks to obtain safe housing” after the phrase,
6 “immediately,”.

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

8 “(30A) “Provider premises” means a publicly or privately-owned house or
9 apartment unit in which a client resides and receives a rental subsidy or other services under a
10 shelter or supportive housing program.”.

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

12 “(30B) “Provisional placement status” means a placement in apartment-
13 style or non-apartment-style shelter or supportive housing during the time needed to determine
14 eligibility and priority, conduct an assessment of an individual’s or family’s needs, and identify
15 an appropriate referral, including an alternative housing arrangement. Provisional placement
16 status may be limited to those individuals or families that have no other housing arrangement or
17 are living in a public or private place not designed for, or ordinarily used as, a regular sleeping
18 accommodation for human beings.”.

19 (4) A new paragraph (31A) is added to read as follows:

20 “(31A) “Rapid Re-Housing” means a program, regardless of funding
21 source, that provides a homeless individual or family with financial assistance to obtain
22 permanent housing, by providing some or all of a security deposit, first month’s rent, or short-
23 term, temporary rental subsidy, in order to help the recipient become self-sufficient.”.

1 (5) Paragraph (41) is amended by inserting the phrase, “the purpose of which is to
2 facilitate the movement of homeless individuals and families to permanent housing within 2
3 years” after the phrase, “accommodation.”.

4 (6) Subparagraph (41)(B) is amended by striking, “up to 2 years or as long as
5 necessary” and inserting, “less than or equal to 2 years”.

6 (b) Section 7 (D.C. Official Code § 4-753.01) is amended by adding a new subsection (f)
7 to read as follows:

8 “(f)(1) The Mayor is authorized to require clients to establish and
9 contribute to a savings or escrow account, or other similar savings arrangement, as a condition of
10 receiving shelter or supportive housing services.

11 “(2) Pursuant to section 31 (D.C. Official Code § 4-756.02), the Mayor
12 shall issue rules on the establishment of any mandatory savings or escrow accounts, or other
13 similar savings arrangements, authorized by this section.”.

14 (c) A new section 8A is added to read as follows:

15 Sec. 8A Provisional Placement Status.

16 “(a) The Department or its designee may place individuals or families who have applied
17 for homeless services in Provisional Placement Status while it:

18 “(1) Determines an individual’s or family’s eligibility and priority;

19 “(2) Conducts an assessment of an individual’s or family’s needs, strengths and
20 resources; and

21 “(3) Identifies an appropriate referral, including an alternative housing
22 arrangement.

23 “(b) The Department may place individuals or families in Provisional Placement Status if

1 they do not have another identified housing arrangement or the individual or family is living in a
2 public or private place not designed for, or ordinarily used as, a regular sleeping accommodation
3 for human beings.

4 “(c) Clients in Provisional Placement Status shall have the rights provided in section 9
5 (D.C. Official Code § 4-754.11).

6 “(d) Clients in Provisional Placement Status shall participate in, cooperate and comply
7 with the unified assessment and referral process, including the determination of eligibility and
8 priority, assessment, and case coordination necessary to make an appropriate referral for
9 services.

10 “(e) Provisional Placement Status shall not exceed 14 days absent good cause, to be
11 determined in the sole discretion of the Mayor.

12 “(f) Upon receiving oral and written notice in accordance with section 19(d) (D.C.
13 Official Code § 4-754.33(d)), a client in Provisional Placement Status for whom an alternative
14 housing arrangement or appropriate referral has been identified shall transfer to the identified
15 housing or referral as soon as possible and in any event no later than 24 hours after such notice.

16 “(g) A client in Provisional Placement Status may be terminated from the provisional
17 shelter placement upon determination that:

18 “(1) The client does not meet the eligibility criteria set forth in section 8(a) (D.C.
19 Official Code § 4-753.02(a));

20 “(2) The client has failed to participate in or cooperate with completion of the
21 unified assessment and referral process; or

22 “(3)The client has engaged in a prohibited behavior set forth in section 22(2)
23 (D.C. Official Code § 4-754.36(2)).

1 “(h) Upon receiving notice of the transfer or termination, clients in Provisional Placement
2 Status shall vacate the provider’s premises as soon as possible and in any event no later than 24
3 hours after receipt of the notice.”

4 (d) Section 9(18) (D.C. Official Code § 4-754.11(18)) is amended to read as follows:

5 “(18) Continuation of shelter and supportive housing services without change,
6 other than transfer from Provisional Placement Status pursuant to section 8A(f), termination of
7 Provisional Placement Status pursuant to section 8A(g), transfer pursuant to section 20 (D.C.
8 Official Code § 4-754.34), discharge from services pursuant to section 22A, or emergency
9 transfer, suspension, or termination pursuant to section 24 (D.C. Official Code § 4-754.38),
10 pending the outcome of any fair hearing requested within 15 calendar days of receipt of written
11 notice of a suspension or termination.”.

12 (e) Section 13 (D.C. Official Code § 4-754.13) is amended as follows:

13 (1) Paragraph 10 is amended by striking, “and” from the end of the sentence.

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

15 “(11) Establish and contribute to a savings or escrow account or other
16 similar savings arrangement if required by law, regulation, or the Program Rules established by
17 the provider pursuant to §4-754.32; and”.

18 (3) A new paragraph 12 added to read as follows:

19 “(12) Follow all Program Rules established by a provider pursuant to section 18
20 (D.C. Official Code § 4-754.32.)”.

21 (f) Section 18 (D.C. Official Code § 4-754.32) is amended as follows:

22 (1) Paragraph (7) is amended by striking, “and”.

23 (2) Paragraph (8) is amended by striking, “.” and inserting, “; and”.

1 (3) By adding a new paragraph 9 to read as follows:

2 “(9) A description of a client’s responsibilities to establish and contribute
3 to a savings and escrow account, or other similar savings arrangement, if required by rules
4 adopted by the Mayor pursuant to section 31 (D.C. Official Code § 4-756.02).”.

5 (g) Section 19 (D.C. Official Code § 4-754.33) is amended as follows:

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

7 “(c) All providers shall given written and oral notice to clients of their transfer to
8 another provider or of their suspension, termination, or discharge from services at least 15 days
9 prior to the effective date of the transfer, suspension, termination, or discharge except:

10 “(i) When the sanction results from the client’s imminent threat to the
11 health or safety of someone on the premises of the provider in accordance with
12 section 24 (D.C. Official Code § 4-754.38);

13 “(ii) When the sanction is a suspension of supportive services for a period
14 shorter than 10 days; or

15 “(iii) When a client in a Provisional Placement Status is transferred
16 pursuant to section 8A(f) or terminated pursuant to section 8A(g).”.

17 (h) Section 22 (D.C. Official Code § 4-754.36) is amended to read as follows:

18 “(a) A provider may terminate its delivery of services to a client only when:

19 “(1) The provider documents that it has considered suspending the client
20 in accordance with section 21 (D.C. Official Code § 4-754.35) or has made a reasonable effort,
21 in light of the severity of the act or acts leading to the termination, to transfer the client in
22 accordance with section 20 (D.C. Official Code § 4-754.34);

23 “(2) The client:

1 “(A) Possesses a weapon on the provider’s premises;

2 “(B) Possess or sells illegal drugs on the provider’s premises;

3 “(C) Assaults or batters any person on the provider’s premises;

4 “(D) Endangers the client’s own safety or the safety of others on
5 the provider’s premises;

6 “(E) Intentionally or maliciously vandalizes, destroys, or steals the
7 property of any person on the provider’s premises;

8 “(F) Fails to accept an offer of appropriate permanent housing or
9 supportive housing that better serves the client’s needs after having been offered 2 appropriate
10 permanent or supportive housing opportunities. For purposes of this section, Rapid Re-Housing
11 shall be considered an offer of appropriate permanent housing and an offer of 2 different units
12 through a Rapid Re-Housing program shall be considered 2 offers of appropriate permanent
13 housing;

14 “(G) Knowingly engages in repeated violations of a provider’s Program
15 Rules; or

16 “(H) In the case of terminations pursuant to subparagraphs (2)(F) and
17 (2)(G) of this section, the provider has made reasonable efforts to help the client overcome
18 obstacles to obtaining permanent housing.

19 “(b) In addition to the grounds for termination stated in this section, a client in a
20 Provisional Placement Status may be terminated immediately upon determination that the client
21 does not meet the eligibility criteria set forth in section 8(a) (D.C. Official Code § 4-753.02(a))
22 or the client has failed to participate in or cooperate with the unified assessment and referral
23 process required by section 8A(d).”.

1 (i) A new section 22A is added to read as follows:

2 (a) A provider may discharge a client from a supportive housing
3 placement only when the client has:

4 (1) Transferred or relocated to another program or facility due to, but not
5 limited to, incarceration or institutionalization for at least 60 days;

6 (2) Abandoned his or her unit and good faith efforts to locate the client
7 have failed, or the client has been located but has indicated by words or actions that he or she
8 does not intend to return to and reside in the unit; or

9 (3) Received services for the length of the program as set forth in the
10 provider's Program Rules pursuant to section 18 (D.C. Code § 4-754.32), provided that no
11 extension or subsequent extension was granted and the client received notice of the Program
12 Rules in accordance with section 19 (D.C. Code § 4-754.33).".

13 (b) Providers of supportive housing shall give oral and written notice, in accordance
14 with section 19 (D.C. Official Code § 4-754.33(d)), to clients of their discharge from services
15 pursuant to subsection (a)(1) and (a)(2) at least 15 days prior to the effective date of the
16 discharge.

17 (c) Providers of supportive housing shall give oral and written notice, in accordance
18 with section 19(d) (D.C. Official Code § 4-754.33(d)), to clients of their discharge from services
19 pursuant to subsection (a)(3) at least 30 days prior to the effective date of discharge. If it is not
20 possible to provide written notice at the time of the action because the client's whereabouts are
21 unknown, a written notice shall be delivered to the client's last known address or, upon request,
22 within 90 days of the discharge.".

1 **SUBTITLE E. DDS MANAGEMENT REFORM AMENDMENT**

2 Sec. 541. Short title.

3 This subtitle may be cited as the “Developmental Disabilities Service Management
4 Reform Amendment Act of 2013”.

5 Sec. 542. Section 105 of the Developmental Disabilities Service Management Reform
6 Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-264; D.C. Official Code § 7-
7 761.05) is amended by adding a new paragraph (10) to read as follows:

8 “(10) Work with the Chief Financial Officer to promptly establish a separate DDS Ticket
9 to Work Employment Network Fund to receive payments from the Social Security
10 Administration as an Employment Network for the Ticket to Work and Self-Sufficiency Program
11 (Pub. L. 106-170, the “Ticket to Work and Work Incentives Improvement Act of 1999,” codified
12 as amended at 42 U.S.C. § 1320b-19), which funds shall be obligated and expended consistent
13 with the purposes of the Ticket to Work and Self-Sufficiency Program; provided, however, that
14 to the extent that payments received from the Social Security Administration represent
15 administrative or other fee payments, those amounts shall be available to DDS to defray the
16 costs and expenses associated with administering the program or for any other purpose as
17 determined by the DDS Director. All funds deposited in the DDS Ticket to Work Employment
18 Network Fund shall not revert to the unrestricted fund balance of the General Fund of the District
19 of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for
20 the uses and purposes set forth in this section, without regard to fiscal year limitation, subject to
21 appropriations by Congress.”.

22 **SUBTITLE F. MEDICAL ASSISTANCE PROGRAM AMENDMENT**

23 Sec. 551. Short title.

1 This subtitle may be cited as the “Medical Assistance Program Amendment Act of 2013”.

2 Sec. 552. Section 1(a) of An Act to enable the District of Columbia to receive Federal
3 financial assistance under Title XIX of the Social Security Act for a medical assistance program,
4 and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-
5 307.02 (a)) is amended as follows:

6 (1) Paragraphs (a)(2) through (a)(6) are repealed.

7 **SUBTITLE G. DHS CONFORMING AMENDMENTS**

8 Sec. 561. Short title.

9 This subtitle may be cited as the “Department of Human Services’ Conforming
10 Amendments Act of 2013”.

11 Sec. 562. Section 101 (5A)(B) of the District of Columbia Public Assistance Act of 1982,
12 effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-201.01(5A)(B)), is amended by
13 striking the phrase “18 years of age, a full-time student in a secondary school or in the equivalent
14 level of vocational or technical training, and who is expected to graduate from such school or
15 training by the person's 19th birthday” and inserting the phrase “less than 19 years of age and is a
16 full-time student in a secondary school (or in the equivalent level of vocational or technical
17 training)”.

18 Sec. 563. Section 515 of the District of Columbia Public Assistance Act of 1982,
19 effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.15), is amended as follows:

20 (a) Subsection (a)(2) is amended by striking the phrase “or age 18 and expected to
21 complete high school before reaching age 19” and inserting the phrase “or under age 19 and are
22 full-time students in a secondary school (or in the equivalent level of vocational or technical
23 training)” in its place.

1 (b) Subsection (b) is amended by striking the phrase “the Mayor shall determine the
2 meaning of the term “full-time student”, shall determine which vocational or technical training
3 courses are equivalent to the level of secondary school, and shall determine which factors will be
4 considered in deciding whether an individual may reasonably be expected to complete the
5 program of study or training before reaching age 19” and inserting “the Mayor shall determine
6 the meaning of the term “full-time student” and shall determine which vocational or technical
7 training courses are equivalent to the level of secondary school”.

8 **SUBTITLE H. DEPARTMENT OF HEALTH GRANTMAKING AUTHORITY**

9 **Sec. 571. Short Title**

10 This subtitle may be cited as the “Department of Health Functions Clarification
11 Amendment Act of 2013”.

12 **Sec. 572. Section 4907a of the Department of Health Functions Clarification Act of**
13 **2001, effective March 3, 2010 (D.C. Law 18-111; D.C. Official Code § 7-736.01(2012 Supp.)),**
14 **is amended by adding a new subsection (c) to read as follows:**

15 “(c) For fiscal year 2014, the Director of the Department of Health shall have the
16 authority to issue grants to qualified community organizations for the purpose of providing the
17 following services:

18 “(1) Ambulatory health services for an amount not to exceed \$3,236,980;

19 “(2) Poison control hotline and prevention education services for an
20 amount not to exceed \$350,000;

21 “(3) Operations and primary care services for school-based health clinics
22 for an amount not to exceed \$2,250,000; and

1 “(4) A teen pregnancy prevention program for an amount not to exceed
2 \$400,000”.

3 **SUBTITLE I. MEDICAID HOSPITAL OUTPATIENT SUPPLEMENTAL PAYMENT**

4 Sec. 581. Short title.

5 This subtitle may be cited as the “Medicaid Hospital Outpatient Supplemental Payment Act of
6 2013”.

7 Sec. 582. Definitions.

8 For the purposes of this act, the term:

9 (1) “Department” means the Department of Health Care Finance.

10 (2) “Gross patient revenue” means the amount calculated in accordance with generally
11 accepted accounting principles for hospitals that is reported as the sum of Worksheet G-2; Column 1;
12 Lines 1, 2, 2.01, 15, 17 and 18 and Worksheet G-2; Column 2; Lines 17, 18, 18.5 and 18.51 of the
13 Medicare Cost Report (2552-96) excluding long term care inpatient ancillary revenues;

14 (3) “Hospital” shall have the same meaning as provided in section 2(a)(1) of the
15 Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983,
16 effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code § 44-501(a)(1)), but excludes:

17 (A) Any hospital operated by the federal government; and

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

22 (4) “Hospital system” means any group of hospitals licensed separately but operated,
23 owned, or maintained by a common entity; and,

1 (5) "Medicaid" means the medical assistance programs authorized by title XIX of the
2 Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 et seq.), and by section 1
3 of An Act To enable the District of Columbia to receive Federal financial assistance under title XIX of
4 the Social Security Act for a medical assistance program, and for other purposes, approved December
5 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02), and administered by the Department of Health
6 Care Finance.

7 Sec. 583. Hospital provider fee fund established.

8 (a) There is established as a nonlapsing fund the Hospital Provider Fee Fund ("the Fund"),
9 which shall be used solely to make Medicaid access payments for the provision of outpatient hospital
10 services effective May 1, 2013.

11 (b) There shall be deposited into the Fund:

12 (1) All moneys collected or received by the Department from the hospital provider fee
13 imposed by this act;

14 (2) All federal matching funds received by the Department as a result of expenditures
15 made by the Department that are attributable to moneys deposited in the Fund;

16 (3) Interest and penalty collected under this act; and

17 (4) Interest earned by the Fund.

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

1 (d) The Fund is created for the purpose of receiving moneys in accordance with section 4 and
2 disbursing moneys only for the following purposes, notwithstanding any other provision of law as
3 follows:

4 (1) For making Medicaid outpatient hospital access payments to hospitals as required
5 under section 6 of this act;

6 (2) For payment of administrative expenses incurred by the Department or its agent in
7 performing the activities authorized by this act at an amount not to exceed the prorated amount of
8 \$150,000 annually; and,

9 (3) For making refunds to hospital providers pursuant to section 4 of this act.

10 (e) The Fund shall not be used to replace any moneys appropriated to the Medicaid program.

11 Sec. 584. Hospital provider fee.

12 (a) Subject to section 5, a fee shall be applied at a uniform rate on the gross patient revenue of
13 each hospital beginning May 1, 2013. The uniform rate shall be applied to each hospital's gross
14 patient revenue as derived from each hospital's as filed Medicare cost report ending between July 1,
15 2009 and June 30, 2010. The hospital provider fee is applied at a uniform rate necessary to generate
16 the following:

17 (1) An amount equal to the non-Federal share of the total available spending room
18 under the Medicaid upper payment limit for private hospitals applicable to District fiscal years 2013
19 and 2014 consistent with the federal approval of the authorizing Medicaid State Plan amendment;
20 plus,

21 (2) An amount equal to the lesser of the non-Federal share of the total available
22 spending room under the Medicaid upper payment limit for District operated hospitals applicable to
23 District fiscal years 2013 and 2014 consistent with the federal approval of the authorizing Medicaid

1 State Plan amendment or United Medical Center's Medicaid disproportionate share hospital limit as
2 adjusted by the District in accordance with the federally approved State plan; plus,

3 (3) An amount equal to the Department's administrative expenses as described in
4 section 3(d)(2) of this act.

5 Sec. 585. Applicability.

6 (a) The fee imposed by section 4 shall not be due and payable until such time that the
7 federal Centers for Medicare and Medicaid Services approves the Medicaid State Plan
8 amendment authorizing the Medicaid payments described in section 6 of this Article.

9 (b) The fee imposed by Section 4 shall cease to be imposed, and any moneys remaining
10 in the Fund shall be refunded to hospital providers in proportion to the amounts paid by them, if:

11 (1) The Department makes changes in its rules that reduce the hospital
12 inpatient or outpatient Medicaid payment rates, including adjustment payment rates, in effect
13 on October 1, 2012; or,

14 (2) The payments to hospitals required under section 6 of this Article are modified
15 in any way other than to secure federal approval of such payments as described in section 6 of
16 this act or are not eligible for federal matching funds under Title XIX of the Social Security Act.

17 (c) The fee imposed by section 4 shall not take effect or shall cease to be imposed if such
18 fee is determined to be an impermissible tax under Title XIX of the Social Security Act.

19 (d) Should the fee imposed by section 4 not take effect or cease to be imposed moneys in
20 the Fund derived from the fee imposed prior thereto shall be disbursed in accordance with
21 section 6 of this act to the extent federal matching is available. If federal matching is not
22 available due to a determination by the Centers for Medicare and Medicaid Services that the

1 provider fee is impermissible, any remaining moneys shall be refunded to hospital providers in
2 proportion to the amounts paid by them.

3 Sec. 586. Medicaid Outpatient Hospital Access Payments.

4 (a) For visits and services beginning May 1, 2013, quarterly Medicaid outpatient hospital
5 access payments shall be made to each private hospital. Each payment will be equal
6 to the hospital's DFY 2011 outpatient Medicaid payments divided by the total private
7 hospital DFY 2011 outpatient Medicaid payments multiplied by one quarter of the
8 total outpatient private hospital access payment pool minus \$250,000. The total
9 outpatient private hospital access payment pool is equal to the total available
10 spending room under the private hospital outpatient Medicaid upper payment limit for
11 District fiscal years 2013 and 2014 respectively.

12 (b) The remaining \$250,000 shall be distributed as an adjustment to the quarterly access
13 payments for all private children's hospitals with less than 150 beds and distributed
14 based on the hospital's DFY 2011 outpatient Medicaid payments relative to the total
15 qualifying hospitals' DFY 2011 outpatient Medicaid payments.

16 (c) Any private hospital that is also a disproportionate share hospital will receive no more than
17 the available room under their District-adjusted hospital-specific DSH limit. Any Medicaid outpatient
18 hospital access payments that would otherwise exceed a private disproportionate share hospital's
19 adjusted DSH limit shall be distributed to the remaining private hospitals consistent with each private
20 hospital's relative share of DFY 2011 Medicaid payments.

21 (d) For visits and services beginning May 1, 2013, outpatient hospital access payments shall
22 be made to the United Medical Center. Each payment will be equal to one quarter of the total
23 outpatient public hospital access payment pool. The total outpatient public hospital access payment

1 pool is equal to the lesser of the total available spending room under the District operated hospital
2 outpatient Medicaid upper payment limit for District fiscal years 2013 and 2014 respectively and the
3 United Medical Center District-adjusted Medicaid disproportionate share hospital limit.

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

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

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

13 Sec. 587. Quarterly Notice and Collection.

14 (a) The fee imposed under Section 4 shall be calculated, due, and payable on a quarterly basis.

15 (b) The fee will be due and payable by the 15th of the last month of each DFY quarter.

16 (c) However, the fee imposed by Section 4 shall not be due and payable until:

17 (1) The District issues the written notice that the payment methodologies to hospitals
18 required under Section 6 have been approved by the federal Centers for Medicare and Medicaid
19 Services;

20 (2) The District issues written notice to each hospital informing the hospital of the fee
21 rate, the hospital's gross patient revenue subject to the fee, and the fee amount owed by the hospital on
22 a quarterly basis; and,

1 (3) The initial written notice from the District shall include all fee amounts owed
2 beginning with the period May 1, 2013 in order to ensure all applicable fee obligations have been
3 identified.

4 (d) When a hospital fails to pay the full amount of its fee by the date required by this Act, the
5 unpaid balance shall accrue interest at the rate of 1.5% per month or any fraction thereof, which shall
6 be added to the unpaid balance. The chief Financial Officer may arrange a payment plan for the
7 amount of the fee and interest in arrears.

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

10 Sec. 588. Multi-hospital systems, closure, merger and new hospitals.

11 (a) If a hospital system conducts, operates, or maintains more than one hospital licensed by the
12 Department of Health, the provider shall pay the fee for each hospital separately.

13 (b) Notwithstanding any other provision in this act, in the case of a person who ceases to
14 conduct, operate, or maintain a hospital in respect of which the person is subject to the fee under this
15 act as a hospital provider, the fee for the DFY in which the cessation occurs shall be adjusted by
16 multiplying the fee computed under Section 4 by a fraction, the numerator of which is the number
17 of days in the year during which the provider conducts, operates, or maintains the hospital and the
18 denominator of which is 365. Immediately upon ceasing to conduct, operate, or maintain a hospital,
19 the person shall pay the fee for the year as so adjusted (to the extent not previously paid).

20 (c) Notwithstanding any other provision in this act, a provider who commences conducting,
21 operating, or maintaining a hospital, upon notice by the Department, shall pay the fee computed under
22 section 4 and section 8(a) in installments on the due dates stated in the notice and on the regular
23 installment due dates for the DFY occurring after the due dates of the initial notice.

1 Sec. 589. Rulemaking authority.

2 The Mayor may promulgate rules and regulations in accordance with the District of Columbia
3 Administrative Procedures Act of 1968, approved October 21, 1968 (82 Stat.1204; D.C. Official Code
4 §2-501 *et seq.*) to implement this act.

5 Sec. 590. Sunset.

6 This act shall only remain in effect for the period May 1, 2013 through September 30, 2014.

7 **SUBTITLE J. DPR O-TYPE AMENDMENT**

8 Sec. 591. Short title.

9 This subtitle may be cited as the “Department of Parks and Recreation O-type
10 Amendment Act of 2013”.

11 Sec. 592. Section 4(c)(2) of the Recreation Act of 1994, effective March 23, 1995 (D.C.
12 Law 10-246; D.C. Official Code § 10-303(c)(2)), is amended to read as follows:

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

18 **SUBTITLE K. DEPARTMENT OF BEHAVIORAL HEALTH**

19 Sec. 5101. Short title.

20 This subtitle may be cited as the “Department of Behavioral Health Establishment Act of
21 2013”.

22 Sec. 5102. Definitions.

23 For the purposes of this subtitle, the term:

1 (1) "Behavioral health" means a person's overall social, emotional, and
2 psychological well-being and development.

3 (2) "Behavioral health services" means stand-alone and co-occurring, integrated
4 treatment services for substance abuse and mental health disorders that are designed to promote a
5 person's behavioral health.

6 (3) "Comprehensive Psychiatric Emergency Program" or "CPEP" means a 24-
7 hour/7-days a week program providing emergency psychiatric evaluation and stabilization.

8 (4) "Department" means the Department of Behavioral Health.

9 Sec. 5103. Establishment of the Department of Behavioral Health.

10 Pursuant to section 404(b) of the District of Columbia Home Rule Act, approved
11 December 24, 1973 (87 Stat. 787; D.C. Official Code § 1-204.04(b)), there is established,
12 effective October 1, 2013, a Department of Behavioral Health. This Department shall be a
13 separate, cabinet-level agency, subordinate to the Mayor, within the executive branch of the
14 government of the District of Columbia. The Department shall be the successor in interest to the
15 Department of Mental Health, established by the Department of Mental Health Establishment
16 Amendment Act of 2001, effective December 18, 2001 (D.C. Law 14-56; D.C. Official Code §
17 7-1131.01 *et seq.*), and the Department of Health Addiction Recovery and Prevention
18 Administration, established in the Department of Health by the Reorganization Plan No. 4 of
19 1996.

20 Sec. 5104. Appointment of Director.

21 The Department shall be headed by a Director, who shall:

22 (1) Be appointed by the Mayor with the advice and consent of the Council,
23 pursuant to section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-

1 142; D.C. Official Code § 1-523.01(a));

2 (2) Be qualified by experience and training to carry out the purposes of the
3 Department as set forth in section 7; and

4 (3) Serve at the pleasure of the Mayor.

5 Sec. 5105. Duties of Director.

6 In addition to other duties as may be lawfully imposed, the Director shall supervise and
7 direct the Department, organizing the Department for its efficient operation, including creating
8 offices within the Department, as necessary, and exercising any other powers necessary and
9 appropriate to implement the provisions of this act.

10 Sec. 5106. Department organization.

11 The Department shall have sufficient staff, supervisory personnel, and resources, and be
12 organized to carry out the functions and duties set forth in this act. All real and personal
13 property, Career and Excepted Service, Management Supervisory Service, and trainee positions,
14 assets, records, and obligations, and all unexpended balances of appropriations, allocations, and
15 other funds available or to be made available to the Department of Mental Health and the
16 Department of Health Addiction Prevention and Recovery Administration, or relating to the
17 powers, duties, functions, operations, and administration set forth under sections 8 and 9 of this
18 subtitle, are hereby transferred to the Department effective October 1, 2013.

19 Sec. 5107. Purpose of the Department.

20 The Department shall:

21 (1) Ensure the provision of high-quality behavioral health services by establishing
22 District-wide behavioral health standards and policies;

23 (2) Foster and promote behavioral health education and disease prevention;

1 (3) Develop and maintain an efficient and cost-effective behavioral health care
2 financing system; and

3 (4) Implement, monitor and evaluate the District's strategic behavioral health
4 plan.

5 Sec. 5108. Powers and duties of the Department.

6 Notwithstanding any other provision of law, the Department shall:

7 (1) Plan, develop, coordinate, and monitor comprehensive and integrated
8 behavioral health systems of care for adults and for children, youth, and their families in the
9 District, so as to maximize utilization of behavioral health services and behavioral health
10 supports;

11 (2) Assure that services for priority populations identified in the Department's
12 annual plan are funded within the Department's appropriations or authorizations by Congress
13 and are available;

14 (3) Serve as the State Mental Health Authority (SMHA) and arrange for all
15 authorized, publicly-funded behavioral health services and behavioral health supports for the
16 residents of the District, whether operated directly by, or through contract with, the Department,
17 except that the Department of Youth Rehabilitation Services shall be responsible for the
18 provision of behavioral health services to youth in custody in DYRS secure facilities;

19 (4) Serve as the Single State Agency for Substance Abuse Services (SSA) and
20 promulgate rules, regulations, and certification standards for high-quality prevention, treatment,
21 and recovery support services related to addictions and the abuse of alcohol, tobacco and other
22 drugs in the District of Columbia;

1 (5) Maximize and leverage local, federal, and other available funding to support
2 behavioral health prevention, treatment and recovery support services;

3 (6) Directly operate a hospital to provide inpatient mental health services, and
4 maintain the hospital's certification by the Department of Health and the United States
5 Department of Health and Human Services, Centers for Medicare and Medicaid Services;

6 (7) Make grants, pay subsidies, purchase services, and provide reimbursement for
7 behavioral health services and behavioral health supports;

8 (8) Arrange for, or directly provide, a Comprehensive Psychiatric Emergency
9 Program for all persons identified to the Department who meet criteria for admission for such
10 services;

11 (9) Arrange for a 24-hour, District-wide telephone communication service to
12 provide intervention services for adults, children, and youth in need of behavioral health services
13 and behavioral health supports including, but not limited to, observation, evaluation, emergency
14 treatment, and when necessary, referral for behavioral health services and behavioral health
15 supports;

16 (10) Be the exclusive agency to regulate all behavioral health services and
17 behavioral health supports, including but not limited to outpatient mental health services and all
18 substance abuse and detoxification services;

19 (11) Facilitate the delivery of acute inpatient mental health services and mental
20 health supports through community or public hospitals in the District, including coordinating
21 comprehensive behavioral health services and behavioral health supports for children, youth, and
22 their families;

1 (12) Upon request or on its own initiative, investigate, or ask another agency to
2 investigate, any complaint alleging abuse or neglect of any consumer of behavioral health
3 services, and, if the investigation by the Department or an investigation by any other agency or
4 entity substantiates the charge of abuse or neglect, take appropriate action to correct the situation,
5 including notification of other appropriate authorities; and

6 (13) Exercise all other powers, duties, functions and responsibilities previously
7 assigned to the Department of Mental Health pursuant to D.C. Law 14-56, effective Dec. 18,
8 2001, (D.C. Official Code § 7-1131.01, et seq.) and to the Department of Health Addiction
9 Recovery and Prevention Administration pursuant to Reorganization Plan No. 4 of 1996.

10 Sec. 5109. Transfer of authority and functions.

11 The following powers, duties, functions and responsibilities are hereby transferred to the
12 Department of Behavioral Health effective October 1, 2013:

13 (1) Each of the functions assigned and authorities granted and delegated to the
14 Director of the Department of Mental Health, and the Department of Mental Health, as set forth
15 in the Department of Mental Health Establishment Amendment Act of 2001, effective December
16 18, 2001 (D.C. Law 14-56; D.C. Official Code § 7-1131.01 *et seq.*); and

17 (2) Each of the functions assigned and authorities granted and delegated to the
18 Department of Health Addiction Recovery and Prevention Administration as set forth in Sections
19 IV(A)(3) of Reorganization Plan No. 4 of 1996.

20 Sec. 5110. Continuation of rules and regulations.

21 All rulemaking and regulations for the administration of the District's public mental
22 health system and the addiction, recovery and prevention system, issued under appropriate
23 authority, shall continue in full force and effect until otherwise superseded.

1 Sec. 5111. Repeal of the Department of Mental Health Establishment Amendment Act.

2 The Department of Mental Health Establishment Amendment Act of 2001, effective
3 December 18, 2001 (D.C. Law 14-56; D.C. Official Code § 7-1131.01 *et seq.*), is repealed.

4 **SUBTITLE L. TANF BENEFITS REDUCTION DELAY**

5 Sec. 5121. Short title.

6 This subtitle may be cited as the “District of Columbia Public Assistance Amendment
7 Act 2013”.

8 Sec. 5122. Section 5022 of the Fiscal Year 2012 Budget Support Act of 2011, effective
9 September 14, 2011 (D.C. Law 19-21; 58 DCR 6266), is amended to read as follows:

10 “Sec. 5022. Section 552 of the District of Columbia Public Assistance Act of 1982,
11 effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.52), is amended by striking
12 the current subsection (c-3) in its entirety and inserting the following in its place:

13 “(c-3) In addition to the reduction set forth in subsection (c-2) of this section, the
14 following adjustments shall be made to the level of public assistance payment for assistance units
15 subject to section 511b:

16 “(1) For fiscal year 2014, a reduction of 25% of the fiscal year 2013
17 amount;

18 “(2) For fiscal year 2015, a reduction of 41.7% of the fiscal year 2014
19 amount; and

20 “(3) For fiscal year 2016 and thereafter, no benefits shall be provided.”.

21 **SUBTITLE M. DHS MOU AUTHORITY**

22 Sec. 5131. Short title.

1 This subtitle may be cited as the “Department of Human Services Memorandum of
2 Understanding Authority for Substance Abuse Treatment Act of 2013”.

3 Sec. 5132. For fiscal year 2014, the Department of Human Services may enter into a
4 Memorandum of Understanding of up to \$2.5 million with the Department of Behavioral Health
5 for a substance abuse treatment program for Temporary Assistance for Needy Families clients.

6 **SUBTITLE N. HOSPITAL FINANCING CAPITAL PLAN**

7 Sec. 5141. Short title.

8 This subtitle may be cited as the “Hospital Financing Capital Plan Act of 2013”.

9 Sec. 5142. By October 1, 2013, the Executive shall prepare a report for public review, in
10 consultation with the Office of the Chief Financial Officer and Huron Healthcare that analyzes
11 public and private financing options that will generate a minimum of an additional \$60 million
12 for the construction of a new hospital on the grounds of United Medical Center. All financing
13 packages shall be in addition to the \$20 million of existing, proposed District capital funds for
14 planning and site development for the new hospital.

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

16 **SUBTITLE A. SAFETY-BASED TRAFFIC ENFORCEMENT FINE REDUCTION**

17 **AMENDMENT**

18 Sec. 601. Short title.

19 This subtitle may be cited as the “Safety-Based Traffic Enforcement Fine Reduction
20 Amendment Act of 2013”.

21 Sec. 602. Section 105 of the Safety-Based Traffic Enforcement Amendment Emergency
22 Act of 2012, effective January 19, 2013 (D.C. Act 19-635; 60 DCR 1731), is repealed.

1 Sec. 603. Section 105 of the Safety-Based Traffic Enforcement Amendment Act of 2012,
2 returned unsigned by the Mayor on February 11, 2013 (D.C. Act 19-674; 60 DCR 2753), is
3 repealed.

4 Sec. 604. Section 2600.1 of Title 18 of the District of Columbia Municipal Regulations is
5 amended as follows:

6 (a) The existing text under the subheading “Intersection” is amended by striking the
7 phrase “\$100” after the phrase “Failure to clear (including crosswalks) [§ 2201.11]” and
8 inserting the phrase “\$50” in its place.

9 (b) The existing text under the subheading “Right-of-way” is amended by striking the
10 phrase “\$250” after the phrase “Failure to stop and give right-of-way to pedestrian in roadway [§
11 2208]” and inserting the phrase “\$75” in its place.

12 (c) The subheading “Right turn on red” and existing text is amended to read as follows:

- 13 “Right turn on red
14 Failure to come to a complete stop before turning [§ 2103.7] \$50
15 Failure to yield right-of-way to vehicle or pedestrian [§ 2103.7] \$50
16 Violation of “No Turn on Red” sign [§ 4013] \$50”.

17 (d) The existing text under the subheading “Speeding” is amended to read as follows:

- | | |
|--|-------|
| (1) Up to 10 mph in excess of limit [§ 2200] | \$50 |
| (2) 11 to 15 mph in excess of limit [§ 2200] | \$100 |
| (3) 16 to 20 mph in excess of limit [§ 2200] | \$150 |
| (4) 21 to 25 mph in excess of limit [§ 2200] | \$200 |
| (5) Over 25 mph in excess of limit [§ 2200] | \$300 |
| (6) Minimum; driving too slowly [§ 2200.10] | \$50 |

1 **SUBTITLE B. DMV IMMOBILIZATION AMENDMENT**

2 Sec. 611. Short title.

3 This subtitle may be cited as the “DMV Immobilization Amendment Act of 2013”.

4 Sec. 612. (a) Section 6(k) of the District of Columbia Traffic Act, 1925, approved March
5 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(k)), is amended by adding a new
6 paragraph (5) to read as follows:

7 “(5) Before removal of an immobilization mechanism on a motor vehicle or
8 release of a motor vehicle from impoundment, the owner shall pay all outstanding fees, charges,
9 civil fines, or penalties, incurred pursuant to section 15(b)(2)(A) of the Compulsory/No Fault
10 Motor Vehicle Insurance Act of 1982, effective September 18, 1982 (D.C. Law 4-155; D.C.
11 Official Code § 31-2413(b)(2)(A)), sections 1 and 6 of An Act to provide for the annual
12 inspection of all motor vehicles in the District of Columbia, approved February 18, 1938 (52
13 Stat. 78; D.C. Official Code §§ 50-1101 and 1106), sections 6, 7 and 8 of the District of
14 Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code §§ 50-
15 2201.03, 1401.01, and 1401.02, sections 2 and 3 of Title IV of the District of Columbia Revenue
16 Act of 1937, approved August 17, 1937 (50 Stat. 681; D.C. Official Code §§ 50-1501.02 and
17 1501.03), sections 105 and 304a of The District of Columbia Traffic Adjudication Act of 1978,
18 effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code §50-2301.05 and 50-
19 2303.04a), and Section 9(a) of the Removal and Disposition of Abandoned and Other
20 Unlawfully Parked Vehicles Reform Act of 2003, effective October 28, 2003 (D.C. Law 15-35;
21 D.C. Official Code § 50-2421.09), against the owner or any motor vehicle in which he or she has
22 an ownership interest or had an ownership interest when a notice of infraction was issued.”

1 (b) Section 9(a)(4) of the Removal and Disposition of Abandoned and Other Unlawfully
2 Parked Vehicles Reform Act of 2003, effective October 28, 2003 (D.C. Law 15-35; D.C. Official
3 Code § 50-2421.09(a)(4) is amended to read as follows:

4 “(4) Pay in accordance with D.C. Official Code § 50-2201.03(k)(5);”

5 **SUBTITLE C. WEATHERIZATION PLUS HEALTH**

6 Sec. 621. Short title.

7 This subtitle may be cited as the “Weatherization Plus Health Amendment Act of 2013”.

8 Sec. 622. Section 210(c)(8) of the Clean and Affordable Energy Act of 2008, effective
9 October 22, 2008 (D.C. Law 17-250; D.C. Official Code § 8-1774.10(c)), is amended to read as
10 follows:

11 “(8) Weatherization, heating system repair and replacement, and lead and healthy homes
12 programs for fiscal year 2014 in the amount of \$1.3 million.”

13 **SUBTITLE D. STORMWATER IN-LIEU FEE SPECIAL PURPOSE REVENUE**

14 **FUND**

15 Sec. 631. Short title.

16 This subtitle may be cited as the “Stormwater In-Lieu Fee Special Purpose Revenue Fund
17 Act of 2013”.

18 Sec. 632. The Water Pollution Control Act of 1984, effective March 16, 1985 (D.C. Law
19 5-188; D.C. Official Code § 8-103.01 *et seq.*), is amended by adding a new subsection 10b to
20 read as follows:

21 “(a) There is established as a nonlapsing fund the Stormwater In-Lieu Fee
22 Payment Special Purpose Revenue Fund (“In-Lieu Fee Fund”). The Mayor shall allocate
23 payments to the In-Lieu Fee Fund to achieve stormwater retention obligations of regulated

1 properties, as required by the Municipal Separate Storm Sewer System permit issued to the
2 District by the Environmental Protection Agency. The Mayor shall manage the collection,
3 expenditure, and exclusive use of such funds for the installation, operation, and maintenance of
4 stormwater retention facilities.

5 “(b) All revenues, proceeds, and moneys that are deposited into the In-Lieu Fee
6 Fund shall not revert to the unrestricted fund balance of the General Fund of the District of
7 Columbia at the end of a fiscal year, or at any other time, but shall be continually available for
8 the uses and purposes set forth in subsection (a) of this section without regard to fiscal year
9 limitation, subject to authorization by Congress.”.

10 **SUBTITLE E. DDOT PARKING METER REVENUE AMENDMENT**

11 Sec. 641. Short title.

12 This subtitle may be cited as the “District Department of Transportation Parking Meter
13 Revenue Amendment Act of 2013”.

14 Sec. 642. The Performance Parking Pilot Zone Act of 2008, effective November 25, 2008
15 (D.C. Law 17-279; D.C. Official Code § 50-2531 *et seq.*) is amended as follows:

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

17 (1) Paragraph (a)(2) is repealed.

18 (2) Subsection (b) is amended by striking the phrase “for projects within the zone from
19 which revenues were raised”.

20 (b) Section 5 is amended to read as follows:

21 “One hundred percent of the amounts collected from the parking of vehicles where meters
22 or devices are installed shall be used in accordance with § 50-2603(8) to fund the general operations
23 of the Washington Metropolitan Area Transit Authority, except in accordance with § 50-921.14 that

1 portion which is necessary to transfer to the District Department of Transportation Parking Meter
2 Pay-by-phone Transaction Fee Fund to pay the vendor responsible for maintaining the parking
3 meter pay-by-phone payment system’s annual total of transaction fees.”.

4 Sec. 643. Section 3(h) of the District of Columbia Motor Vehicle Parking Facility Act of
5 1942, approved February 16, 1942 (56 Stat. 90; D.C. Official Code § 50–2603(8)) is amended as
6 follows:

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

8 “(1) One hundred percent of the amounts collected from the parking of vehicles
9 where meters or devices are installed shall be used to fund the general operations of the Washington
10 Metropolitan Area Transit Authority, except in accordance with § 50-921.14 that portion which is
11 necessary to transfer to the District Department of Transportation Parking Meter Pay-by-phone
12 Transaction Fee Fund to pay the vendor responsible for maintaining the parking meter pay-by-
13 phone payment system’s annual total of transaction fees.”.

14 (b) Paragraphs (h)(2) and (h)(3) are repealed.

15 Sec. 644. Subsection 9g(b) of the Department of Transportation Establishment Act of 2002,
16 effective May 21, 2002 (D.C. Law 14–137; D.C. Official Code § 50–921.15(b)) is repealed.

17 Sec. 645. Section 6025 of the Fiscal Year 2013 Budget Support Act of 2012, effective
18 September 20, 2012 (D.C. Law 19-168; 59 DCR 8025) is repealed.

19 **TITLE VII. FINANCE AND REVENUE**

20 **SUBTITLE A. SUBJECT TO APPROPRIATIONS REPEALERS**

21 Sec. 701. Short title.

22 This subtitle may be cited as the “Subject to Appropriations Repealers Amendment Act
23 of 2013”.

1 Sec. 702. Section 3 of the Land Acquisition for Housing Development Opportunities
2 Program Act of 2010, effective December 3, 2010 (D.C. Law 18-260; 57 DCR 9632), is
3 repealed.

4 Sec. 703. Section 5 of the UNCF Tax Abatement and Relocation to the District
5 Assistance Act of 2010, effective August 6, 2010 (D.C. Law 18-211; 57 DCR 4951), is repealed.

6 Sec. 704. Section 3 of the Carver 2000 Low-Income and Senior Housing Project
7 Amendment Act of 2011, effective July 13, 2012 (D.C. Law 19-151; 59 DCR 5134), is repealed.

8 Sec. 705. Section 4 of the Elizabeth Ministry, Inc. Affordable Housing Initiative Real
9 Property Tax Relief Act of 2012, effective _____ XX, 2013 (D.C. Law 20-__ ; 60 DCR 982),
10 is repealed.

11 Sec. 706. Section 3 of the King Towers Residential Housing Real Property Tax
12 Exemption Clarification Act of 2012, effective July 13, 2012 (D.C. Law 19-153; 59 DCR 5139),
13 is repealed.

14 Sec. 707. Section 7 of the Taxicab Service Improvement Amendment Act of 2012,
15 effective October 22, 2012, (D.C. Law 19-184; 59 DCR 9452), is repealed.

16 Sec. 708. Section 3 of the 8th Street Plaza Condominium Association, Inc. Clarification
17 Act of 2012, effective October 22, 2012 (D.C. Law 19-178; 59 DCR 9417), is repealed.

18 Sec. 709. Section 3 of the Parkside Parcel E and J Mixed-Income Apartments Tax
19 Abatement Act of 2012, effective _____ XX, 2013 (D.C. Law 20-__ ; 60 DCR __), is
20 repealed.

21 Sec. 710. Section 3 of the Israel Senior Residences Tax Exemption Act of 2012, effective
22 _____ XX, 2013 (D.C. Law 20-XX; 60 DCR __), is repealed.

1 **SUBTITLE B. TAX INCREMENT REVENUE BONDS DC USA PROJECT**

2 **EXTENSION**

3 Sec.721. Short Title.

4 This subtitle may be cited as the "Tax Increment Revenue Bonds DC USA Project
5 Extension Act of 2013".

6 Sec. 722. Definitions.

7 For the purpose of this act, the term:

8 (1) "Available Real Property Tax Revenues" means the revenues resulting from
9 the imposition of the tax provided for in Chapter 8 of Title 47 and the tax imposed by Section
10 47-1005.01 of Title 47, including any penalties and interest charges, exclusive of the special tax
11 provided for in section 481 of the District of Columbia Home Rule Act, approved December 24,
12 1973 (87 Stat. 774; D.C. Official Code § 1-204.81), pledged to the payment of general obligation
13 indebtedness of the District.

14 (2) "Available Sales Tax Revenues" means the revenues resulting from the
15 imposition of the tax imposed pursuant to Chapter 20 of Title 47, including any penalties and
16 interest charges, exclusive of the portion thereof required to be deposited in the Washington
17 Convention Center Authority Fund established pursuant to section 208 of the Washington
18 Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188;
19 D.C. Official Code § 10-1202.08).

20 (3) "Available Tax Increment" means the sum of the Available Sales
21 Tax Revenues and Available Real Property Tax Revenues generated by the DC-USA Project TIF
22 Area minus the sum of Available Sales Tax Revenues and Available Real Property Tax
23 Revenues generated in the respective base year, as certified by the Chief Financial Officer.

1 (4) "Bonds" means the \$46,900,000 National Capital Revitalization Variable
2 Rate Revenue Bonds (DC USA Parking Garage Project) Series 2006.

3 (5) "Chief Financial Officer" means the Chief Financial Officer of the District.

4 (6) "District" means the District of Columbia.

5 (7) "DC USA Project TIF Area" means the following parcels and lots and
6 squares: Square 2674, Lot 0866; Square 2674, Lot 0720; Square 2674, Lot 0863; Square 2674,
7 Lot 0832; Square 2674, Lot 0812; Square 2674, Lot 0869; Square 2674, Lot 0719; Square 2674,
8 Lot 0872; Square 2674, Lot 0870; Square 2674, Lot 0871.

9 Sec. 723. Allocation of Available Tax Increment.

10 There is hereby allocated to the repayment of the Bonds 100% of the Available Tax
11 Increment until such time as the Bonds are paid in full. The Available Real Property Tax
12 Revenues shall be calculated based upon the assessed value of the real property comprising the
13 DC-USA Project TIF Area as of January 1, 2004 for the base year of tax year 2005 as certified
14 by the Chief Financial Officer. The Available Sales Tax Revenues shall be calculated based
15 upon the sales tax revenue for base year 2003 as certified by the Chief Financial Officer.

16 **SUBTITLE C. DELINQUENT DEBT RECOVERY AMENDMENT**

17 Sec. 731. Short title.

18 This subtitle may be cited as the "Delinquent Debt Recovery Amendment Act of 2013".

19 Sec. 732. The District of Columbia Delinquent Debt Recovery Act of 2012, effective
20 September 20, 2012, (D.C. Law 19-168; D.C. Official Code § 1-350.01 *et seq.*) is amended as
21 follows:

22 (a) New section 1043a is added to read as follows:

1 “Sec. 1043a. Collections on Behalf of the Not-For-Profit Hospital Corporation.

2 “Funds collected and recovered by the Central Collection Unit, beginning in fiscal year
3 2014 and continuing in the following fiscal years, arising out of delinquent debts transferred and
4 referred to the Central Collection Unit by the Not-For-Profit Hospital Corporation for collection,
5 net of costs and fees, shall be deposited into the Not-For-Profit Hospital Corporation Fund by the
6 Central Collection Unit within 60 days following the then current fiscal year.”

7 (b) Section 1045 is amended by inserting the phrase “except those amounts collected by
8 the Central Collection Unit described in section 1043a,” before the phrase “and all fees
9 authorized by section 1044”.

10 **SUBTITLE D. BANK FEES SPECIAL FUND**

11 Sec. 741. Short title.

12 This subtitle may be cited as the “Bank Fees Special Fund Act of 2013”.

13 Sec. 742. (a) There is hereby established separate and apart from the General Fund a
14 special lapsing fund designated as the Bank Fees Special Fund (“Fund”), the funds of which shall
15 be used for the Office of the Chief Financial Officer to pay bank fees and charges, subject to
16 appropriations by Congress.

17 (b)The following funds shall be deposited into the Fund, beginning October 1, 2013:

18 (1) All interest earned on public funds under the custody of the Chief Financial
19 Officer in a general fund account that are not otherwise restricted; and

20 (2) Such amounts from the unassigned General Fund balance as may be required
21 to pay bank fees and charges, as they come due, in excess of the interest earned on public funds
22 as described in paragraph (b)(1) of this section.

23 **SUBTITLE E. AFFORDABLE HOUSING REAL PROPERTY TAX RELIEF**

1 Section 751. Short title.

2 This subtitle may be cited as the “Affordable Housing Real Property Tax Relief Act of
3 2013”.

4 Section 752. Section 47-1002(20)(A)(ii) of the District of Columbia Official Code is
5 amended by striking the “ ; ” at the end of the sentence and inserting “or payments made under
6 any renewal of a contract originally made under the new construction, substantial rehabilitation
7 or moderate rehabilitation programs that entitled the property to the exemption provided under
8 the preceding clause of this subparagraph (A)(ii);” in its place.

9 Section 753. Applicability.

10 This subtitle shall apply with respect to renewal contracts entered into prior to, as well as
11 on or after, the effective date of this subtitle.

12 **SUBTITLE F. BEULAH BAPTIST CHURCH REAL PROPERTY EQUITABLE**
13 **TAX RELIEF**

14 Sec. 761. Short title.

15 This subtitle may be cited as the “Beulah Baptist Church Real Property Equitable Tax
16 Relief Act of 2013”

17 Sec. 762. Section 47-4654(d) of the District of Columbia Official Code is amended by 18
18 striking the phrase “September 30, 2010.” and inserting the phrase “September 30, 2020, and any
19 19 real property taxes, interest, penalties, fees, or other related charges assessed, as of the
20 effective 20 date of this act, against this real property with respect to this period are forgiven and
21 any 21 payment already made shall be refunded.” in its place.

22 **SUBTITLE G. GALA HISPANIC THEATER REAL PROPERTY TAX**
23 **ABATEMENT**

1 Sec. 771. Short title.

2 This subtitle may be cited as the “GALA Hispanic Theatre Real Property Tax Abatement
3 Act of 2013”.

4 Sec. 772. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as
5 follows:

6 (a) The table of contents is amended by adding a new section designation “§ 47-46 __.
7 GALA Hispanic Theatre; Lot 79, Square 2837.”.

8 (b) A new section 47-46 __ is added to read as follows:

9 “§ 47-46 __. GALA Hispanic Theatre; Lot 79, Square 2837.

10 “(a) Real property taxes assessed against Lot 79, Square 2837 in excess of the
11 amount of taxes levied for tax year 2005 shall be abated to the extent that the excess is allocable
12 to the portion of the property leased to the Grupo de Artistas Latinoamericanos, G.A.L.A., Inc.,
13 also known as the GALA Hispanic Theatre (“GALA”), under the terms of its lease, so long as
14 such portion is leased to GALA and is used for the purpose of producing and staging live theatre
15 performances; provided, that the benefit of this abatement shall be passed on to GALA in the
16 form of reduced rent equal to the amount of the abatement.

17 “(b) Both GALA and its landlord shall provide to the Office of Tax and Revenue
18 (“OTR”), at the time and in the manner directed by OTR, the information as OTR may consider
19 necessary to determine the amount of the abatement allowable for a taxable year and to verify
20 eligibility for the abatement.

21 “(c) The abatement provided under this section shall apply beginning with tax
22 year 2011. If the property becomes ineligible for the abatement, the abatement shall end at the
23 beginning of the month following the month that the property becomes ineligible.”.

1 **SUBTITLE H. ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

2 **REIMBURSABLE DETAIL AMENDMENT**

3 Sec. 781. Short title.

4 This subtitle may be cited as the “Alcoholic Beverage Regulation Administration
5 Reimbursable Detail Amendment Act of 2013”.

6 Sec. 782. Section 47-2002(b) is repealed.

7 **SUBTITLE I. MUNICIPAL BOND TAX REPEAL**

8 Sec. 791. Short title.

9 This subtitle may be cited as the “Out-of-State Municipal Bond Tax Repeal Act of 2013”.

10 Sec. 792. Section 47-1803.02(a) of the District of Columbia Official Code is amended as
11 follows:

12 (a) Paragraph (1)(B) is amended by striking the phrase “For individuals, estates, and
13 trusts, interest upon the obligations of a state, territory of the United States, or any political
14 subdivision thereof, but not including the District, acquired by the taxpayer on or after January 1,
15 2012, shall be included in the computation of District gross income.” and inserting the phrase
16 “Individuals, estates, and trusts shall not include interest on the obligations of the District of
17 Columbia, a state, a territory of the United States, or any political subdivision thereof, in the
18 computation of District gross income.” in its place.

19 (b) Paragraph (1A) is repealed in its entirety.

20 **SUBTITLE J. MANDARIN HOTEL FY13 AND FY14 FUND TRANSFERS**

21 Sec. 7101. Short title.

22 This subtitle may be cited as the “Mandarin Hotel FY13 and FY14 Fund Transfers
23 Amendment Act of 2013”.

1 Sec. 7102. The Chief Financial Officer shall recognize the additional tax increment
2 revenue in fiscal years 2013 and 2014 above that which was needed for debt service for the
3 Mandarin Oriental Hotel Project Bonds, Series 2002 for the Mandarin Oriental Hotel Project, as
4 defined in section 2(a)(2) of the Mandarin Oriental Hotel Project Tax Deferral Act of 2002,
5 effective March 25, 2003 (D.C. Law 14-232; D.C. Official Code § 2-1217.32(a)(2)), for each of
6 these years, as fiscal year 2013 and 2014 local funds revenue.

7 Sec. 7103. Mandarin Hotel Debt Repayments

8 Section 4 of the Mandarin Oriental Hotel Project Tax Deferral Act of 2002, effective
9 March 25, 2003 (D.C. Law 14-232; D.C. Official Code § 2-1217.32), is amended by adding a
10 new subsection (e) to read as follows:

11 “(e) Beginning in fiscal year 2015, to the extent that it does not violate the terms
12 of any financing documents, closing documents, lien, pledge, security interest, or other
13 covenants (collectively, “financing documents”) under which the bonds or other evidence of
14 indebtedness described in this section (“bonds”) were issued, and notwithstanding section 6
15 (D.C. Official Code § 2-1217.05(e)), if after accounting for transfers authorized to the General
16 Fund of the District of Columbia under current law, at the end of a fiscal year the balance of cash
17 and investments in the Mandarin TIF revenue fund created by the indenture for the bonds
18 exceeds the balance of current liabilities, including debt service, required reserves, and required
19 sinking fund deposits under the bonds or financing documents required to be paid from the funds
20 in the Mandarin TIF revenue fund created by the indenture for the bonds, the excess shall be
21 used to pay in advance of scheduled maturity any principal amount and accrued interest thereon
22 due on the bonds.”.

23 **SUBTITLE K. COMBINED REPORTING**

1 Sec. 7111. Short title.

2 This title may be cited as the “Combined Reporting Clarification Act of 2013”.

3 Sec. 7112. Chapter 18 of Title 47 of the District of Columbia Official Code is amended as
4 follows:

5 (a) The table of contents is amended by striking the designation “§ 47-1810.06. Designation of
6 surety.” and inserting the designation “§ 47-1810.06. Designation of agent.” in its place.

7 (b) Section 47-1801.04 is amended to read as follows:

8 “§ 47-1801.04. General definitions.

9 “For the purposes of this chapter, unless otherwise required by the context, the term:

10 “(1) “Affiliated group” means an affiliated group as defined in section 1504 of the
11 Internal Revenue Code of 1986; provided, that the affiliated group shall not include any corporation
12 that does not have gross income derived from sources within the District.

13 “(2) “Aggregated effective tax rate” means the sum of the effective rates of tax
14 imposed by the District of Columbia, states, or possessions of the United States, and foreign nations
15 that have entered into comprehensive tax treaties with the United States government, where a related
16 member receiving a payment of interest expense or intangible expense is subject to tax and where the
17 measure of the tax imposed included the payment.

18 “(3) “Apportioned net operating loss” means the net operating loss generated in the
19 year of the loss multiplied by the District of Columbia's apportionment formula for the loss year.

20 “(4) “Blind” means a taxpayer whose central visual acuity does not exceed 20/200 in
21 the better eye with correcting lenses or whose visual acuity is greater than 20/200 but is accompanied
22 by a limitation in the field of vision such that the widest diameter of the visual field subtends an angle
23 no greater than 20 degrees.

1 “(5) “Business income” means all income that is apportionable under the Constitution
2 of the United States.

3 “(6)(A) “Capital asset” means property defined or treated as a capital asset under the
4 Internal Revenue Code of 1986.

5 “(B) For the purpose of computing for any taxable year, the tax imposed under
6 this chapter with respect to sales or other dispositions of property referred to in subparagraph (A) of
7 this paragraph, the provisions of the Internal Revenue Code of 1986 relating to the treatment of gains
8 and losses (other than the alternative tax imposed by section 1201 of the Internal Revenue Code of
9 1986) shall apply.

10 “(7) “Combined group” means the group of all persons whose income and
11 apportionment factors are required to be taken into account pursuant to § 47-1805.02a(a) and (b) and
12 the pertinent regulations in determining the taxpayer’s share of the net business income or loss
13 apportionable to the District.

14 “(8) “Commercial domicile” means the principal place from which the trade or
15 business of the taxpayer is directed or managed.

16 “(9) “Compensation” means wages, salaries, commissions, and any other form of
17 remuneration paid to an employee for personal services.

18 “(10) “Corporation” means:

19 “(A) Any corporation as defined by the laws of the District or organization of
20 any kind treated as a corporation for tax purposes under the laws of the District, wherever located,
21 which, were it doing business in the District, would be subject to the tax imposed by this chapter;

1 “(B) A joint-stock company, trust, association and S corporation as defined in
2 section 1361(a) of the Internal Revenue Code of 1986, or other organization that is taxable as a
3 corporation under federal income tax law.

4 “(11)(A) “Cost-of-living adjustment” means an amount, for any calendar year, equal
5 to the dollar amount set forth in paragraph (44)(A) and (B) of this section or § 47-1806.02(f)(1)(A)
6 and (i) multiplied by the percentage that the Consumer Price Index for the preceding calendar year
7 exceeds the Consumer Price Index for the calendar year beginning January 1, 2007.

8 “(B) For the purposes of this paragraph, the Consumer Price Index for any
9 calendar year is the average of the Consumer Price Index for the Washington-Baltimore Metropolitan
10 Statistical Area for all-urban consumers published by the Department of Labor, or any successor
11 index, as of the close of the 12-month period ending on July 31 of such calendar year.

12 “(12) “Deficiency” with respect to any tax imposed by this chapter means:

13 “(A) The amount or amounts by which the tax imposed by this chapter, as
14 determined by the Chief Financial Officer, exceeds the amount shown as the tax by the taxpayer upon
15 his return; or

16 “(B) The amount assessed as a tax by the Chief Financial Officer if no return
17 is filed by the taxpayer.

18 “(13) “Dependent” means a dependent as defined in section 152 of the Internal
19 Revenue Code of 1986.

20 “(14) “Dividend” means any distribution made by a corporation or financial
21 institution (domestic or foreign) to its stockholders or members, out of its earnings, profits, or surplus,
22 other than paid-in surplus, whenever earned by the corporation or financial institution and whether
23 made in cash or in any other property (other than stock of the same class in the corporation or financial

1 institution, if the recipient of the stock dividend has neither received nor exercised an option to receive
2 the dividend in cash or in property other than stock instead of stock) and whether distributed before,
3 during, upon, or after liquidation or dissolution of the corporation or financial institution; except, that
4 in the case of any such distribution, any part of which for purposes of the income tax imposed under
5 the Internal Revenue Code of 1986 is deemed to constitute a capital gain, such part shall be deemed to
6 constitute a capital gain for purposes of the tax imposed by this chapter; provided, that in the case of
7 any dividend that is distributed other than in cash or stock in the same class in the corporation or
8 financial institution and not exempted from tax under this chapter, the basis of tax to the recipient shall
9 be the market value of the property at the time of the distribution; provided further, that a dividend
10 shall not include any dividend paid by a mutual life insurance company to its shareholders.

11 “(15) “Doing business” means any activity of a partnership, corporation or financial
12 institution that enjoys the benefits and protection of the government and laws of the District.

13 “(16) “Domestic partners” means persons who have registered their relationship with
14 the District pursuant to § 32-702.

15 “(17) “Employee” means an individual having a place of abode or residing or
16 domiciled within the District at the time the tax is required to be withheld in respect to the individual's
17 employment by another, and to every other individual who maintains a place of abode within the
18 District for an aggregate of 183 days or more during the taxable year, whether domiciled in the
19 District or not, including an officer of a corporation, but excluding any elective officer of the
20 government of the United States or any officer or employee in the legislative branch of the
21 government of the United States whose compensation is paid by the Secretary of the Senate or Clerk
22 of the House of Representatives, any officer of the executive branch of the government of the United
23 States whose appointment was made by the President of the United States, subject to confirmation by

1 the Senate of the United States, and whose tenure of office is at the pleasure of the President of the
2 United States, or any Justice of the Supreme Court of the United States, unless the officer, employee,
3 or justice is domiciled within the District of Columbia at any time during the taxable year.

4 “(18) “Employer” means an employer as defined in section 3401(d) of the Internal
5 Revenue Code of 1986.

6 “(19) “Fiduciary” means a guardian, trustee, executor, committee, administrator,
7 receiver, conservator, or any other person acting in any fiduciary capacity for any person.

8 “(20) “Financial institution” means any bank or trust company incorporated or
9 required to be incorporated and doing business under the laws of the United States, the District of
10 Columbia, or any state, a substantial part of the business of which consists of receiving deposits and
11 making loans and discounts or of exercising fiduciary powers similar to those permitted to national
12 banks under authority of the Comptroller of the Currency and which is subject by law to supervision
13 and examination by the District or by any state, territorial, or federal authority having supervision over
14 the financial institution, including:

15 “(A) Any savings and loan associations; and

16 “(B) Any company, a substantial part of the business of which consists of
17 receiving deposits and making loans and discounts or of exercising fiduciary powers similar to those
18 permitted to national banks under authority of the Comptroller of the Currency, which is organized or
19 created under the laws of a foreign country and which maintains an office or branch in the District.

20 “(21) “Fiscal year” means an accounting period of 12 months ending on any day other
21 than the last day of December and on the basis of which the taxpayer is required to report for federal
22 income tax purposes.

1 “(22) “Head of household” shall have the same meaning as defined in section 2(b) of
2 the Internal Revenue Code of 1986.

3 “(23) “Individual” means all natural persons (other than fiduciaries), whether married,
4 domestic partners, or unmarried.

5 “(24) “Intangible expense” means:

6 “(A) An expense, loss, or cost for, related to, or in connection directly or
7 indirectly with the direct or indirect acquisition, use, maintenance, management, ownership, sale,
8 exchange, or any other disposition of intangible property, to the extent the expense, loss, or cost is
9 allowed as a deduction or cost in determining taxable income for the taxable year under the Internal
10 Revenue Code of 1986;

11 “(B) A loss related to or incurred in connection directly or indirectly with
12 factoring transactions or discounting transactions;

13 “(C) A royalty, patent, technical, or copyright and licensing fee; or

14 “(D) Any other similar expense or cost.

15 “(25) “Intangible property” means patents, patent applications, trade names,
16 trademarks, service marks, copyrights, and similar types of intangible assets.

17 “(26) “Interest expense” means an amount directly or indirectly allowed as a
18 deduction under section 163 of the Internal Revenue Code of 1986 for purposes of determining
19 taxable income under the Internal Revenue Code of 1986.

20 “(27) “Internal Revenue Code of 1954” means the Internal Revenue Code of 1954,
21 approved April 6, 1954 (68A Stat. 3; 26 U.S.C. § 1 *et seq.*), as amended through May 24, 1985.

1 “(28) “Internal Revenue Code of 1986” means the Internal Revenue Code of 1986,
2 approved October 22, 1986 (100 Stat. 2085; 26 U.S.C. § 1 et seq.); which provisions shall apply on
3 the same dates that they are effective for federal tax purposes.

4 “(29) “International banking facility” or “IBF” shall have the same meaning as
5 provided in section 204.8(a)(1) of Regulation D of the Board of Governors of the Federal Reserve
6 System, effective December 3, 1981 (12 CFR § 204.8(a)(1)).

7 “(30) “International banking facility extension of credit” or “IBF loan” shall have the
8 same meaning as provided in section 204.8(a)(3) of Regulation D of the Board of Governors of the
9 Federal Reserve System, effective December 3, 1981 (12 CFR § 204.8(a)(3)).

10 “(31) “International Banking Facility time deposit” or “IBF time deposit” shall have
11 the same meaning as provided in section 204.8(a)(2) of Regulation D of the Board of Governors of the
12 Federal Reserve System, effective December 3, 1981 (12 CFR § 204.8(a)(2)).

13 “(32) “Net operating loss” shall have the same meaning as provided in section 172(c)
14 of the Internal Revenue Code of 1986, subject to limitations and modifications provided in this
15 section.

16 “(33) “Net operating loss deduction” means the aggregate of the apportioned net
17 operating loss carryovers to the taxable year.

18 “(34) “Nonbusiness income” means all income other than business income.

19 “(35) “Nonresident” means every individual other than a resident.

20 “(36) “Ownership” in determining the ownership of stock, assets, or net profits of any
21 person, means the constructive ownership of section 318(a) of the Internal Revenue Code of 1986 as
22 modified by section 856(d)(5) of the Internal Revenue Code of 1986.

1 “(37) “Partnership” means a general or limited partnership or organization of any kind
2 that is treated as a partnership for tax purposes under the laws of the District of Columbia.

3 “(38) “Payroll period” means a payroll period as defined in section 3401(b) of the
4 Internal Revenue Code of 1986.

5 “(39) “Person” means any individual, firm, partnership, general partner of a
6 partnership, limited liability company, registered limited liability partnership, foreign limited liability
7 partnership, association, corporation (whether or not the corporation is, or would be if doing business
8 in the District, subject to this chapter), unincorporated business, company, syndicate, estate, trust,
9 business trust, trustee, trustee in bankruptcy, receiver, executor, administrator, assignee, fiduciary, or
10 organization of any kind.

11 “(40) “Related entity” means a person that under the attribution rules of section 318 of
12 the Internal Revenue Code of 1986 is:

13 “(A) A stockholder who is an individual, or a member of the stockholder’s
14 family as enumerated in section 318 of the Internal Revenue Code of 1986, if the stockholder and the
15 members of the stockholder’s family own, directly, indirectly, beneficially, or constructively, in the
16 aggregate, at least 50% of the value of the taxpayer’s outstanding stock;

17 “(B) A stockholder, or a stockholder’s partnership, limited liability company,
18 estate, trust, or corporation, if the stockholder and the stockholder’s partnerships, limited liability
19 companies, estates, trusts, and corporations own directly, indirectly, beneficially, or constructively, in
20 the aggregate, at least 50% of the value of the taxpayer’s outstanding stock; or

21 “(C) A corporation, or a party related to the corporation in a manner that
22 would require an attribution of stock from the corporation to the party or from the party to the
23 corporation under the attribution rules of section 318 of the Internal Revenue Code of 1986 (“party

1 related to the corporation”), if the corporation or party related to the corporation owns, directly,
2 indirectly, beneficially, or constructively, at least 50% of the value of the corporation's outstanding
3 stock.

4 “(41) “Related member” means:

5 “(A) A person that, with respect to the taxpayer is, at any time during the year,
6 a related entity;

7 “(B) A component member as defined in section 1563(b) of the Internal
8 Revenue Code of 1986;

9 “(C) A controlled group of which the taxpayer is also a component; or

10 “(D) A person to or from whom there is attribution of stock ownership in
11 accordance with section 1563(e) of the Internal Revenue Code of 1986.

12 “(42) “Resident” means an individual domiciled in the District at any time during the
13 taxable year, and every other individual who maintains a place of abode within the District for an
14 aggregate of 183 days or more during the taxable year, whether or not the individual is domiciled in
15 the District, excluding any elective officer of the government of the United States or any employee on
16 the staff of an elected official in the legislative branch of the government of the United States if the
17 employee is a bona fide resident of the state of residence of the elected officer, or any officer of the
18 executive branch of the government whose appointment was made by the President of the United
19 States and subject to confirmation by the Senate of the United States and whose tenure of office is at
20 the pleasure of the President of the United States, or any Justice of the Supreme Court of the United
21 States, unless the officer, employee, or justice is domiciled within the District at any time during the
22 taxable year. In determining whether an individual is a resident, an individual's absence from the

1 District for temporary or transitory purposes shall not be regarded as changing his domicile or place of
2 abode.

3 “(43) “Sales” means all gross receipts of the taxpayer that are business income, as that
4 term is defined in this section.

5 “(44) “Standard deduction” means:

6 “(A) The amount of \$4,000, increased annually, beginning January 1, 2013, by
7 the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the
8 next lowest multiple of \$50), in the case of a return filed by a single individual, by a head of
9 household, by a surviving spouse, or jointly by husband and wife (or domestic partner);

10 “(B) The amount of \$2,000, increased annually, beginning January 1, 2013, by
11 the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the
12 next lowest multiple of \$50), in the case of a married person filing separately; or

13 “(C) In the case of an individual who is a resident, as defined in paragraph (42)
14 of this section, for less than a full 12-month taxable year, the amounts specified in subparagraphs (A)
15 and (B) of this paragraph prorated by the number of months that the individual was a resident.

16 “(45) “State” means any state of the United States, the District of Columbia, the
17 Commonwealth of Puerto Rico, any territory, or possession of the United States and any foreign
18 country or political subdivision thereof.

19 “(46) “Subpart F income” shall have the same meaning as provided in section 952 of
20 the Internal Revenue Code of 1986.

21 “(47) “Surviving spouse” shall have the same meaning as provided in section 2(a) of
22 the Internal Revenue Code of 1986; except, that in applying section 2(a) of the Internal Revenue Code
23 of 1986, the term spouse shall be deemed to include a domestic partner.

1 “(48) “Tax” or “tax liability” includes the liability for all amounts owing by a
2 taxpayer to the District under this chapter.

3 “(49) “Tax haven” means a jurisdiction that:

4 “(A) For a particular tax year in question has no, or nominal, effective tax on
5 the relevant income and has laws or practices that prevent effective exchange of information for tax
6 purposes with other governments regarding taxpayers benefitting from the tax regime;

7 “(B) Lacks transparency, which for the purposes of this definition means that
8 the details of legislative, legal, or administrative provisions are not open to public scrutiny and
9 apparent or are not consistently applied among similarly situated taxpayers;

10 “(C) Facilitates the establishment of foreign-owned entities without the need
11 for a local substantive presence or prohibits these entities from having any commercial impact on the
12 local economy;

13 “(D) Explicitly or implicitly excludes the jurisdiction's resident taxpayers
14 from taking advantage of the tax regime's benefits or prohibits enterprises that benefit from the regime
15 from operating in the jurisdiction's domestic market; or

16 “(E)(i) Has created a tax regime that is favorable for tax avoidance, based
17 upon an overall assessment of relevant factors, including whether the jurisdiction has a significant
18 untaxed offshore financial or other services sector relative to its overall economy.

19 “(ii) For the purposes of this definition, the term “tax regime” means a
20 set or system of rules, laws, regulations, or practices by which taxes are imposed on any person,
21 corporation, or entity, or on any income, property, incident, indicia, or activity pursuant to
22 governmental authority.

1 “(50) “Taxable income” means as required by the context set forth in § 47-1807.01(2)
2 or § 47-1808.02(1).

3 “(51) “Taxable year” means the calendar year or the fiscal year, whichever is the
4 basis upon which the net income of the taxpayer is computed under this section; if no fiscal year has
5 been established by the taxpayer, it means the calendar year. The term “taxable year” includes, in the
6 case of a return made for a fractional part of a calendar or fiscal year under the provisions of this
7 section or under regulations prescribed by the Chief Financial Officer, the period for which the return
8 is made; provided, that no taxpayer shall change from a calendar year to a fiscal year or from a fiscal
9 year to a calendar year within any taxable year without the written authorization of the Chief Financial
10 Officer.

11 “(52) “Taxpayer” means any person subject to the tax imposed by this chapter.

12 “(53) “Trade or business” means the engaging in or carrying on of any trade, business,
13 profession, vocation, or calling, or commercial activity in the District of Columbia, including activities
14 in the District that benefit a related entity of the taxpayer, the performance of functions of a public
15 office, and the leasing of real or personal property in the District of Columbia by any person whether
16 or not the property is leased directly by the person or through an agent, officer, or a representative, and
17 whether or not the person, agent, officer, or representative performs any services in connection with
18 the property.

19 “(54) “United States” means the United States of America and includes all of the
20 states of the United States, the District of Columbia, and United States’ territories and possessions.

21 “(55) “Unitary business” means a single economic enterprise that is made up either of
22 separate parts of a single business entity or of a commonly controlled group of business entities that
23 are sufficiently interdependent, integrated, and interrelated through their activities so as to provide

1 synergy and mutual benefit that produces a sharing or exchange of value among them and a
2 significant flow of value to the separate parts.

3 “(56) “Wages” means wages as defined in section 3401(a) of the Internal Revenue
4 Code of 1986.

5 “(57) “Water’s-edge combined group” is comprised of all entities includible in the
6 combined report, as determined pursuant to § 47-1810.07.

7 “(58) “Worldwide combined report” means the combination of the income and
8 activities of all members of a unitary group irrespective of the country in which the corporations are
9 incorporated or conduct business activity.”

10 (c) Section 47-1805.02a is amended to read as follows:

11 “§ 47-1805.02a. Combined reporting required.

12 “(a) For tax years beginning after December 31, 2010, a taxpayer engaged in a unitary
13 business with one or more other persons that are part of a water’s-edge combined group reporting
14 pursuant to § 47-1810.07 shall file a combined report, which includes the income, determined under §
15 47-1810.04 and § 47-1810.05 and the allocation and apportionment factors determined under § 47-
16 1810.02 and the pertinent regulations of all such persons that are members of the unitary business, and
17 other information as required by the Chief Financial Officer. If a worldwide combined reporting
18 election has been made, the taxpayer shall file a combined report that includes such income and
19 factors of all the persons that are members of the unitary business, and any other information as
20 required by the Chief Financial Officer.

21 “(b) The Chief Financial Officer may, by regulation, require a combined report to include the
22 income and associated apportionment factors of any persons that are not included pursuant to
23 subsection (a) of this section but that are members of a unitary business to reflect proper

1 apportionment of income of the entire unitary business.

2 “(c) If the Chief Financial Officer determines that the reported income or loss of a taxpayer
3 engaged in a unitary business with any person not included represents an avoidance or evasion of tax
4 by the taxpayer, the Chief Financial Officer may, on a case-by-case basis, require that all or any part
5 of the income and associated apportionment factors be included in the taxpayer's combined report.

6 “(d) With respect to inclusion of associated apportionment factors pursuant to this section, the
7 Chief Financial Officer may require the exclusion of any one or more of the factors, the inclusion of
8 one or more additional factors, which will fairly represent the taxpayer's business activity in the
9 District, or the employment of any other method to effectuate a proper reflection of the total amount of
10 income subject to apportionment and an equitable allocation and apportionment of the taxpayer's
11 income.

12 “(e) The Chief Financial Officer shall adopt regulations as necessary to implement combined
13 reporting and to ensure that the tax liability or net income of any taxpayer whose income derived from
14 or attributable to sources within the District that is required to be determined by a combined report
15 pursuant to § 47-1810.02 or § 47-1810.07 and of each entity included in the combined report, both
16 during and after the period of inclusion in the combined report, is properly reported, determined,
17 computed, assessed, collected, or adjusted.

18 “(f) The Chief Financial Officer shall adopt regulations as necessary prescribing the form and
19 manner of all returns and reports required under § 47.1805.02a, including the time, place, and
20 extension of such returns and reports.

21 “(g) Any taxpayer election made under § 47.1805.02(5)(C) and the pertinent regulations to file
22 a consolidated return is revoked for tax years beginning after December 31, 2010.”.

1 (d) Sections 47-1810.04, 47-1810.05, 47-1810.06, 47-1810.07, and 47-1810.08 are amended
2 to read as follows:

3 “§ 47-1810.04. Determination of taxable income or loss using combined report; components
4 of income subject to tax in the District, application of tax credits and post-apportionment deductions;
5 determination of taxpayer’s share of the business income of a combine group apportionable to the
6 District.

7 “(a) The use of a combined report does not disregard the separate identities of the taxpayer
8 members of the combined group. Each taxpayer member is responsible for tax based on its taxable
9 income or loss apportioned or allocated to the District, which shall include, in addition to other types
10 of income, the taxpayer member's apportioned share of business income of the combined group,
11 where business income of the combined group is calculated as a summation of the individual net
12 business incomes of all members of the combined group. A member's net business income is
13 determined by removing all but business income, expense, and loss from that member's total income,
14 as provided in this section and § 47-1810.05.

15 “(b)(1) Each taxpayer member is responsible for tax based on its taxable income or loss
16 apportioned or allocated to the District, which shall include its:

17 “(A) Share of any business income apportionable to the District of each of the
18 combined groups of which it is a member, as determined under subsection (c) of this section;

19 “(B) Share of any business income apportionable to the District of a distinct
20 business activity conducted within and without the District wholly by the taxpayer member, as
21 determined under the provisions for apportionment of business income set forth in this chapter;

22 “(C) Income from a business conducted wholly by the taxpayer member
23 entirely within the District;

1 “(D) Income sourced to the District from the sale or exchange of capital or
2 assets, and from involuntary conversions, as determined under § 47-1810.05(b)(8);

3 “(E) Nonbusiness income or loss allocable to the District as determined under
4 the provisions for allocation of nonbusiness income set forth in this chapter;

5 “(F) Income or loss allocated or apportioned in an earlier year required to be
6 taken into account as District source income during the income year, other than a net operating loss;
7 and

8 “(G) Net operating loss carryover.

9 “(2) If the taxable income computed pursuant to this section and § 47-1810.05 results
10 in a loss for a taxpayer member of the combined group, that taxpayer member has a District net
11 operating loss, subject to the net operating loss limitations and carryover provisions of this chapter.
12 The District net operating loss shall be applied as a deduction in the subsequent year only if that
13 taxpayer has District source positive net income, whether or not the taxpayer is a member of a
14 combined reporting group in the subsequent year.

15 “(3) Except where otherwise provided, no tax credit or post-apportionment deduction
16 earned by one member of the group, but not fully used by or allowed to that member, may be used, in
17 whole or in part, by another member of the group or applied, in whole or in part, against the total
18 income of the combined group. A post-apportionment deduction carried over into a subsequent year
19 as to the member that incurred it, and available as a deduction to that member in a subsequent year,
20 will be considered in the computation of the income of that member in the subsequent year regardless
21 of the composition of that income as apportioned, allocated, or wholly within the District.

22 “(c)(1) The taxpayer's share of the business income apportionable to the District of each
23 combined group of which it is a member shall be the product of the:

1 “(A) Business income of the combined group, determined under § 47-
2 1810.05; and

3 “(B) Taxpayer member's apportionment percentage, determined in accordance
4 with this chapter, including in the property, payroll, and sales factor numerators of the taxpayer's
5 property, payroll, and sales, respectively, associated with the combined group's unitary business in the
6 District and including in the denominator the property, payroll, and sales of all members of the
7 combined group, including the taxpayer, which property, payroll, and sales are associated with the
8 combined group's unitary business wherever located.

9 “§ 47-1810.05. Determination of the business income of the combined group.

10 “(a) The business income of a combined group is determined as follows:

11 “(1) From the total income of the combined group as determined under paragraph (2)
12 of this subsection and subsection (b) of this section, subtract any income and add any expense or loss,
13 other than the business income, expense, or loss of the combined group.

14 “(2) Except as otherwise provided, the total income of the combined group is the sum
15 of the income of each member of the combined group determined under federal income tax laws, as
16 adjusted for District purposes, as if the member were not consolidated for federal purposes.

17 “(3) In the case of any person entitled to the distributive share of a trade or business
18 net income, the Chief Financial Officer shall adopt regulations as necessary to determine the
19 methodology of including the distributive share but provide an exclusion for the portion of the
20 distributive share that is reported by and taxed against any person under the provisions of this chapter.

21 “(b) The income of each member of the combined group shall be determined as
22 follows:

1 “(1) For any member incorporated in the United States, or included in a consolidated
2 federal corporate income tax return, the income to be included in the total income of the combined
3 group shall be the taxable income for the corporation after making appropriate adjustments under this
4 chapter.

5 “(2) For any member not included in paragraph (1) of this subsection, the income to be
6 included in the total income of the combined group shall be determined as follows:

7 “(A) A profit and loss statement shall be prepared for each foreign branch or
8 corporation in the currency in which the books of account of the branch or corporation are regularly
9 maintained.

10 “(B) Adjustments shall be made to the profit and loss statement to conform it
11 to the accounting principles generally accepted in the United States for the preparation of such
12 statements, except as modified by regulation.

13 “(C) Adjustments shall be made to the profit and loss statement to conform it
14 to the tax accounting standards required by this chapter.

15 “(D) Except as otherwise provided by regulation, the profit and loss statement
16 of each member of the combined group, and the apportionment factors related thereto, whether United
17 States or foreign, shall be translated into the currency in which the parent company maintains its
18 books and records.

19 “(E) Income apportioned to the District shall be expressed in United States
20 dollars.

21 “(3)(A) In lieu of the procedures set forth in paragraph (2) of this subsection, and
22 subject to the determination of the Chief Financial Officer that it reasonably approximates income as
23 determined under this chapter, any member not subject to paragraph (1) of this subsection may

1 determine its income on the basis of the consolidated profit and loss statement that includes the
2 member and that is prepared for filing with the Securities and Exchange Commission by related
3 corporations.

4 “(B) If the member is not required to file with the Securities and Exchange
5 Commission, the Chief Financial Officer may allow the use of the consolidated profit and loss
6 statement prepared for reporting to shareholders and subject to review by an independent auditor.

7 “(C) If the statements described in subparagraphs (A) or (B) of this paragraph
8 do not reasonably approximate income as determined under this chapter, the Chief Financial Officer
9 may accept those statements with appropriate adjustments to approximate that income.

10 “(4)(A) All dividends paid by one to another of the members of the combined
11 group shall, to the extent those dividends are paid out of the earnings and profits of the unitary
12 business included in the combined report, in the current or an earlier year, be eliminated from the
13 income of the recipient.

14 “(B) Except as otherwise provided, this paragraph shall not apply to dividends
15 received from members of the unitary business that are not a part of the combined group. Except when
16 specifically required by the Chief Financial Officer to be included, all dividends paid by an insurance
17 company directly or indirectly to a corporation that is part of a unitary business with the insurance
18 company shall be deducted or eliminated from the income of the recipient of the dividend.

19 “(5)(A) Except as otherwise provided by regulation, business income from an inter-
20 company transaction between members of the same combined group shall be deferred in a manner
21 similar to 26 C. F. R. § 1.1502-13.

22 “(B) Upon the occurrence of any of the following events, deferred business
23 income resulting from an inter-company transaction between members of a combined group shall be

1 restored to the income of the seller and shall be apportioned as business income earned immediately
2 before the event:

3 “(i) The object of a deferred inter-company transaction is:

4 “(I) Resold by the buyer to an entity that is not a member of
5 the combined group;

6 “(II) Resold by the buyer to an entity that is a member of the
7 combined group for use outside the unitary business in which the buyer and seller are engaged; or

8 “(III) Converted by the buyer to a use outside the unitary
9 business in which the buyer and seller are engaged; or

10 “(ii) The buyer and seller are no longer members of the same
11 combined group, regardless of whether the members remain unitary.

12 “(6)(A) A charitable expense incurred by a member of a combined group shall, to the
13 extent allowable as a deduction pursuant to section 170 of the Internal Revenue Code of 1986, be
14 subtracted first from the business income of the combined group, subject to the income limitations of
15 that section applied to the entire business income of the group, and any remaining amount shall then
16 be treated as a nonbusiness expense allocable to the member that incurred the expense, subject to the
17 income limitations of that section applied to the nonbusiness income of that specific member.

18 “(B) Any charitable deduction disallowed under subparagraph (A) of this
19 paragraph, but allowed as a carryover deduction in a subsequent year, shall be treated as originally
20 incurred in the subsequent year by the same member, and the rules set forth in this section shall apply
21 in the subsequent year in determining the allowable deduction in that year.

22 “(7) Gain or loss from the sale or exchange of capital assets, property described by
23 section 1231(a)(3) of the Internal Revenue Code of 1986, and property subject to an involuntary

1 conversion shall be removed from the total separate net income of each member of a combined group
2 and shall be apportioned and allocated as follows:

3 “(A) For each class of gain or loss (short-term capital, long-term capital,
4 section 1231 of the Internal Revenue Code of 1986, and involuntary conversions) all members'
5 business gain and loss for the class shall be combined without netting between classes and each class
6 of net business gain or loss separately apportioned to each member using the member's apportionment
7 percentage determined under § 47-1810.04.

8 “(B) Each taxpayer member shall then net its apportioned business gain or loss
9 for all classes, including any such apportioned business gain and loss from other combined groups,
10 against the taxpayer member's nonbusiness gain and loss for all classes allocated to the District, using
11 the rules of sections 1222 and 1231 of the Internal Revenue Code of 1986, without regard to any of
12 the taxpayer member's gains or losses from the sale or exchange of capital assets, section 1231 of the
13 Internal Revenue Code of 1986 property, and involuntary conversions that are nonbusiness items
14 allocated to another state.

15 “(C) Any resulting District source income or loss, if the loss is not subject to
16 the limitations of section 1211 of the Internal Revenue Code of 1986, of a taxpayer member produced
17 by the application of the preceding subparagraphs shall then be applied to all other District source
18 income or loss of that member.

19 “(D) Any resulting District source loss of a member that is subject to the
20 limitations of section 1211 of the Internal Revenue Code of 1986 shall be carried over by that member
21 and shall be treated as District source short-term capital loss incurred by that member for the year for
22 which the carryover applies.

1 “(8) Any expense of one member of the unitary group that is directly or indirectly
2 attributable to the nonbusiness or exempt income of another member of the unitary group shall be
3 allocated to that other member as a corresponding nonbusiness or exempt expense, as appropriate.

4 “§ 47-1810.06. Designation of agent.

5 “As a filing convenience, and without changing the respective liability of group members,
6 members of a combined reporting group shall designate one taxpayer member of the combined group
7 to file a single return, in the form and manner prescribed by the Chief Financial Officer, in lieu of
8 filing their own respective returns; provided, that the taxpayer designated to file the single return
9 consents to act as surety with respect to the tax liability of all other taxpayers properly included in the
10 combined report and agrees to act as agent on behalf of those taxpayers for tax matters relating to the
11 combined report. If for any reason the agent is unwilling or unable to perform its responsibilities, tax
12 liability may be assessed against the taxpayer members.

13 “§ 47-1810.07. Water's-edge reporting; initiation and withdrawal election.

14 “(a)(1) Absent an election under subsection (b) of this section to report based upon a
15 worldwide unitary combined reporting basis, taxpayer members of a unitary group shall determine
16 each of their apportioned shares of the net business income or loss of the combined group on a
17 water's-edge unitary combined reporting basis.

18 “(2) In determining tax under this chapter on a water's-edge unitary combined
19 reporting basis, taxpayer members shall take into account all or a portion of the income and
20 apportionment factors of only the following members otherwise included in the combined group
21 pursuant to § 47-1805.02a:

1 “(A) The entire income and apportionment factors of any member
2 incorporated in the United States or formed under the laws of any state, the District, or any territory or
3 possession of the United States;

4 “(B) The entire income and apportionment factors of any member, regardless
5 of the place incorporated or formed, if the average of its property, payroll, and sales factors within the
6 United States is 20% or more;

7 “(C) The entire income and apportionment factors of any member that is a
8 domestic international sales corporation, as described in sections 991 through 994 of the Internal
9 Revenue Code of 1986, inclusive, a foreign sales corporation, as described in sections 921 through
10 927 of the Internal Revenue Code of 1986, inclusive, or any member that is an export trade
11 corporation, as described in sections 970 through 971 of the Internal Revenue Code of 1986,
12 inclusive;

13 “(D) Any member not described in subparagraphs (A), (B), or (C) of this
14 paragraph shall include its business income that is effectively connected, or treated as effectively
15 connected under the provisions of the Internal Revenue Code of 1986 with the conduct of a trade or
16 business within the United States and, for that reason, subject to federal income tax;

17 “(E) Any member that is a resident of a country that does not have a
18 comprehensive income tax treaty with the United States and earns more than 20% of its income,
19 directly or indirectly, from intangible property or service-related activities that are deductible against
20 the business income of other members of the water's-edge group, to the extent of that income and the
21 apportionment factors related thereto; and

22 “(F)(i) The entire income and apportionment factors of any member that is doing business in a tax haven defined

1 as being engaged in activity sufficient for that tax haven jurisdiction to impose a tax under United
2 States constitutional standards.

3 “(ii) If the member's business activity within a tax haven is entirely
4 outside the scope of the laws, provisions, and practices that cause the jurisdiction to meet the criteria
5 of a tax haven, as that term is defined in § 47-1801.04(49), the activity of the member shall be treated
6 as not having been conducted in a tax haven.

7 “(b) An election to report District tax based on worldwide unitary combined reporting is
8 effective only if made on a timely filed original return for a tax year by every member of the unitary
9 business subject to tax under this chapter.

10 “(c) At the discretion of the Chief Financial Officer:

11 “(1) A worldwide unitary combined reporting election may be disregarded, in part or
12 in whole, and the income and apportionment factors of any member of the taxpayer's unitary group
13 may be included in or excluded from the combined report without regard to the provisions of this
14 section, if any member of the unitary group fails to comply with any provision of this chapter; and

15 “(2) Worldwide unitary combined reporting may be mandated, in part or in whole, and
16 the income and apportionment factors of any member of the taxpayer's unitary group may be included
17 in or excluded from the combined report without regard to the provisions of this section, if any
18 member of the unitary group fails to comply with any provision of this chapter, or if a person
19 otherwise not included in the water's-edge combined group was availed of with a substantial objective
20 of avoiding District income tax.

21 “(d)(1) A worldwide unitary combined reporting election is binding for and applicable to the
22 tax year it is made and all tax years thereafter for a period of 10 years. It may be withdrawn or
23 reinstated after withdrawal, before the expiration of the 10-year period, only upon written request for

1 reasonable cause based on extraordinary hardship due to unforeseen changes in District tax statutes,
2 law, or policy, and only with the written authorization of the Chief Financial Officer.

3 “(2) An election shall constitute consent to the reasonable production of documents
4 and taking of depositions in accordance with District law.

5 “(3) If the Chief Financial Officer grants a withdrawal of election pursuant to
6 paragraph (1) of this subsection, he or she shall impose reasonable conditions necessary to prevent the
7 evasion of tax or to clearly reflect income for the election period before or after the withdrawal.

8 “(4) Upon the expiration of the 10-year period, a taxpayer may withdraw from the
9 worldwide unitary combined reporting election. Withdrawal must be made in writing within one year
10 of the expiration of the election and is binding for a period of 10 years, subject to the same conditions
11 as applied to the original election.

12 “(e) The Chief Financial Officer shall develop rules governing the impact, if any, on the scope
13 or application of a worldwide unitary combined reporting election, including termination or deemed
14 election, resulting from a change in the composition of the unitary group, the combined group, the
15 taxpayer members, and any other similar change.

16 “§ 47-1810.08. Accounting rules; future deductions.

17 “(a) If the enactment of combined reporting requirements for unitary businesses results in an
18 increase to a combined group’s net deferred tax liability, the combined group shall be entitled to a
19 deduction to the extent determined under subsection (b) of this section. Only publicly traded
20 companies, including affiliated corporations participating in the filing of a publicly traded company’s
21 financial statements prepared in accordance with generally accepted accounting principles, as of
22 September 14, 2011 shall be eligible for this deduction. To the extent the deduction would produce a

1 net operating loss in any tax year, the unused deduction may be carried forward to each succeeding tax
2 year by the combined group.

3 “(b) For the 7-year period beginning with the 5th year of the combined filing, a combined
4 group shall be entitled to a deduction equal to 1/7th of the net increase in the taxable temporary
5 differences that caused the increase in the net deferred tax liability, as computed at the time of
6 enactment in accordance with generally accepted accounting principles, that would result from the
7 imposition of the combined reporting requirements but for the deduction provided under this section.
8 The amount of the deduction shall in no case exceed the amount necessary to offset any increase in net
9 deferred tax liability, as computed in accordance with generally accepted accounting principles, that
10 would result from the imposition of all of the provisions of combined reporting but for the deduction
11 provided under this section.

12 “(c) For the purposes of this section, the term “net deferred tax liability” shall mean the net
13 increase, if any, in deferred tax liabilities minus the net increase, if any, in deferred tax assets of the
14 combined group, as computed in accordance with generally accepted accounting principles.”

15 Sec. 7113. Applicability.

16 This title shall apply for taxable years beginning after December 31, 2010.

17 **SUBTITLE L. FIRST CONGREGATIONAL UNITED CHURCH OF CHRIST**

18 **AMENDMENT**

19 Sec. 7121. Short title.

20 This subtitle may be cited as the “First Congregational United Church of Christ Tax
21 Relief Amendment Act 2013”.

22 Sec. 7122. Section 7013 of the Fiscal Year 2011 Budget Support Act of 2010, effective
23 September 24, 2010 (D.C. Law 18-223; 57 DCR __) is amended to read as follows:

1 “Of the deed transfer taxes imposed on the transfer by First Congregational United
2 Church of Christ of Square 375, Lots 834, 835, 837, 7003, 7006, 7007, 7008, 7009, 7011, 7014,
3 7015, and any other lots created from Lots 823 and 831, Square 375, and all real property taxes,
4 interest, penalties, fees and other related charges assessed against First Congregational United
5 Church of Christ on real property located on Lots 823 and 831 (or as the land for such lots may
6 be subdivided into a record lot or lots or assessment and taxation lots in the future), Square, 375,
7 \$951,000 shall be forgiven by the District and refunded to First Congregational United Church of
8 Christ.”.

9 **SUBTITLE M. TREGARON CONSERVANCY TAX EXEMPTION AND RELIEF**
10 **AMENDMENT**

11 Sec. 7131. Short title.

12 This subtitle may be cited as the “Tregaron Conservancy Tax Exemption and Relief
13 Amendment Act of 2013”.

14 Sec. 7132. (a) The Council of the District of Columbia orders the forgiveness of the
15 following items for the period beginning March 1, 2007 through the end of the month during
16 which this act becomes effective:

17 (1) All real property taxes, interest, penalties, fees, and other related charges
18 assessed against the real property described as Lots 842, 849 and 857 in Square 2084;

19 (2) 88% of the real property taxes, interest, penalties, fees and other related
20 charges assessed against the real property described as Lot 843 in Square 2084; and

21 (3) All transfer and recordation taxes, interest, and penalties (but excluding
22 recordation fees) imposed with respect to the conveyance of any of the properties described
23 above to the Tregaron Conservancy, a District of Columbia nonprofit corporation.

1 (b) The Council further orders that, notwithstanding any law or rule of law limiting the
2 time for claiming a refund of such taxes, any payments of the above-described taxes made for
3 such period shall be refunded to the person who made the payment.

4 Sec. 7133. This subtitle shall take effect upon a reprogramming of \$222,490 to the Office
5 of the Chief Financial Officer in fiscal year 2013.

6 **TITLE VIII. CAPITAL BUDGET**

7 **SUBTITLE A. WATERFRONT PARK BOND AMENDMENT**

8 Sec. 801. Short title

9 This subtitle may be cited as the “Waterfront Park Bond Amendment Act of 2013”.

10 Sec. 802. The bond resolution (R18-389, February 2, 2010) is amended as follows:

11 “Section 2(1)(A) is amended by striking the word “and” after subparagraph (viii),
12 changing the period after subparagraph (ix) to a semicolon and inserting the word “and” and
13 inserting a new subparagraph (x) to read “(x) The Waterfront Park.””.

14 **SUBTITLE B. CAPITAL CAPACITY EXPANSION AMENDMENT**

15 Sec. 811. Short title.

16 This subtitle may be cited as the “Capital Capacity Expansion Amendment Act of 2013”.

17 Sec. 812. Section 47-2763 of the District of Columbia Official Code is amended to read
18 as follows:

19 “Any feepayer who fails to file a return or pay the ballpark fee due, as required by § 47-
20 2762, shall be subject to all collection, enforcement and administrative provisions applicable to
21 unpaid taxes or fees, as provided in Chapter 18, Chapter 41, Chapter 42 (except §§ 47-
22 4211(b)(1)(B), 47-4214 and 47-4215), Chapter 43 and Chapter 44 of this title.”

1 **SUBTITLE C. PAY-AS-YOU-GO CAPITAL ACCOUNT AMENDMENT AND**
2 **STREETCAR FUNDING DEDICATION**

3 Sec. 821. Short title.

4 This subtitle may be cited as the “Pay-as-you-go Capital Account Amendment and
5 Streetcar Funding Dedication Act of 2013”.

6 Sec. 822. Section 47-392.02 of the D.C. Official Code is amended as follows:

7 (a) Section (f)(5)(A) is amended by striking the phrase “All funds” and inserting the
8 phrase “Beginning in the fiscal year following the completion of the capital construction of the
9 D.C. Streetcar Project, all funds” in its place.

10 (b) A new section (f)(6) is added to read as follows:

11 “All funds in the Pay-as-you-go Capital Account shall be budgeted for the D.C.
12 Streetcar Project, until the construction of the D.C. Streetcar system is complete.”.

13 **SUBTITLE D. GREAT STREETS NEIGHBORHOOD RETAIL PRIORITY**
14 **AREA AMENDMENT**

15 Sec. 831. Short title.

16 This subtitle may be cited as the “Great Streets Neighborhood Retail Priority Area
17 Amendment Act of 2013”.

18 Sec. 832. The Retail Incentive Act of 2004, effective September 8, 2004 (D.C. Law 15-
19 185; D.C. Official Code § 2-1217.71 *et seq.*), is amended as follows:

20 (a) Section 3 (D.C. Official Code § 2-1217.72) is amended by adding a new subsection
21 (c) to read as follows:

1 “(c) The maximum principal amount of bonds that may be issued with respect to the
2 Downtown Retail Priority Area is limited to the amount of bonds issued prior to March 1,
3 2013.”.

4 (b) Section 4 (D.C. Official Code § 2-1217.73), is amended by adding new subsections
5 (f) and (g) to read as follows:

6 “(f) Rhode Island Avenue, N.E. Retail Priority Area shall consist of the parcels, squares,
7 and lots within the following area:

8 (1) Beginning at the intersection of Fourth Street, N.E. and Franklin Street,
9 N.E.; thence east on said Franklin Street NE to 15th Street, N.E.; thence north on said 15th
10 Street, N.E. to Girard Street, N.E.; thence east on said Girard Street, N.E. to 17th Street, N.E.;
11 thence north on said 17th Street, N.E. to Brentwood Road, N.E.; thence northeast on said
12 Brentwood Road NE to 18th Street, N.E.; thence north on said 18th Street, N.E. to Irving Street,
13 N.E.; thence east on said Irving Street, N.E. to Rhode Island Avenue, N.E.; thence north along
14 the western boundary of the property at the northeast corner of 20th Street, N.E. and Rhode
15 Island Avenue, N.E. to its northwest corner; thence northeast along the rear boundaries of all
16 properties with frontage along the north side of Rhode Island Avenue, N.E. to the northeast
17 corner of the property at the northwest corner of Rhode Island Avenue, N.E. and Eastern
18 Avenue, N.E.; thence southeast along the eastern boundary of said property at the corner of
19 Rhode Island Avenue, N.E. and Eastern Avenue, N.E. to its southeast corner; thence continuing
20 southeast to the southeast corner of the property at the southwest corner of Rhode Island Avenue,
21 N.E. and Eastern Avenue, N.E.; thence southwest along the rear boundaries of all properties with
22 frontage along the south side of Rhode Island Avenue, N.E. to Montana Avenue, N.E.; thence
23 southeast along said Montana Avenue, N.E. to Downing Street, N.E.; thence southwest along

1 said Downing Street, N.E. to Bryant Street, N.E.; thence west along said Bryant Street, N.E. to
2 13th Street, N.E.; thence southeast along said 13th Street, N.E. to its end at W Street, N.E.;
3 thence west along a line extending W Street, N.E. west to the continuation of W Street, N.E., and
4 continuing west along W Street, N.E. to Brentwood Road, N.E.; thence southwest along said
5 Brentwood Road, N.E. to its end at T Street, N.E.; thence southwest to the intersection of a line
6 extending Fourth Street, N.E. south and a line extending R Street, N.E. east; thence north along
7 said line extending Fourth Street, N.E. to Fourth Street, N.E., and continuing north along said
8 Fourth Street, N.E. to the point of beginning.

9 “(2) Rhode Island Avenue, N.E. Retail Priority Area shall consist of the
10 parcels, squares, and lots within the following area: Beginning at the intersection of Fourth
11 Street, N.E. and Franklin Street, N.E.; thence east on said Franklin Street NE to 15th Street,
12 N.E.; thence north on said 15th Street, N.E. to Girard Street, N.E.; thence east on said Girard
13 Street, N.E. to 17th Street, N.E.; thence north on said 17th Street, N.E. to Brentwood Road, N.E.;
14 thence northeast on said Brentwood Road NE to 18th Street, N.E.; thence north on said 18th
15 Street, N.E. to Irving Street, N.E.; thence east on said Irving Street, N.E. to Rhode Island
16 Avenue, N.E.; thence north along the western boundary of the property at the northeast corner of
17 20th Street, N.E. and Rhode Island Avenue, N.E. to its northwest corner; thence northeast along
18 the rear boundaries of all properties with frontage along the north side of Rhode Island Avenue,
19 N.E. to the northeast corner of the property at the northwest corner of Rhode Island Avenue,
20 N.E. and Eastern Avenue, N.E.; thence southeast along the eastern boundary of said property at
21 the corner of Rhode Island Avenue, N.E. and Eastern Avenue, N.E. to its southeast corner;
22 thence continuing southeast to the southeast corner of the property at the southwest corner of
23 Rhode Island Avenue, N.E. and Eastern Avenue, N.E.; thence southwest along the rear

1 boundaries of all properties with frontage along the south side of Rhode Island Avenue, N.E. to
2 Montana Avenue, N.E.; thence southeast along said Montana Avenue, N.E. to Downing Street,
3 N.E.; thence southwest along said Downing Street, N.E. to Bryant Street, N.E.; thence west
4 along said Bryant Street, N.E. to 13th Street, N.E.; thence southeast along said 13th Street, N.E.
5 to its end at W Street, N.E.; thence west along a line extending W Street, N.E. west to the
6 continuation of W Street, N.E., and continuing west along W Street, N.E. to Brentwood Road,
7 N.E.; thence southwest along said Brentwood Road, N.E. to its end at T Street, N.E.; thence
8 southwest to the intersection of a line extending Fourth Street, N.E. south and a line extending R
9 Street, N.E. east; thence north along said line extending Fourth Street, N.E. to Fourth Street,
10 N.E., and continuing north along said Fourth Street, N.E. to the point of beginning.”

11 “(g) The Bladensburg Road, N.E. Retail Priority Area shall include parcels, squares, and
12 lots within the following area: Beginning at the intersection of Holbrook Street N.E. and Mount
13 Olivet Road N.E.; thence east on said Mount Olivet Road N.E. to Bladensburg Road N.E.;

14 thence south on said Bladensburg Road N.E. to 17th Street N.E.; thence south on said 17th Street
15 N.E. to H Street N.E.; thence east on said H Street N.E. to 19th Street N.E.; thence south on said
16 19th Street N.E. to Benning Road N.E.; thence west on said Benning Road N.E. to H Street N.E.;

17 thence west on said H Street N.E. to Florida Avenue N.E.; thence west on said Florida Avenue
18 N.E. to Holbrook Street N.E.; thence north on Holbrook Street N.E. to the point of beginning.”.

19 Sec. 833. Section 3 of the Great Streets Neighborhood Retail Priority Areas Approval
20 Resolution of 2007, effective July 10, 2007 (Res. 17-257; 54 DCR 7194), is amended by adding
21 a new subsection (d) to read as follows:

22 “(d) The maximum principal amount of bonds that may be issued is limited to the amount
23 of bonds issued prior to March 1, 2013.”.

1 **SUBTITLE E. WATERFRONT PARK AT THE YARDS AMENDMENT**

2 Sec. 841. Short title.

3 This subtitle may be cited as the “Waterfront Park at the Yards Amendment Act of
4 2013”.

5 Sec. 842. The Waterfront Park at the Yards Act of 2009, effective March 2, 2010 (D.C.
6 Law 18-105, 57 DCR 11) is amended as follows:

7 (a) Section 4(a) is amended as follows:

8 (1) Strike the phrase “Area, revenue” and insert the phrase “Area and revenue” in
9 its place.

10 (2) Strike the phrase “, proceeds from the sale of the Anacostia Waterfront
11 Corporation PILOT Revenue Bonds (Anacostia DOT Waterfront Projects) Series 2007 (“PILOT
12 Bond Proceeds”) that are designated by the Mayor from the portion of the PILOT Bond Proceeds
13 set aside for the Waterfront Park, and any income generated by the naming rights to the
14 Waterfront Park into the Waterfront Park Maintenance Fund”.

15 (3) Add at the end of the subsection, add the sentence “All monies in the Fund
16 shall be paid by the Chief Financial Officer to the Capital Riverfront Business Improvement
17 District pursuant to the terms set forth in the Maintenance Agreement, subject to appropriation
18 by Congress. Such payments from the Fund shall be an authorized expenditure by the District”.

19 (b) Section 5 is amended as follows:

20 (1) In paragraph (1), strike the phrase “\$380,000” and insert the phrase “up to
21 \$380,000” in its place.

22 (2) In subsection (a)(2), strike the phrase “by the increase in the CPI during the
23 period from July 1, 2012, to the beginning of that 12-month period” and insert the phrase

1 “annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50,
2 rounded to the next lowest multiple of \$50), to the extent funds are available” in its place.

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

4 “(a)(3)(A) “Cost-of-living adjustment” means an amount, for any calendar
5 year, equal to the maximum dollar amount set forth in paragraph (1) of this subsection multiplied
6 by the difference between the Consumer Price Index for the preceding calendar year and the
7 Consumer Price Index for the calendar year beginning January 1, 2011, divided by the Consumer
8 Price Index for the calendar year beginning January 1, 2011.

9 “(B) For the purposes of this paragraph, the Consumer Price Index for any
10 calendar year is the average of the Consumer Price Index for the Washington-Baltimore
11 Metropolitan Statistical Area for all-urban consumers published by the Department of Labor, or
12 any successor index, as of the close of the 12-month period ending on July 31 of such calendar
13 year.”.

14 (4) Add a new subsection (b) to read as follows:

15 “(b) The amounts of the sales and use tax revenue in subsection (a) of this section
16 shall be deposited into the Fund by the Chief Financial Officer within 45 days from the end of
17 the applicable 12-month period.”.

18 (c) In section 6(b)(2), strike the term “District” and insert the phrase “Capitol Riverfront
19 Business Improvement District, performing services under the Maintenance Agreement” in its
20 place.

21 Sec. 843. D.C. Official Code § 47-895.23 is amended as follows:

22 (a) Add a new subsection (a-1) to read as follows:

1 “(a-1) The Deputy Mayor for Planning and Economic Development shall timely
2 notify the Chief Financial Officer of every property that is subject to the levy of the special
3 assessment by notice which shall include the applicable square and lot, date the property became
4 subject to the special assessment, any days of proration, gross square foot area of the property,
5 and corresponding amount of the special assessment.”.

6 (b) In subsection (h) strike the phrase “year of the contribution period” and insert the
7 phrase “tax year before such notice” in its place.

8 (c) Subsection (i) is amended to read as follows:

9 “(i) Special assessments shall accrue based on the tax year and shall be billed in
10 arrears semi-annually in the same manner, under the same conditions and with the same due
11 dates, and subject to the same interest and penalty provisions for the non-payment thereof as
12 provided in § 47-811 for the billing of real property tax.

13 (d) In subsection (k), before the period add the phrase “, nor shall a lien be required to be
14 filed therefore for sale in subsequent tax sales.”

15 Sec. 844. Applicability

16 This subtitle shall apply as of March 3, 2010.

17 **TITLE IX. ADDITIONAL REVENUE CONTINGENCY LIST**

18 **SUBTITLE A. REVISED REVENUE ESTIMATE CONTINGENCY PRIORITY**
19 **LIST**

20 Sec. 901. Short title.

21 This subtitle may be cited as the “Revised Revenue Estimate Contingency Priority List
22 Act of 2013”.

23 Sec. 902. (a). If, pursuant to the Fiscal Year 2014 Budget Request Act of 2013, local
24 revenues are certified, in the three remaining 2013 revenue estimates, that exceed the annual

1 revenue estimate incorporated in the approved budget and financial plan for this fiscal year, the
2 revenues deposited in the Operating Cash Reserve shall be allocated in the following priority:

3 (1) Office of the State Superintendent - \$11,000,000 to increase infant and toddler
4 slots by 200 and to increase the quality of existing infant and toddler slots by increasing the
5 subsidy rate by 10%;

6 (2) D.C. Office of Aging - \$5,831,402 for sub-grantee grant increases;

7 (3) Office of the State Superintendent - \$4,000,000 for adult literacy and career
8 and technology education programs;

9 (4) Department of Behavioral Health - \$1,985,000 for the expansion of the school
10 based mental health program;

11 (5) Children and Youth Investment Trust Corporation - \$3,000,000 to increase
12 funding to cover summer initiatives;

13 (6) Department of Human Services - \$4,000,000 for POWER expansion;

14 (7) Department of Human Services - \$967,770 to provide SSI application
15 assistance for first-time applicants;

16 (8) Department of Behavioral Health - \$535,965 for additional staff for the
17 Comprehensive Psychiatric Emergency Program, Mobile Crisis, and Homeless Outreach
18 Program (8 FTEs);

19 (9) Department of Human Services - \$4,000,000 for rapid re-housing;

20 (10) Department of Corrections - \$400,000 for Central Cell Block medical costs,
21 as well as to provide security for off-site medical visits;

22 (11) D.C. Commission on the Arts and Humanities - \$7,000,000 for competitive
23 arts grants;

1 (12) Deputy Mayor for Planning and Economic Development- \$1,071,950 for 10
2 FTEs to make the District more competitive in attracting and retaining businesses and to expand
3 economic development;

4 (13) Office of the Chief Technology Officer - \$2,167,084 to enhance PeopleSoft
5 program;

6 (14) Department of Forensic Sciences - \$1,917,192 to fund Civilian Crime Scene
7 Response Program (29 FTEs);

8 (15) Department of Housing and Community Development - \$700,000 to Increase
9 Small Business Technical Assistance;

10 (16) General Fund Revenue - \$10,000,000 to reduce the commercial property tax
11 rate on the first \$3,000,000 of assessed value from \$1.65 to \$1.55 per \$100 of assessed value;

12 (17) General Fund Revenue - \$10,937,383 to fund the Schedule H Property Tax
13 Relief Act of 2012; and

14 (18) Office of the Secretary - \$450,000 to support staffing for additional D.C.
15 self-determination advocacy.

16 (b) The District of Columbia may obligate and expend any increase in the amount of
17 funds authorized by this section only if the Chief Financial Officer certifies the increase in
18 revenue and certifies that the use of the amounts is not anticipated to have a negative impact on
19 the long-term financial plan of the District.

20 (c) If after the December revenue estimate, sufficient funds have not been identified in
21 the financial plan to support the costs of recurring initiatives (3), (5), (7), (11), (13), and (15),
22 these initiatives shall be funded in FY 2014, as one-time only, to the extent that funds have been
23 certified.

1 **TITLE X. FISCAL IMPACT AND EFFECTIVE DATE**

2 Sec. 1001. Fiscal impact statement.

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

6 Sec. 1002. Effective date.

7 This act shall take effect following approval by the Mayor (or in the event of veto by the
8 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
9 provided in 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973
10 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia
11 Register.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



Legal Counsel Division

MEMORANDUM


TO: Lolita S. Alston
Director
Office of Legislative Support

FROM: Janet M. Robins
Deputy Attorney General
Legal Counsel Division

DATE: March 28, 2013

SUBJECT: Legal Certification of Draft Bill, the "Fiscal 2014 Budget Support Act of 2013"
(AE-13-229)

This is to Certify that this Office has reviewed the above-referenced draft legislation and found it, as to form and format only, to be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at 724-5524.



Janet M. Robins