

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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

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

**TITLE I. GOVERNMENT DIRECTION AND SUPPORT**

**SUBTITLE A. BONUS PAY AND SPECIAL AWARDS PAY**

Sec. 1001. Short title.

This subtitle may be cited as the “Bonus Pay and Special Awards Pay Act of 2016”.

Sec. 1002. Bonus pay and special awards pay; generally.

(a) Unless authorized pursuant to this subtitle, no funds shall be used to support the categories of bonus pay or special awards pay. The prohibition on the use of funds under this subtitle shall include funds appropriated to any agency, department, unit, or instrumentality of the District of Columbia government, and, unless specifically authorized in a grant agreement, any funds disbursed by the District through a grant.

(b) Notwithstanding subsection (a) of this section, an agency, department, unit, or instrumentality of the District of Columbia government may use funds to support the categories of bonus pay or special awards pay if the agency, department, unit, or instrumentality establishes a Performance Based Rewards Program pursuant to section 1003 and meets the other requirements of this subtitle.

Sec. 1003. Bonus pay and special awards pay; Performance Based Rewards Program.

(a) In order to use funds for bonus pay or special awards pay, a District agency, department, unit, or instrumentality shall establish a Performance Based Rewards Program (“Program”) that is approved by the personnel authority for the relevant agency, department, unit, or instrumentality.

(b) A Program established pursuant to this subtitle shall include detailed regulations for the payment of bonus pay or special awards pay to employees that, at a minimum:

(1) Limit the authorization period for bonus pay and special awards pay to the fourth quarter of the fiscal year;

(2) Limit the issuance of bonus pay or special awards pay to a one-time basis, without any promise or suggestion of continuing payments;

(3) Limit the issuance of bonus pay or special awards pay to employees on an individual basis, and not to a group or class of employees unless each of the employees in the group or class individually warrants such payment;

(4) Require any issuance of bonus pay or special awards pay to be based on performance, with the employee having exceeded the expectations of the supervisor or employer;

(5) Require that an employee have had a performance evaluation, in writing, no earlier than 90 days before the issuance of a bonus pay or special awards pay;

(6) Require written justification for the bonus pay or special awards pay by the employee's immediate supervisor or the head of the agency, department, unit, or instrumentality;

(7) Cap the amount of bonus pay or special awards pay that can be received at 10% of the employee's base rate of pay or, for an employee paid at an hourly rate, an amount not to exceed 10% of the employee's wages for the 12 months preceding the award; and

(8) Limit the availability of any bonus pay or special awards pay to one payment per calendar year and prohibit an employee from receiving bonus pay and special awards pay within the same calendar year.

(c) Any Program for an Executive branch agency, department, unit, or instrumentality, including an independent agency, shall be approved by the District of Columbia Human Resources Department before its implementation.

**Sec. 1004. Bonus pay and special awards pay; reporting requirements.**

In addition to any other requirements under this subtitle, any payment of bonus pay or special awards pay made pursuant to section 1002(b) shall be followed, within 60 days of the payment, by notification in writing to the relevant personnel authority of the issuance of the payment and a description of the basis for the payment that includes the employee's name, title, and salary, the payment amount, and a detailed justification for the payment.

**Sec. 1005. Bonus pay and special awards pay; subordinate agency heads ineligible.**

Any authorization under this subtitle for the use of funds to support the categories of bonus pay or special awards pay shall not extend to a payment to a subordinate agency head in the Executive Service established by Title X-A of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective June 10, 1998 (D.C. Law 12-124; D.C. Official Code § 1-610.51 *et seq.*).

**Sec. 1006. Bonus pay and special awards pay; exceptions to prohibition.**

- (a) Notwithstanding the prohibition in section 1002(a), funds may be used to pay:
- (1) Retirement awards;
  - (2) Hiring bonuses for difficult-to-fill positions;
  - (3) Additional income allowances for difficult-to-fill positions; provided, that this is not a waiver of section 1005;
  - (4) Agency awards or bonuses funded by private grants or donations;

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

(6) Safe-driving awards;

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

(8) Suggestion or invention awards;

(9) Quality steps;

(10) Salary incentives negotiated through collective bargaining; or

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

(b) Notwithstanding the prohibition in section 1002(a) or any other provision of law, no restrictions on the use of funds to support the categories of special awards pay (comptroller subcategory 0137) or bonus pay (comptroller subcategory 0138) shall apply to employees of the District of Columbia Public Schools who are based at a local school or who provide services directly to individual students.

(c) Notwithstanding the prohibition in section 1002(a) or any other provision of law, the Office of the Attorney General shall pay employees of the Office of the Attorney General all performance allowance payments to which they are entitled or may become entitled under any approved compensation agreement negotiated between and executed by the Mayor and Compensation Unit 33 of the American Federation of Government Employees, Local 1403, AFL-CIO for the period from October 1, 2013, through September 30, 2017. These payments are necessary to satisfy the requirements of section 857 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective April 20, 1999 (D.C. Law 12-260; D.C. Official Code § 1-608.57), which requires the Attorney General's performance-management system to link pay to performance.

**SUBTITLE B. BEGA LOBBYIST FEE AND NOMINEE REVIEW PERIOD  
AMENDMENT**

Sec. 1011. Short title.

This subtitle may be cited as the "BEGA Lobbyist Fee and Nominee Review Period Amendment Act of 2016".

Sec. 1012. The Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.01 *et seq.*), is amended as follows:

(a) Section 203 (D.C. Official Code § 1-1162.03) is amended as follows:

(1) Subsection (b)(1) is amended by striking the phrase "45-day" both times it appears and inserting the phrase "90-day" in its place.

(2) Subsection (c) is amended by striking the phrase "Chairman of the Ethics Board" and inserting the phrase "Chairperson of the Ethics Board" in its place.



(b) Section 205 (D.C. Official Code § 1-1162.05) is amended by striking the word “Chairman” both times it appears and inserting the word “Chairperson” in its place.

(c) Section 227(b)(2) (D.C. Official Code § 1-1162.27(b)(2)) is amended to read as follows:

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

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

Sec. 1021. Short title.

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

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

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

(1) Paragraph (1) is repealed.

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

(3) Paragraph (3) is repealed.

(b) Subsection (b) is repealed.

Sec. 1023. Applicability.

Section 1022(a) shall apply as of October 1, 2008.

**SUBTITLE D. CAPTIVE INSURANCE AGENCY AMENDMENT**

Sec. 1031. Short title.

This subtitle may be cited as the “Captive Insurance Agency Amendment Act of 2016”.

Sec. 1032. The Captive Insurance Agency Establishment Act of 2008, effective July 18, 2008 (D.C. Law 17-196; D.C. Official Code § 1-307.81 *et seq.*), is amended as follows:

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

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

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

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

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

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

(1) Paragraph (1) is amended by striking the phrase “By delegation from the Mayor, to exercise” and inserting the word “Exercise” in its place.

(2) Paragraph (4A) is amended by striking the word “property”.

(c) Section 6(i)(2A) (D.C. Official Code § 1-307.85(i)(2A)) is amended by striking the word “property”.

(d) Section 8(b)(4A) (D.C. Official Code § 1-307.87(b)(4A)) is amended to read as follows:

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

(e) Section 11(a)(2) (D.C. Official Code § 1-307.90(a)(2)) is amended to read as follows:

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

(f) Section 12(b) (D.C. Official Code § 1-307.91(b)) is amended as follows:

(1) Paragraph (5) is amended by striking the word “and” at the end.

(2) Paragraph (6) is amended by striking the period and inserting the phrase “; and” in its place.

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

“(7) Beginning with payments made from the Fund on or after December 1, 2014, the purchase of insurance on behalf of the District of Columbia government.”.

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

“Sec. 13. Exemption from certain laws.

“The Agency shall not be subject to the:

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

“(2) Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*); or

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

Sec. 1033. Section 40 of the Fire and Casualty Act, approved October 9, 1940 (54 Stat. 1080; D.C. Official Code § 31-2502.40), is amended by adding a new subsection (c) to read as follows:

“(c)(1) Each agent or broker engaged by the District of Columbia government to procure insurance on its behalf shall be exempt from the requirement, as set forth in subsection (a) of this section, to pay the 2 per centum of the amount of the gross premiums upon all kinds of policies procured by the agent or broker on behalf of the District of Columbia government.

“(2) To claim this exemption, the agent or broker shall include a statement identifying, for each item enumerated in the affidavit required by subsection (a) of this section, the portion allocated to policies procured on behalf of the District of Columbia government.

“(3) The exemption provided in this subsection shall not be construed to exempt any agent or broker from any other requirement imposed by this section.”.

**SUBTITLE E. PUBLIC-PRIVATE PARTNERSHIPS**

Sec. 1041. Short title.

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

Sec. 1042. The Public-Private Partnership Act of 2014, effective March 11, 2015 (D.C. Law 20-228; D.C. Official Code § 2-271.01 *et seq.*), is amended as follows:

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

(b) Section 108(f) (D.C. Official Code § 2-273.03(f)) is amended by striking the phrase “response period” and inserting the phrase “evaluation period as part of the report submitted to the Council pursuant to section 114(a)(1)” in its place.

(c) Section 109(b)(2) (D.C. Official Code § 2-273.04(b)(2)) is amended by striking the phrase “the unsolicited proposal” and inserting the phrase “notice of the favorable evaluation of the unsolicited proposal, including a link to where a copy of the proposal may be publicly accessed on the Internet,” in its place.

(d) Section 301(a) (D.C. Official Code § 2-274.01(a)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “projects; and” and inserting the phrase “projects;” in its place.

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

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

“(3) Rules to address surety and bonding requirements of public-private partnership projects, including consistent baseline requirements across projects.”.

Sec. 1043. Section 105(c)(19) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.05(c)(19)), is amended by striking the phrase “titles VII and X” and inserting the phrase “Title X” in its place.

**SUBTITLE F. OIG BUDGET PROCESS CLARIFICATION AMENDMENT**

Sec. 1051. Short title.

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

Sec. 1052. Section 208(a)(2)(A) of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 1-301.115a(a)(2)(A)), is amended as follows:

(a) Strike the phrase “without revision but subject to recommendations.” and insert the phrase “without revision but subject to recommendations, including recommendations on reallocating any funds from the Inspector General’s estimates to other items in the District budget.” in its place.

(b) Strike the phrase “Notwithstanding any other provision of such Act, the Council may comment or make recommendations concerning such estimates, but shall have no authority to revise such estimates.”.

Sec. 1053. Applicability.

This subtitle shall apply as of March 24, 2016.

**SUBTITLE G. USE OF OFFICIAL VEHICLES DURING AN EMERGENCY**

Sec. 1061. Short title.

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

Sec. 1062. Section 3602 of the Restrictions on the Use of Official Vehicles Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 50-204), is amended by adding a new subsection (e) to read as follows:

“(e)(1) Notwithstanding any other provision of this section, during an emergency declared pursuant to section 5 of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2304), the Mayor may authorize an officer or employee of the District of Columbia government to use an official vehicle; provided, that the officer or employee may use the official vehicle only in the performance of the officer’s or employee’s duties, to conduct official business, or to travel between the officer’s or employee’s residence and workplace when the use of an official vehicle is necessary for that officer or employee to assist the District in responding to an emergency.

“(2) Authorization provided pursuant to this subsection shall expire concurrent with the end date of the declared emergency.

“(3) No later than 30 days after the end date of a declared emergency, the Mayor shall submit to the Council a report listing the following information for each officer or employee whom the Mayor authorized to use an official vehicle pursuant to this subsection:

“(A) The officer or employee’s name;

“(B) The officer or employee’s title and agency;

“(C) The length of time for which the officer or employee used an official vehicle; and

“(D) A detailed justification of the necessity for the officer or employee to have access to and use an official vehicle.”.

**SUBTITLE H. BALLOT ACCESS MODERNIZATION**

Sec. 1071. Short title.

This subtitle may be cited as the “Ballot Access Modernization Amendment Act of 2016”.

Sec. 1072. The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 1-1001.02) is amended by adding new paragraphs (29) and (30) to read as follows:

“(29) “Mobile application” means specialized software, designed for a mobile device, in which electronic signatures are collected on an electronic petition.

“(30) “Mobile device” means a handheld, portable, wireless computing device, including a tablet computer or mobile phone.”.

(b) Section 5 (D.C. Official Code § 1-1001.05) is amended as follows:

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

(A) Paragraph (17) is amended by striking the word “and”.

(B) Paragraph (18) is amended by striking the period and inserting the phrase “; and” in its place.

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

“(19)(A) Obtain or develop a mobile application that:

“(i) Connects the user to the Board’s computerized voter registration list to immediately confirm that a petition signer is a registered qualified elector;

“(ii) Maintains an up-to-date count of the number of electronic signatures collected; and

“(iii) Allows signed petitions to be printed out for submission to the Board;

“(B) No later than October 1, 2017, implement a pilot program that provides a limited number, as determined by the Board, of candidates, qualified petition circulators, and proposers with the option to use a mobile application, in addition to the paper circulation process, to gather electronic signatures on a mobile device registered with the Board for the June 2018 Primary Election;

“(C) For the November 2018 General Election, and all subsequent elections, make a mobile application available to all candidates, qualified petition circulators, and proposers to install on a mobile device registered with the Board; and

“(D) Issue rules to implement the use of a mobile application for all elections, including how to register a mobile device with the Board in order to utilize the mobile application; provided, that the rules shall require signed petitions from the mobile application to be printed out and submitted to the Board.”.

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

“(l) For the purposes of implementing the duties under subsection (a)(19) of this section, the Board may loan a mobile device to a candidate, qualified petition circulator, or proposer to utilize the mobile application. The Board may charge a reasonable refundable deposit for the use of the mobile device.”.

(c) Section 16(g) (D.C. Official Code § 1-1001.16(g)) is amended as follows:

(1) Strike the phrase “same size as the original.” and insert the phrase “same size as the original or shall utilize the mobile application made available under section 5(a)(19).” in its place.

(2) Strike the phrase “ward numbers, and shall have printed on it, in a manner prescribed by the Board, the following:” and insert the phrase “ward numbers.” in its place.

(3) A new sentence is added at the end of the lead-in language to read as follows: “Each petition sheet shall have printed on it, and each mobile application shall electronically display, the following information:”.

(d) Section 17(e) (D.C. Official Code § 1-1001.17(e)) is amended as follows:

(1) Strike the phrase “as the original” and insert the phrase “as the original or shall utilize the mobile application made available under section 5(a)(19)” in its place.

(2) Strike the phrase “ward numbers, and shall have printed on it the following:” and insert the phrase “ward numbers.” in its place.

(3) A new sentence is added at the end of the lead-in language to read as follows: “Each petition sheet shall have printed on it, and each mobile application shall electronically display, the following information:”.

Sec. 1073. Section 1603.8 of Title 3 of the District of Columbia Municipal Regulations (3 DCMR § 1603.8) is repealed.

**SUBTITLE I. DIRECTOR OF THE MAYOR’S OFFICE OF COMMUNITY AFFAIRS GRANT-MAKING**

Sec. 1081. Short title.

This subtitle may be cited as the “Mayor’s Office of Community Affairs Limited Grant-making Amendment Act of 2016”.

Sec. 1082. (a) In Fiscal Year 2017, the Director of the Mayor’s Office of Community Affairs (“Director”) shall have grant-making authority for the purpose set forth in subsection (b) of this section.

(b)(1) In Fiscal Year 2017, the Director shall award a grant of up to \$75,405 to provide housing-related assistance to members of the Caribbean population of the District; provided, that the funds shall be used only for research, reports, and outreach that promote housing initiatives for the Caribbean population of need.

(2) Before issuing the grant, the Director shall consult with the Mayor’s Advisory Commission on Caribbean Community Affairs regarding grant solicitation.

**SUBTITLE J. NEW COLUMBIA STATEHOOD COMMISSION  
DISCRETIONARY FUNDING**

Sec. 1091. Short title.

This subtitle may be cited as the “New Columbia Statehood Commission Discretionary Fund Amendment Act of 2016”.

Sec. 1092. The District of Columbia Statehood Constitutional Convention Initiative of 1979, effective May 2, 2015 (D.C. Law 20-271; D.C. Official Code § 1-129.31 *et seq.*), is amended as follows:

(a) Section 32(c) (D.C. Official Code § 1-129.32(c)) is amended as follows:

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

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

“(2)(A) Except as provided in subparagraph (B) of this paragraph, the Commission is authorized to provide for the expenditure of up to \$24,000 per year from the Fund for the purposes provided in section 35(a).

“(B) For Fiscal Year 2016, the Commission is authorized to provide for the expenditure of up to \$12,000.”.

(b) Section 35(a) (D.C. Official Code § 1-129.35(a)) is amended to read as follows:

“(a) Except as provided in subsection (b) of this section, a member of the Statehood Delegation shall use New Columbia Statehood Fund monies for:

“(1) Any expense closely and directly related to the operation of his or her office;

or

“(2) Any expense that the Commission deems necessary for appropriate purposes related to the purposes of the Commission; provided, that the Commission’s determination of necessity shall be final and conclusive, and its certificate shall be sufficient voucher for the expenditure of appropriations made pursuant to this section.”.

**SUBTITLE K. PDS CREDITABLE SERVICE CLARIFICATION**

Sec. 1101. Short title.

This subtitle may be cited as the “Public Defender Service Creditable Service Clarification Amendment Act of 2016”.

Sec. 1102. Section 2604(1) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective October 1, 1987 (D.C. Law 7-27, D.C. Official Code § 1-626.04(1)), is amended by adding a new subparagraph (C) to read as follows:

“(C)(i) For purposes of vesting pursuant to section 2610(b), and notwithstanding any other provision of law or any prior agreement with the Public Defender Service for the District of Columbia, creditable service with the District for employees of the Public Defender Service of the District of Columbia hired on or after October 1, 1987 and before September 16, 1991 shall be calculated to include service beginning as of the commencement of employment.

“(ii) This subparagraph shall apply as of October 1, 1987.”.

**SUBTITLE L. RETIREMENT SURVIVOR EQUITY BENEFIT**

Sec. 1111. Short title.

This subtitle may be cited as the “Equity in Survivor Benefits Clarification Amendment Act of 2016”.

Sec. 1112. Section 4 of the District of Columbia Spouse Equity Act of 1988, effective March 16, 1989 (D.C. Law 7-214; D.C. Official Code § 1-529.03), is amended by adding a new subsection (f) to read as follows:

“(f) The Mayor is not obligated to comply with a qualifying court order issued after an employee’s or retiree’s death.”.

**SUBTITLE M. ARCHIVES EMINENT DOMAIN AUTHORITY**

Sec. 1121. Short title.

This subtitle may be cited as the “Archives Eminent Domain Authority Act of 2016”.

Sec. 1122. Findings.

The Council finds that:

(1) The District of Columbia Office of Public Records and Archives (“the Archives”) is currently headquartered at 1300 Naylor Court, N.W.

(2) The Fiscal Year 2017 Local Budget Act of 2016, enacted on June 15, 2016 (D.C. Act 21-414; 63 DCR 8786), provides funding to allow the Archives to relocate to a site that meets several criteria outlined in a report commissioned by the Department of General Services, which found that the preferred alternative would be a stand-alone, purpose-built, new facility requiring approximately 135,000 gross building square feet.

(2) The Archives building is to be a mix of high-quality, environmentally controlled storage space, and several thousand square feet of space for the public to access the Archives, office space, and meeting space.

(3) The District desires to relocate the Archives to a new facility to be developed on Lots 36, 41, and 802 in Square 3942 and Parcels 0143/107 and 0143/110 (“W Street Site”) that, combined, comprise approximately 147,000 square feet.

(4) The W Street Site is currently occupied by a private trash transfer station.

(5) The trash transfer station is a blighting factor in Brentwood and its surrounding communities.

(6) Residents of Brentwood and the surrounding communities have concerns regarding the noxious fumes that emanate from the trash transfer station and pervasive vermin, and have complained that there is an increased incidence of health concerns.

(7) The W Street Site trash transfer station continues to operate as an open-air trash transfer station, which allows its pungent odors to reach much farther than they would if the facility were closed.



(8) Since August 2012, the District Department of the Environment has conducted at least 37 inspections and issued 8 notices of infractions to the W Street Site trash transfer station.

(9) The W Street Site will provide an opportunity to construct and establish a state-of-the-art archival government facility that is centrally located within the District of Columbia and in close proximity to Metrorail and Metrobus service.

**Sec. 1123. Exercise of eminent domain.**

The Mayor may exercise eminent domain in accordance with the procedures set forth in subchapter II of Chapter 13 of Title 16 of the District of Columbia Official Code to acquire Lots 36, 41, and 802 in Square 3942 and Parcels 0143/107 and 0143/110 for the purposes set forth in section 1122.

**SUBTITLE N. ADVISORY NEIGHBORHOOD COMMISSIONS SIGN-LANGUAGE INTERPRETERS PILOT PROGRAM**

**Sec. 1131. Short title.**

This subtitle may be cited as the “Advisory Neighborhood Commissions Access to Sign-Language Interpreters Amendment Act of 2016”.

**Sec. 1132.** Section 18 of the Advisory Neighborhood Commissions Act of 1975, effective June 27, 2000 (D.C. Law 13-135; D.C. Official Code § 1-309.15), is amended by adding a new subsection (d) to read as follows:

“(d)(1) Beginning October 1, 2016, the Office shall conduct a one-year pilot program to provide sign-language interpreters, upon request, for Commission meetings and subcommittee meetings; provided, that:

“(A) The Office shall establish a procedure for a Commission to submit a request for an interpreter; and

“(B) The provision of an interpreter shall be subject to the availability of funding.

“(2) On April 1, 2017, the Office shall submit a report to the Council that includes the following information, current as of that date, regarding the pilot program:

“(A) The total number of interpreters requested;

“(B) The total number of requests that the Office approved;

“(C) The average length of time for which an interpreter was needed;

“(D) The average hourly cost of an interpreter;

“(E) The total amount spent on the pilot program; and

“(F) An assessment of the effectiveness of the pilot program, including recommendations regarding its future.”.

**SUBTITLE O. CONSTITUENT SERVICES EXPENDITURE LIMIT**

Sec. 1141. Short title.

This subtitle may be cited as the “Constituent Services Expenditures Limit Amendment Act of 2016”.

Sec. 1142. Section 338(a) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1163.38(a)), is amended by striking the phrase “expend a maximum of \$40,000” and inserting the phrase “expend a maximum of \$60,000” in its place.

**SUBTITLE P. UNIVERSAL PAID LEAVE IMPLEMENTATION FUND**

Sec. 1151. Short title.

This subtitle may be cited as the “Universal Paid Leave Implementation Fund Act of 2016”.

Sec. 1152. Universal Paid Leave Implementation Fund.

(a) There is established as a special fund the Universal Paid Leave Implementation Fund (“Fund”), which shall be administered by the Chief Financial Officer in accordance with subsection (c) of this section.

(b) There shall be deposited into the Fund \$20,039,000 of local funds in Fiscal Year 2016.

(c) Money in the Fund shall be used to fund the implementation of the Universal Paid Leave Act of 2016, as introduced on October 6, 2015 (Bill 21-415).

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

(2) Subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.

**TITLE II. ECONOMIC DEVELOPMENT AND REGULATION**

**SUBTITLE A. CREATIVE AND OPEN SPACE MODERNIZATION  
AMENDMENT**

Sec. 2001. Short title.

This subtitle may be cited as the “Creative and Open Space Modernization Amendment Act of 2016”.

Sec. 2002. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by striking the phrase “Qualified High Technology Company interior renovation tax rebate” and inserting the phrase “Creative and Open Space Modernization tax rebate” in its place.

(b) Section 47-4665 is amended to read as follows:

“§ 47-4665. Creative and Open Space Modernization tax rebate.

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

“(1) “Directly related entity” means a qualified entity that is closely associated with an occupant, including:

“(A) A subsidiary or parent company of an occupant;

“(B) A special purpose vehicle of an occupant;

“(C) A holding company of an occupant;

“(D) An operating company of an occupant;

“(E) A flow-through entity of an occupant;

“(F) A company otherwise substantially sharing, directly or indirectly, common directors, officers, employees, facilities, or profits with an occupant.

“(2) “Eligible building” means:

“(A) A nonresidential building; or

“(B) A building used for both residential and nonresidential purposes.

“(3) “Eligible premises” means a nonresidential, interior portion of an eligible building that is used as an office (including ancillary uses) by a qualified entity under a lease, sublease, or purchase and sale agreement.

“(4) “Occupancy commencement” means the date on which an occupant or a directly related entity takes possession of eligible premises or the occupancy date for eligible premises agreed to in a lease, sublease, or purchase and sale agreement by an occupant, whichever occurs first.

“(5) “Occupant” means a qualified entity that executes:

“(A) A lease or sublease for at least 50,000 square feet of net rentable area of eligible premises within the District for a minimum term of 12 years, under which the qualified entity or a directly related entity occupies and uses the eligible premises, or will occupy and use the eligible premises, on or after the commencement date; or

“(B) A purchase and sale agreement for at least 50,000 square feet of net area of eligible premises within the District, under which the qualified entity or a directly related entity occupies and uses the eligible premises, or will occupy and use the eligible premises, on or after the commencement date.

“(6) “Public benefit” means an undertaking by an occupant or a directly related entity that the Mayor, in the Mayor’s sole discretion, determines will have a material, positive impact on the District. The term “public benefit” may include:

“(A) Providing employment or contracting opportunities for District residents and Certified Business Enterprises;

“(B) Providing low-income or underserved individuals or communities in the District with reduced-price or free products, services, or commercial or community space;

“(C) Providing economic opportunities, training, or jobs for individuals or communities beyond those offered through the normal course of business; or

“(D) Providing innovation-and-technology-related educational, training, or internship opportunities for students in the District.

“(7)(A) “Qualified entity” means an individual or entity:

“(i) Organized for profit and leasing or owning an office in the District;

“(ii) Having 2 or more employees in the District; and

“(iii) Deriving at least 51% of its gross revenues earned in the District from:

“(I) Internet-related services and sales, including website design, maintenance, hosting, or operation; Internet-related training, consulting, advertising, or promotion services; the development, rental, lease, or sale of Internet-related applications, connectivity, or digital content; or products and services that may be considered e-commerce;

“(II) Information and communication technologies, equipment and systems that involve advanced computer software and hardware, data processing, visualization technologies, or human interface technologies, whether deployed on the Internet or other electronic or digital media, including operating and applications software; Internet-related services, including design, strategic planning, deployment, and management services and artificial intelligence; computer modeling and simulation; high-level software languages; neural networks; processor architecture; animation and full-motion video; graphics hardware and software; speech and optical character recognition; high-volume information storage and retrieval; data compression; and multiplexing, digital signal processing, and spectrum technologies;

“(III) Advanced materials and processing technologies that involve the development, modification, or improvement of one or more materials or methods to produce devices and structures with improved performance characteristics or special functional attributes, or to activate, speed up, or otherwise alter chemical, biochemical, or medical processes, including metal alloys; metal matrix and ceramic composites; advanced polymers; thin films; membranes; superconductors; electronic and photonic materials; bioactive materials; bioprocessing; genetic engineering; catalysts; waste emissions reduction; pharmaceuticals; and waste processing technologies;

“(IV) Engineering, production, biotechnology, and defense technologies that involve knowledge-based control systems and architectures; advanced fabrication and design processes, equipment, and tools; propulsion, navigation, guidance, nautical, aeronautical and astronautical ground and airborne systems, instruments, and equipment, including computer-aided design and engineering; computer-integrated manufacturing; robotics and automated equipment; integrated circuit fabrication and test equipment; sensors; biosensors; signal and image processing; medical and scientific instruments; precision machining and forming; biological and genetic research equipment; environmental analysis, remediation, control, and prevention equipment; defense command and control

equipment; avionics and controls; guided missile and space vehicle propulsion units; military aircraft; space vehicles; and surveillance, tracking, and defense warning systems;

“(V) Electronic and photonic devices and components for use in producing electronic, optoelectronic, mechanical equipment and products of electronic distribution with interactive media content, including microprocessors; logic chips; memory chips; lasers; printed circuit board technology; electroluminescent, liquid crystal, plasma, and vacuum fluorescent displays; optical fibers; magnetic and optical information storage; optical instruments, lenses, and filters; simplex and duplex data bases; and solar cells; or

“(VI) The sale or advertising of original media content that the individual or entity transmits digitally and produces within a facility that it leases or owns inside the District that includes permitted production space utilized by the individual or entity specifically for the creation of original media content.

“(B) The term “qualified entity” shall not include:

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

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

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

“(III) A building or construction company; or

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

“(8) “Qualified occupant improvement” means an improvement to eligible premises made pursuant to a lease, sublease, or purchase and sale agreement by an occupant or a directly related entity that is substantially completed no later than one year after occupancy commencement.

“(9) “Total value of qualified occupant improvements” means the amount expended by an occupant or a directly related entity to make qualified occupant improvements.

“(b) An occupant that leases, subleases, or executes a purchase and sale agreement for eligible premises taxable under Chapter 8 of this title shall receive, to the extent provided by this section, a rebate of the real property tax paid with respect to the eligible premises for the portion of the tax year that the eligible premises are occupied by the occupant or a directly related entity if:

“(1) The occupant is liable under the lease, sublease, or purchase and sale agreement for its proportionate share of the real property tax for the tax lot on which the eligible building is located;

“(2) The occupant has been certified as eligible for a rebate by the Mayor under subsection (e) of this section;

“(3) The real property tax has been paid for the year during which the rebate is sought;

“(4) The occupant complies with the requirements of subsection (d) of this section during the tax year for which the rebate is sought; and

“(5) No abatement of the real property tax on the eligible building pursuant to § 47-811.03 has been claimed for the tax year for which the rebate is sought.

“(c)(1) The amount of the rebate provided pursuant to this section to a single occupant or any directly related entity in a single year shall be equal to the least of the following:

“(A) 10% of the total value of any qualified occupant improvements substantially completed during the preceding 5 years, as certified by the Mayor pursuant to subsection (e)(3) of this section;

“(B) The portion of the real property tax paid during the year for which the rebate is sought, either directly or indirectly, by the occupant or by a directly related entity under the occupant’s or directly related entity’s lease, sublease, or purchase and sale agreement; or

“(C) \$1 million.

“(2) The amount of the rebate calculated pursuant to paragraph (1) of this subsection shall be reduced by the amount of any grant received by the occupant or by a directly related entity pursuant to section 3(c)(4) of the H Street, N.E., Retail Priority Area Incentive Act of 2010, effective April 8, 2011 (D.C. Law 18-354; D.C. Official Code § 1-325.172(c)(4)), as certified by the Mayor to the Office of Tax and Revenue.

“(3) No later than December 31 of the year following the tax year for which the taxes to be rebated were paid, payment of the rebate of real property tax shall be made to the person who paid the tax; provided, that the payer is eligible to receive the rebate payment.

“(d) No later than September 15 of the tax year in which the tax was paid as provided under § 47-811, the Mayor shall certify to the Office of Tax and Revenue, in a form and medium specified by the Office of Tax and Revenue, each property or portion thereof eligible to receive the rebate provided by this section and the amount of the rebate. The certification shall be accompanied by a statement from the Mayor specifying the amount of funds available under subsection (f) of this section for real property tax abatement for each property identified in the certification. The rebate paid for any property shall not exceed the amount of tax paid with respect to such property for the tax year, taking into account any other applicable abatements, exemptions, or reductions. Each applicant for a rebate shall furnish to the Mayor:

“(1) A copy of the occupant’s lease, sublease, or purchase and sale agreement including any provisions requiring the occupant to pay a portion of the property tax for the tax lot on which the eligible building is located;

“(2) Documentation that the occupant has paid its proportional share of the real property tax to date, as required under the lease, sublease, or purchase agreement for the eligible premises, to be supplemented by the occupant once it has made its final payment for the calendar year; and

“(3) An itemization of the square footage of the eligible premises actually occupied by the occupant or a directly related entity and the period of such occupancy during the tax year.

“(e)(1) An occupant who seeks to be considered eligible for a rebate provided under this section shall file with the Mayor on or after June 1, 2016, in a manner and form as the Mayor may prescribe, an eligibility certification application, which shall include:

“(A) The identity of the occupant, including the occupant’s taxpayer identification number, and the identity of any directly related entity that may be occupying all or part of the eligible premises, including the directly related entity’s taxpayer identification number;

“(B) A description of the eligible building, by square and lot, parcel, or reservation number, and of the eligible premises, including floors, location, and square footage;

“(C) The estimated cost of making any qualified occupant improvements to the eligible premises;

“(D) The date of occupancy commencement and the anticipated duration of the lease or sublease or the holding period if purchased;

“(E) A description of the public benefit that the occupant proposes to furnish; and

“(F) Any other information that the Mayor considers necessary.

“(2) The Mayor shall review the occupant’s eligibility certification application. If the Mayor determines that the occupant has proposed to furnish a public benefit and that the tenant is otherwise eligible, the Mayor shall certify the tenant’s eligibility to receive a rebate pursuant to this section. The certification shall be made before the date of occupancy commencement or within 45 days after the eligibility certification application is received, whichever is later in time.

“(3) Within 60 days following substantial completion of qualified occupant improvements, the occupant shall submit to the Mayor an itemization of the total value of qualified occupant improvements, together with supporting documentation. Within 60 days following the receipt of this submission, the Mayor shall review and certify the total value of qualified occupant improvements.

“(4) No later than the date the certification is made as provided in subsection (d) of this section, the Mayor shall certify to the Office of Tax and Revenue whether the tenant has furnished or has made substantial progress toward furnishing a public benefit. If the Mayor certifies that a tenant has not furnished or made substantial progress toward furnishing a public benefit, the Office of Tax and Revenue shall not pay a rebate to the tenant for that calendar year.

“(5) If at any time the Mayor determines that an occupant has become ineligible for a rebate under this section, either for failure to make substantial progress toward furnishing a public benefit or for some other reason, the Mayor immediately shall notify the Office of Tax and Revenue and thereafter the Office of Tax and Revenue shall not pay to the tenant any rebate pursuant to this section.

“(f) Notwithstanding any other provision of this section, the total combined rebate payments per fiscal year for all occupants under this section, beginning in Fiscal Year 2017, shall not exceed \$3 million.”.

Sec. 2003. Section 301(d-1) of the National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Act of 2008, effective March 26, 2008 (D.C. Law 14-138; D.C. Official Code § 2-1225.21(d-1)), is amended to read as follows:

“(d-1) In Fiscal Year 2017 and each fiscal year thereafter, up to \$3 million in monies credited to the Account may be used to fund real property tax rebates under D.C. Official Code § 47-4665.”.

**SUBTITLE B. INAUGURAL CELEBRATION AMENDMENT**

Sec. 2011. Short title.

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

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

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

Sec. 2021. Short title.

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

Sec. 2022. Section 25-798 of the District of Columbia Official Code is amended as follows:

(a) Subsection (b) is amended by striking the phrase “or in a group,” and inserting the phrase “or in a group, or a promoter or organizer of a pub crawl event, as defined by rule,” in its place.

(b) Subsection (c) is amended by striking the phrase “the licensee.” and inserting the phrase “the licensee, or licensees, or the promoter or organizer of a pub crawl event.” in its place.

**SUBTITLE D. WALTER REED DEVELOPMENT OMNIBUS**

Sec. 2031. Short title.

This subtitle may be cited as the "Walter Reed Development Omnibus Amendment Act of 2016".

Sec. 2032. Section 7(d) of the Walter Reed Development Omnibus Act of 2016, effective May 18, 2016 (D.C. Law 21-119; 63 DCR 4678), is amended to read as follows:

“(d) Notwithstanding section 1094 of the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.13), the Office of the Deputy Mayor for Planning and Economic Development shall have the authority to make grants from the Fund to the Developer for the purposes set forth in subsection (c) of this section.”.



**SUBTITLE E. DMPED GRANT-MAKING AUTHORITY AMENDMENT**

Sec. 2041. Short title.

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

Sec. 2042. Section 2032 of the Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 1-328.04), is amended by adding new subsections (d) and (e) to read as follows:

“(d) Notwithstanding section 1094 of the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.13), the Deputy Mayor shall have grant-making authority for the purpose of providing:

“(1) Funds as may be necessary to implement projects that are part of the New Communities Initiative, as that term is defined in section 3(b)(11)(B) of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2802(b)(11)(B)); provided, that such funds are included in the approved operating budget for the New Communities Initiative program or the approved capital budget for the New Communities Initiative project;

“(2) Funds to the Washington Convention Center Marketing Fund established by section 208a of the Washington Convention Center Authority Act of 1994, effective August 12, 1998 (D.C. Law 12-142; D.C. Official Code § 10-1202.08a), to supplement funds included in an approved budget for marketing-service contracts pursuant to subsections (e) and (e-1) of that section; and

“(3) Funds to the Washington DC Economic Partnership; provided, that such funds are included in an approved budget and designated for the Washington DC Economic Partnership.

“(e) In addition to the grant-making authority provided in subsection (d) of this section, the Deputy Mayor shall have the authority to transfer funds to Events DC pursuant to a Memorandum of Agreement or Memorandum of Understanding between the Deputy Mayor and Events DC.”.

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

Sec. 2051. Short title.

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

Sec. 2052. The Office of Cable Television, Film, Music, and Entertainment Amendment Act of 2015, effective October 9, 2002 (D.C. Law 14-193; D.C. Official Code § 34-1251.01 *et seq.*), is amended as follows:

(a) Section 201 (D.C. Official Code § 34-1252.01) is amended as follows:

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

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

(B) Subparagraph (E) is amended by striking the phrase “television shows and films” and inserting the phrase “entertainment industry projects” in its place.

(C) Subparagraph (F) is amended by striking the phrase “, including television shows and films”.

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

(b) Section 202 (D.C. Official Code § 34-1252.02) is amended as follows:

(1) Paragraph (8A) is amended as follows:

(A) The lead-in language is amended by striking the phrase “studios and equipment” and inserting the phrase “studios, facilities, and equipment” in its place.

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

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

(3) Paragraph (19) is amended by striking the word “and”.

(4) Paragraph (20) is amended by striking the period and inserting the phrase “; and” in its place.

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

“(21) Establish written formal, collaborative arrangements (sometimes called partnerships) with private and nonprofit entities to implement the purposes of this act.”.

(c) Section 203 (D.C. Official Code § 34-1252.03) is amended as follows:

(1) The heading is amended by striking the phrase “Cable Television” and inserting the acronym “OCTFME” in its place.

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

(A) Strike the phrase “Cable Television” both times it appears and insert the acronym “OCTFME” in its place.

(B) Strike the phrase “operation of a cable system” and insert the phrase “operation of the industries under this act” in its place.

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

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

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

“(3A) Fees derived from film permits applied for or issued pursuant to section 2d of the Film DC Economic Incentive Act of 2006, effective March 3, 2010 (D.C. Law 18-111; D.C. Official Code § 2-1204.11d);”.

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

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

“(5) All interest earned on all deposits.”.

Sec. 2053. Section 2e of the Film DC Economic Incentive Act of 2006, effective March 3, 2010 (D.C. Law 18-111; D.C. Official Code § 2-1204.11e), is repealed.

**SUBTITLE G. DMPED PROCUREMENT EXEMPTION CLARIFICATION**

Sec. 2061. Short title.

This subtitle may be cited as the “DMPED Procurement Exemption Clarification Amendment Act of 2016”.

Sec. 2062. Section 201 of the National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Act of 2008, effective March 26, 2008 (D.C. Law 17-138; D.C. Official Code § 2-1225.11), is amended by adding a new subsection (b-1) to read as follows:

“(b-1) Any contract between the Deputy Mayor for Planning and Economic Development and a developer for the development of Square 3128 related to Zoning Commission Order No. Z.C. 13-14, or amendment to that order, shall not be subject to titles IV, V, and VI, and sections 702 and 1101 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*)”.

**SUBTITLE H. BUSINESS IMPROVEMENT DISTRICTS CHARTER RENEWAL**

Sec. 2071. Short title.

This subtitle may be cited as the “Business Improvement Districts Charter Renewal Amendment Act of 2016”.

Sec. 2072. The Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.01 *et seq.*), is amended as follows:

(a) Section 19(a)(1)(B) (D.C. Official Code § 2-1215.18(a)(1)(B)), is amended to read as follows:

“(B) The BID submits a plan for the next 5 years of BID operations to the Mayor; and”.

(b) Section 24(b) (D.C. Official Code § 2-1215.01, note) is repealed.

**SUBTITLE I. PREGNANT WORKERS’ PROTECTION**

Sec. 2081. Short title.

This subtitle may be cited as the “Protecting Pregnant Workers Fairness Amendment Act of 2016”.

Sec. 2082. The Protecting Pregnant Workers Fairness Act of 2014, effective March 3, 2015 (D.C. Law 20-168; D.C. Official Code § 32-1231.01 *et seq.*), is amended as follows:

(a) Section 2(2) (D.C. Official Code § 32-1231.01(2)) is amended as follows:

(1) Subparagraph (F) is amended by striking the word “or”.

(2) Subparagraph (G) is amended by striking the period and inserting the phrase “; or” in its place.

(3) A new subparagraph (H) is added to read as follows:

“(H) Time off due to pre-birth complications.”.

(b) Section 4 (D.C. Official Code § 32-1231.03) is amended as follows:

(1) Paragraph (4) is amended by striking the word “or” at the end.

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

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

“(6) Take an adverse action against an employee who has been absent from work as a result of a pregnancy-related condition, including a pre-birth complication.”.

#### **SUBTITLE J. ACCRUED SICK AND SAFE LEAVE AMENDMENT**

Sec. 2091. Short title.

This subtitle may be cited as the “Accrued Sick and Safe Leave Amendment Act of 2016”.

Sec. 2092. The Accrued Sick and Safe Leave Act of 2008, effective May 13, 2008 (D.C. Law 17-152; D.C. Official Code § 32-131.01 *et seq.*), is amended as follows:

(a) Section 6(b)(1) (D.C. Official Code § 32-131.05(b)(1)) is amended by striking the phrase “(3); or” and inserting the phrase “(3); and” in its place.

(b) Section 7(b) (D.C. Official Code § 32-131.06(b)) is amended by striking the phrase “agreement.” and inserting the phrase “agreement that expressly waives the requirements in clear and unambiguous terms.” in its place.

#### **SUBTITLE K. ADULT CAREER PATHWAYS IMPLEMENTATION**

Sec. 2101. Short title.

This subtitle may be cited as the “Adult Career Pathways Implementation Amendment Act of 2016”.

Sec. 2102. Section 14(d)(2)(D) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 947; D.C. Official Code § 51-114(d)(2)(D)), is amended by striking the phrase “Administrative Fund may be used” and inserting the phrase “Administrative Fund, or other sources of workforce development funding, may be used” in its place.

#### **SUBTITLE L. UNEMPLOYMENT BENEFITS MODERNIZATION**

Sec. 2111. Short title.

This subtitle may be cited as the “Unemployment Benefits Modernization Amendment Act of 2016”.

Sec. 2112. The District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 946; D.C. Official Code § 51-101 *et seq.*), is amended as follows:

(a) Section 1(5) (D.C. Official Code § 51-101(5)) is amended as follows:

(1) Strike the figure “80%” and insert the figure “66%” in its place.

(2) Strike the figure “\$20” and insert the figure “\$50” in its place.

(b) Section 7 (D.C. Official Code § 51-107) is amended as follows:

(1) Subsection (a) is amended by striking the last sentence.

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

“(b)(1) Subject to the limitations set forth in this section, an individual’s weekly benefit amount shall be equal to one twenty-sixth (computed to the next higher multiple of \$1) of the individual’s total wages for insured work paid during the quarter of the individual’s base period in which such total wages were highest.

“(2) Effective October 1, 2016, the maximum weekly benefit amount shall be \$425.

“(3)(A) Effective January 1, 2018, and for each calendar year thereafter, the maximum weekly benefit amount shall be determined by the Director of the Department of Employment Services, subject to subparagraph (C) of this paragraph, by using the Department of Labor State Benefit Financing Model.

“(B) The Director shall consider increasing the maximum weekly benefit amount in proportion to any increase in the Consumer Price Index for Urban Consumers in the Washington Metropolitan Statistical Area, published by the United States Department of Labor’s Bureau of Labor Statistics, in making a determination, but may increase the maximum weekly benefit amount by a lesser amount, or may not increase it, when necessary to preserve an adequate balance in the District Unemployment Compensation Trust Fund through the Financial Plan.

“(C)(i) By September 30, 2017, and by September 30 of each subsequent year, the Director shall recommend to the Mayor the maximum weekly benefit amount, which shall become the maximum weekly benefit amount for the next calendar year, unless the Council passes a resolution disapproving the Director’s recommendation pursuant to sub-subparagraph (ii) of this subparagraph.

“(ii) The Mayor shall promptly submit the recommendation, with a proposed resolution, to the Council for a 45-day period of review. If the Council does not approve or disapprove the recommendation, by resolution, within the 45-day period of review, the recommendation shall be deemed approved.

“(iii) If the Council passes a resolution of disapproval, the maximum weekly benefit amount then in effect shall continue in effect for the next calendar year.”.

(3) Subsection (d) is amended by striking the phrase “or 50% of the wages for employment paid to such individual by employers during his base period whichever is the lesser”.

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

(A) Strike the figure “\$20” and insert the figure “\$50” in its place.

(B) Strike the figure “80%” and insert the figure “66%” in its place.

(5) Subsection (f) is amended by striking the phrase “this section shall not apply” and inserting the phrase “this subsection shall not apply” in its place.

(c) Section 8 (D.C. Official Code § 51-108) is amended by striking the last sentence and inserting the following sentence in its place:

“All payments of benefits shall be made by the Chief Financial Officer and shall be subject to a post, but not a prior, audit by the Office of the Inspector General.”.

### **SUBTITLE M. TOPA APPLICATION ASSISTANCE PILOT PROGRAM**

Sec. 2121. Short title.

This subtitle may be cited as the “TOPA Application Assistance Pilot Program Amendment Act of 2016”.

Sec. 2122. The Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3401.01 *et seq.*), is amended by adding a new section 414 to read as follows:

“Sec. 414. TOPA Application Assistance Pilot Program.

“(a) For Fiscal Year 2017, there is established a TOPA Application Assistance Pilot Program (“Program”) to help tenant organizations prepare their applications to the First Right Purchase Assistance Program described at Chapter 27 of Title 14 of the District of Columbia Municipal Regulations (14 DCMR § 2700 *et seq.*). The Program shall complement the First Right Purchase Assistance Program, and shall include funding for pre-application legal and technical assistance, including assistance with environmental studies.

“(b) A tenant organization in a building of 5 or more units shall be eligible for the Program if the tenant organization meets the eligibility requirements of 14 DCMR § 2701 for tenant associations. A property shall be eligible for the Program if the property meets the eligibility requirements of 14 DCMR § 2703.

“(c) The Mayor shall ensure that the agency administering the Program:

“(1) Approves or denies an application for the Program within 15 days of receiving the completed application from a tenant organization;

“(2) Issues an award letter or denies an application for the First Right Purchase Assistance Program within 30 days of receiving the completed application from a tenant organization;

“(3) Reimburses an invoice received from a tenant organization for Program expenditures or First Right Purchase Assistance Program expenditures within 30 days of receipt; and

“(4) Expeditiously administers the Program and the First Right Purchase Assistance Program in a manner that allows tenant organizations to meet all deadlines required by this title.

“(d) The maximum amount of pre-application legal and technical assistance that may be awarded to a tenant organization per TOPA offer is as follows:

“(1) Up to \$25,000 for a tenant organization in a building with 5 to 50 units; and

“(2) Up to \$45,000 for a tenant organization in a building with greater than 50 units.

“(e) Funds shall not be used to pay for any costs of litigation.

“(f) If a tenant organization, or the entity to which a tenant organization assigns its rights under this title, successfully purchases a property, the full amount of any assistance provided pursuant to this section shall be repaid to the Program within 30 days of the purchase of the property.

“(g) By November 1, 2016, the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this section. The rules shall mandate processes for the application for, and distribution of, funds in a timely manner so as to facilitate successful compliance with the required timelines and purposes of this section.”.

Sec. 2123. Section 2009(c) of the Fiscal Year 2009 Budget Support Act of 2008, effective August 16, 2008 (D.C. Law 17-219; D.C. Official Code § 42-2857.01(c)), is amended as follows:

(a) Paragraph (15) is amended by striking the word “and”.

(b) Paragraph (16) is amended by striking the period and inserting the phrase “; and” in its place.

(c) A new paragraph (17) is added to read as follows:

“(17) To provide funding for the TOPA Application Assistance Pilot Program established by section 414 of the Rental Housing Conversion and Sale Act of 1980, passed on 2nd reading on June 21, 2016 (Enrolled version of Bill 21-669); provided, that funding from the Unified Fund for the program shall not exceed the amount available in the Unified Fund.”.

Sec. 2124. Sunset.

This subtitle shall expire on September 30, 2017.

#### **SUBTITLE N. RETAIL PRIORITY AREA AMENDMENT**

Sec. 2131. Short title.

This subtitle may be cited as the “Retail Priority Area Amendment Act of 2016”.

Sec. 2132. The H Street, N.E., Retail Priority Area Incentive Act of 2010, effective April 8, 2011 (D.C. Law 18-354; D.C. Official Code § 1-325.171 *et seq.*), is amended as follows:

(a) Section 3(c)(3) (D.C. Official Code § 1-325.172(c)(3)) is amended to read as follows:

“(3) Beginning October 1, 2015, and ending September 30, 2017, make grants to support revitalization programs pursuant to section 4b of the Retail Incentive Act of 2004, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 2-1217.73b). Grants may

be awarded for revitalization programs within any of the Retail Priority Areas established by or pursuant to section 4 of the Retail Incentive Act of 2004, effective September 8, 2004 (D.C. Law 15-185; D.C. Official Code § 2-1217.73).”.

(b) Section 4 (D.C. Official Code § 1-325.173) is amended by adding a new subsection (d) to read as follows:

“(d)(1) A grant made available under this section shall be divided into thirds or fourths and disbursed accordingly in allotments to a grantee.

“(2)(A) The Mayor shall request, and a grantee shall furnish, a receipt or receipts for the purpose of confirming that a grantee’s expenditure of grant funds was allowable.

“(B) Notwithstanding subparagraph (A) of this paragraph, unless the grantee fails to provide a receipt or receipts, the grantee's response shall not delay disbursement of the grantee's next allotment, except for the final allotment. Funds shall be made available to the grantee as quickly as possible.

“(C) Nothing in this paragraph shall be construed to authorize the expenditure of grant funds inconsistent with their purpose.”.

Sec. 2133. The Retail Incentive Act of 2004, effective September 8, 2004 (D.C. Law 15-185; D.C. Official Code § 2-1217.71 *et seq.*), is amended as follows:

(a) Section 4 (D.C. Official Code § 2-1217.73) is amended as follows:

(1) Subsection (i) is amended by striking the word “Macomb” and inserting the word “Calvert” in its place.

(2) Subsection (n) is amended by striking the phrase “Tenley Circle” and inserting the phrase “R Street” in its place.

(b) Section 4b(b) (D.C. Official Code § 2-1217.73b(b)) is amended by adding a new paragraph (4) to read as follows:

“(4)(A) A grant made available under this section shall be divided into thirds or fourths and disbursed accordingly in allotments to a grantee.

“(B)(i) The Mayor shall request, and a grantee shall furnish, a receipt or receipts for the purpose of confirming that a grantee’s expenditure of grant funds was allowable.

“(ii) Notwithstanding sub-subparagraph (i) of this subparagraph, unless the grantee fails to provide a receipt or receipts, the grantee's response shall not delay disbursement of the grantee's next allotment, except for the final allotment. Funds shall be made available to the grantee as quickly as possible.

“(iii) Nothing in this subparagraph shall be construed to authorize the expenditure of grant funds inconsistent with their purpose.”.

**SUBTITLE O. WORKFORCE INVESTMENT COUNCIL MEMBERSHIP**

Sec. 2141. Short title.

This subtitle may be cited as the “Workforce Investment Council Membership Clarification Amendment Act of 2016”.



Sec. 2142. Section 4(e) of the Workforce Investment Implementation Act of 2000, effective July 18, 2000 (D.C. Law 13-150; D.C. Official Code § 32-1603(e)), is amended to read as follows:

“(e) The Mayor shall appoint members of the Workforce Investment Council in a manner consistent with the requirements of section 101 of the Workforce Innovation and Opportunity Act, approved July 22, 2014 (128 Stat. 1440; 29 U.S.C. § 3111); provided, that the Workforce Investment Council shall include 2 members of the Council of the District of Columbia appointed by the Chairman of the Council of the District of Columbia.”.

**SUBTITLE P. ARTS AND HUMANITIES COMPETITIVE GRANTS**

Sec. 2151. Short title.

This subtitle may be cited as the “Commission on the Arts and Humanities Competitive Grants Act of 2016”.

Sec. 2152. In Fiscal Year 2017, the Commission on the Arts and Humanities shall award, on a competitive basis, grants in an amount totaling \$2.5 million to:

(1) Support the establishment of a children’s museum in the Central Business District, as defined in Title 11 of the District of Columbia Municipal Regulations, in an amount not to exceed \$1 million;

(2) Provide a literary-enrichment program for District of Columbia Public Schools and public charter schools that includes the provision of copies of literature and curricular materials and author visits for literary discussion with students, in an amount not to exceed \$200,000;

(3) Provide orchestral performances with supporting community engagement events, in an amount not to exceed \$50,000;

(4) Provide support for a theatre in the Central Business District that is operated by a nonprofit organization, in an amount not to exceed \$1 million; and

(5) Provide support for an organization dedicated to preserving the history of African-American involvement in the American Civil War, in an amount not to exceed \$250,000.

**SUBTITLE Q. WORKERS’ COMPENSATION LIEN RECONCILIATION**

Sec. 2161. Short title.

This subtitle may be cited as the “Workers’ Compensation Lien Reconciliation Amendment Act of 2016”.

Sec. 2162. Section 3(f-1) of the District of Columbia Workers’ Compensation Act of 1979, effective July 1, 1980 (D.C. Law 3-77; D.C. Official Code § 32-1535(f-1)), is amended by striking the word “settlement” and inserting the phrase “total recovery” in its place.

**SUBTITLE R. NATIONAL CHERRY BLOSSOM FESTIVAL FUNDRAISING MATCH**

Sec. 2171. Short title.

This subtitle may be cited as the “National Cherry Blossom Festival Fundraising Match Act of 2016”.

Sec. 2172. In Fiscal Year 2017, of the funds allocated to the Non-Departmental agency, \$300,000 shall be transferred to the Washington Convention and Sports Authority to administer a matching grant program to support the National Cherry Blossom Festival. A matching grant of \$300,000 shall be awarded to a nonprofit organization that organizes and produces an event or events as part of the official, month-long National Cherry Blossom Festival. The grant shall be paid dollar-for-dollar for corporate donations above \$750,000 raised by the nonprofit for the festival by March 31, 2017. Any matching grant awarded under this section shall be in addition to any other grants awarded by the Washington Convention and Sports Authority in support of the National Cherry Blossom Festival.

**TITLE III. PUBLIC SAFETY AND JUSTICE**

**SUBTITLE A. COG PROCUREMENT AUTHORIZATION**

Sec. 3001. Short title.

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

Sec. 3002. Section 1 of An Act To grant additional powers to the Commissioners of the District of Columbia, and for other purposes, approved December 20, 1944 (58 Stat. 819; D.C. Official Code § 1-301.01), is amended as follows:

(a) Subsection (j-1)(1) is amended by striking the phrase “for materials” and inserting the phrase “for the provision or receipt of materials” in its place.

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

“(j-2) Placement of orders with the Metropolitan Washington Council of Governments – Notwithstanding the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), the Mayor may contract with the Metropolitan Washington Council of Governments for the provision or receipt of materials, supplies, equipment, work, or services of any kind. Contracts executed pursuant to this subsection shall be considered obligations upon appropriations in the same manner as orders or contracts executed pursuant to subsections (j) or (k) of this section.”.

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

Sec. 3011. Short title.

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

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

(a) Section 1 (D.C. Official Code § 5-414(a)) is amended to read as follows:

“(a) The Mayor is hereby authorized in his or her discretion to enter into and to renew reciprocal agreements, for such period as he or she deems advisable, with the appropriate county, municipal, and other governmental units in Prince George's and Montgomery Counties, Maryland, and Arlington, Fairfax, and Loudon Counties, Virginia, with the City of Alexandria, Virginia, with the City of Fairfax, Virginia, with the City of Falls Church, Virginia, and with incorporated or unincorporated fire departments, fire companies, and organizations of fire personnel in such counties and cities, in order to establish and carry into effect a plan to provide mutual aid, through the furnishing of firefighting personnel and equipment, by and for the District of Columbia and such counties and cities, for the extinguishment of fires and for the preservation of life and property in emergencies, in the District and in such counties and cities.”.

(b) Section 2 (D.C. Official Code § 5-414(b)) is amended by striking the phrase “The District of Columbia” and inserting the phrase “The Mayor” in its place.

(c) Section 3 (D.C. Official Code § 5-414(c)) is amended to read as follows:

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

(d) Section 4 (D.C. Official Code § 5-414(d)) is amended as follows:

(1) Strike the phrase “Fire Department” wherever it appears and insert the phrase “Fire and Emergency Medical Services Department” in its place.

(2) Strike the word “his” and insert the phrase “his or her” in its place.

**SUBTITLE C. PUBLIC SAFETY EXECUTIVE PAY SCHEDULE AMENDMENT**

Sec. 3021. Short title.

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

Sec. 3022. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

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

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

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

“(2) Notwithstanding paragraph (1) of this subsection, the Council approves a compensation level of

“(A) \$292,520 for Kaya Henderson, as Chancellor of the District of Columbia Public Schools (“Chancellor”);

“(B) \$197,245 for Tanya A. Royster, MD, as Director of the Department of Behavioral Health, effective August 3, 2015;

“(C) \$200,335 for LaQuandra S. Nesbitt, MD, MPH, as Director of the Department of Health, effective January 26, 2015; and

“(D) \$221,450 for Christopher Weaver, Director of the Department of General Services, effective September 9, 2015.”.

(B) Paragraph (2A) is repealed.

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

(i) Designate the existing text as subparagraph (A).

(ii) The newly designated subparagraph (A) is amended by striking the phrase “levels of compensation as provided in paragraphs (2) and (2A)” and inserting the phrase “level of compensation as provided in paragraph (2)” in its place.

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

“(B)(i) Notwithstanding subparagraph (A) of this paragraph or any other provision of law, the Chancellor may be paid a recognition and renewal bonus of 5% of her annual base salary in 2016 and a performance bonus of up to 10% of her annual base salary for goals achieved by the end of the 2016-17 school year.

“(ii) In addition to such other benefits as the Chancellor may be entitled to receive under existing law and regulation, and notwithstanding subparagraph (A) of this paragraph and section 1058, the Mayor may make:

“(I) A separation payment to the Chancellor of up to 24 weeks of the Chancellor’s base salary if the Chancellor’s contract is terminated for a reason other than criminal conduct, gross dereliction of duty, or gross misconduct; and

“(II) A payment to the Chancellor’s executors, legal representatives, or administrators in the amount of 1/12 of the Chancellor’s annual salary if the Chancellor dies during her term of employment.”.

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

“(4)(A) The existing level of compensation for the position in paragraph (2)(A) of this subsection shall not be used as the basis for determining the salary of an officeholder in the position of Chancellor, who takes office after February 24, 2012. The Chancellor shall be subject to compensation within the limits of the DX Schedule, except as provided by this act.

“(B) The existing level of compensation for the position in paragraph (2)(B) of this subsection shall not be used as the basis for determining the salary of an officeholder in the position of Director of the Department of Behavioral Health, who takes office after August 3, 2015. The Director shall be subject to compensation within the limits of the DX Schedule, except as provided by this act.

“(C) The existing level of compensation for the position in paragraph (2)(C) of this subsection shall not be used as the basis for determining the salary of an officeholder in the position of Director of the Department of Health, who takes office after January 26, 2015. The Director shall be subject to compensation within the limits of the DX Schedule, except as provided by this act.

“(D) The existing level of compensation for the position in paragraph (2)(D) of this subsection shall not be used as the basis for determining the salary of an officeholder in the position of Director of the Department of General Services, who takes office after September 9, 2015. The Director shall be subject to compensation within the limits of the DX Schedule, except as provided by this act.”.

(2) Subsection (b-1) is repealed.

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

(1) Subsection (a) is amended by striking the phrase “who are required to hold a medical degree or another advanced health-related degree”.

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

“(b)(1) The Mayor shall designate the appropriate pay level for each subordinate agency head within the public safety cluster based on market analyses considering the qualifications and work experience of each individual appointee, and other relevant criteria; provided, that each subordinate agency head within the public safety cluster shall be subject to compensation within the limits of the DX Public Safety Schedule unless otherwise authorized by an act of the Council.

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

“(3) The existing level of compensation for the position in paragraph (2) of this subsection shall not be used as the basis for determining the salary of an officeholder in the position of Chief of the Metropolitan Police Department, who takes office after February 24, 2012. The Chief of the Metropolitan Police Department shall be subject to compensation within the limits of the DX Public Safety Schedule, except as provided by this act.

“(4)(A) Notwithstanding paragraph (1) of this subsection, the Council approves a compensation level of:

“(i) \$215,035 for Chris T. Geldart, as Director of the Homeland Security and Emergency Management Agency, retroactive to May 4, 2015; and

“(ii) \$203,425 for Gregory M. Dean, as Chief of the Fire and Emergency Medical Services Department, retroactive to May 4, 2015.

“(B) The level of compensation for the positions as approved in subparagraph (A) of this paragraph shall not be used as the basis for determining the salary of an

officeholder in the position of Director of the Homeland Security and Emergency Management Agency or the position of Chief of the Fire and Emergency Medical Services Department.”.

Sec. 3023. Section 2903(b) of the Establishment of the Office of the Chief Medical Examiner Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 5-1402(b)), is amended by striking the phrase “, to be paid at an annual rate of \$206,000,”.

**SUBTITLE D. ANATOMICAL BOARD REPEAL**

Sec. 3031. Short title.

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

Sec. 3032. An Act For the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia, approved April 29, 1902 (32 Stat. 173; D.C. Official Code § 3-201 *et seq.*), is repealed.

Sec. 3033. Section 6(h)(4)(C)(i) of the District of Columbia Funeral Services Regulatory Act of 1984, effective May 22, 1984 (D.C. Law 5-84; D.C. Official Code § 3-405(h)(4)(C)(i)), is amended by striking the phrase “The Anatomical Board, human tissue banks, and anatomical gifts;” and inserting the phrase “Human tissue banks and anatomical gifts;” in its place.

**SUBTITLE E. FIRE OFFICIALS SERVICE LONGEVITY AMENDMENT**

Sec. 3041. Short title.

This subtitle may be cited as the “Fire and Emergency Medical Services Department Chief Officers Service Longevity Amendment Act of 2016”.

Sec. 3042. Section 401(a)(1) of the District of Columbia Police and Firemen’s Salary Act of 1958, approved August 1, 1958 (72 Stat. 484; D.C. Official Code § 5-544.01(a)(1)), is amended by striking the phrase “contained in section 101, an amount computed in accordance with the following table:” and inserting the phrase “contained in section 101, as modified pursuant to section 506a, an amount computed in accordance with the following table; provided, that for each Assistant Fire Chief, Deputy Fire Chief, and Battalion Fire Chief in active service, longevity pay shall be calculated based on the Class and Service Step that the member occupies:” in its place.

**SUBTITLE F. FEMS PRESUMPTIVE DISABILITY IMPLEMENTATION**

Sec. 3051. Short title.

This subtitle may be cited as the “Fire and Emergency Medical Services Presumptive Disability Implementation Amendment Act of 2016”.

Sec. 3052. Subtitle D of the Fire and Police Medical Leave and Limited Duty Amendment Act of 2004, effective May 1, 2013 (D.C. Law 19-311; D.C. Official Code § 5-651 *et seq.*), is amended as follows:

(a) Section 651 (D.C. Official Code § 5-651) is amended as follows:

(1) Paragraph (6) is amended by striking the word “Department” and inserting the phrase “Department who is employed by the Department” in its place.

(2) Paragraph (7) is amended to read as follows:

“(7) “Pre-employment physical examination” means the physical examination required under section 721 of the Police and Fire Minimum Standards Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-194; D.C. Official Code § 5-451).”.

(b) Section 653 (D.C. Official Code § 5-653) is amended as follows:

(1) Subsection (a)(1) is amended by striking the word “throat” and inserting the word “respiratory” in its place.

(2) Subsection (b)(1) is amended by striking the word “throat” and inserting the word “respiratory” in its place.

(c) New sections 655a, 655b, and 655c are added to read as follows:

“Sec. 655a. Physical examinations; maintaining eligibility.

“(a) In order to be eligible to make a claim under this title that relies on a presumption created by this subtitle, a member shall, in addition to meeting any other requirements as required by this subtitle or rules issued pursuant to section 655c, have undergone a pre-employment physical examination and complied with any subsequent physical examination requirements, such as annual physical examinations, that are, or were during the period of covered service, applicable to all members.

“(b) In order to be eligible to make a claim under this title that relies on a presumption created by this subtitle, an EMS employee shall, in addition to meeting any other requirements as required by this subtitle or rules issued pursuant to section 655c, have undergone a pre-employment physical examination and complied with any subsequent physical examination requirements, such as annual physical examinations, that are, or were during the period of covered service, applicable to all EMS employees.

“(c) For any member or EMS employee hired after May 1, 2013, the District may require additional, appropriate laboratory and other diagnostic studies to be included as part of the pre-employment physical examination; provided, that any such requirements shall be applicable to all members or EMS employees.

“Sec. 655b. Reporting requirements.

“By January 31, 2018, and by January 31 of each subsequent year, the Department, in coordination with the Police and Fire Clinic, shall submit an annual report to the Council that contains the following information from the preceding calendar year:

“(1) The total number of claims made by members in which a presumption was created under section 652;

“(2) The total number of claims made by EMS employees in which a presumption was created under section 652;

“(3) The total number of claims made by members in which a presumption was created under section 653;

“(4) The total number of claims made by EMS employees in which a presumption was created under section 653;

“(5) The total number of claims made by members in which a presumption was created under section 654; and

“(6) The total number of claims made by EMS employees in which a presumption was created under section 654.

“Sec. 655c. Rules.

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

(d) Section 656 is amended to read as follows:

“Sec. 656. Applicability.

“(a) Except as provided in subsection (b) of this section, this subtitle shall apply as of October 1, 2016.

“(b)(1) Sections 652 and 654 shall apply upon the date of inclusion of their fiscal effect in an approved budget and financial plan.

“(2) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

“(3)(A) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

“(B) The date of publication of the notice of the certification shall not affect the applicability of these sections.”

### **SUBTITLE G. FEMS APPARATUS MAINTENANCE**

Sec. 3061. Short title.

This subtitle may be cited as the “Fire and Emergency Medical Services Apparatus Maintenance Requirements and Training Program Establishment Amendment Act of 2016”.

Sec. 3062. Section 1 of An Act Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1957, and for other purposes, approved June 29, 1956 (70 Stat. 443; D.C. Official Code § 5-413), is amended as follows:

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

(b) The newly designated subsection (a) is amended by striking the phrase “Fire Department” and inserting the phrase “Fire and Emergency Medical Services Department (“Department”)” in its place.

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

“(b) The Department shall:



“(1) Comply with the certification and preventative maintenance requirements of the National Fire Protection Association, NFPA 1911, 2012 edition, or any subsequent edition; and

“(2) Beginning October 1, 2019, maintain qualifications of the fleet maintenance staff through organizational and manufacturing training in accordance with National Fire Protection Association, NFPA 1071, 2016 edition, or any subsequent edition.”.

Sec. 3063. The Police Officer and Firefighter Cadet Programs Funding Authorization and Human Rights Act of 1977 Amendment Act of 1982, effective March 9, 1983 (D.C. Law 4-172; codified in various sections of the District of Columbia Official Code), is amended as follows:

(a) A new section 5a is added to read as follows:

“Sec. 5a. Pilot Civilian Technical Services Program.

“(a) The Chief of the Fire and Emergency Medical Services Department (“Chief”) shall establish, in conjunction with the University of the District of Columbia Community College, a Pilot Civilian Technical Services Program (“Program”) for the purpose of instructing, training, and exposing interested persons, primarily young adults residing in the District of Columbia, to the technical maintenance of Department apparatus and devices, and the duties, tasks, and responsibilities of serving as an employee in the field infrastructure and inventory management programs within the Department.

“(b) The Program shall include training courses that equip civilian employees with the skills to provide emergency vehicle and facility maintenance, certification, and specialized network management services to the Department.

“(c) A person successfully completing the Program shall be accorded full preference for appointment as a civilian employee of the Department; provided, that the person meets all other requirements pertaining to employment in the Department.

“(d) The Chief shall establish performance measures for the Program.”.

(b) Section 6 (D.C. Official Code § 5-109.02) is amended by striking the phrase “and section 2(b)-(d)” and inserting the phrase “, section 2(b)-(d), and section 5a” in its place.

#### **SUBTITLE H. EMS TRANSPORT CONTRACT AUTHORITY**

Sec. 3071. Short title.

This subtitle may be cited as the “Emergency Medical Services Transport Contract Authority Amendment Act of 2016”.

Sec. 3072. An Act To classify the officers and members of the fire department of the District of Columbia, and for other purposes, approved June 20, 1906 (34 Stat. 314; D.C. Official Code § 5-401 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Official Code § 5-401) is amended as follows:

(1) Subsection (a) is amended by striking the word “resolution” and inserting the word “act” in its place.

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

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

(B) The newly designated paragraph (1) is amended by striking the word “resolution” and inserting the word “act” in its place.

(C) New paragraphs (2) and (3) are added to read as follows:

“(2) Notwithstanding paragraph (1) of this subsection, the Department may contract with third parties to provide supplemental pre-hospital medical care and transportation to persons requiring Basic Life Support.

“(3) A contract entered into pursuant to paragraph (2) of this subsection shall include a provision that precludes the District from liability for any claims arising out of the actions of the third-party contractor and also provides full indemnification to ensure that the District shall not be responsible for any amounts owed to others as a result of the third-party contractor’s action or inaction under the contract.”

(3) New subsections (d), (e), (f), (g), and (h) are added to read as follows:

“(d) Each third-party contractor that enters into a contract pursuant to subsection (b)(2) of this section shall provide a quarterly report to the Department and to the Council that includes the following information:

“(1) The number of transports performed;

“(2) The average time between the dispatch of the third-party contractor by the Department and the third-party contractor’s arrival to the patient;

“(3) The location where the third-party contractor meets each patient and the name and location of the healthcare facility to which the patient is transported;

“(4) The average transport time from the location where the third-party contractor meets each patient to the healthcare facility to which the patient is transported;

“(5) The average time that the third-party contractor remains out of service after transporting a patient to a healthcare facility;

“(6) The average time that the third-party contractor remains out of service while waiting to transfer the care of a patient to a healthcare facility;

“(7) The number of third-party contractor ambulances available on a daily basis for Department use;

“(8) The length of the third-party contractor’s personnel shifts;

“(9) The number of employees hired by the third-party contractor and their residency;

“(10) The number of patients who used the third-party contractor’s services twice or more times during the reporting period, including the number of times the patient used the services during the previous 12 months; and

“(11) The number of patient care reports collected, including the number reviewed with the Department.

“(e) Within 4 months after the date of a contract awarded pursuant to subsection (b)(2) of this section, and quarterly thereafter, the Department shall submit a report to the Council that includes the following information:

“(1) Activity by the Department to educate the public on the proper use of emergency requests for service;

“(2) The number of Department employees hired after a contract award and their residency;

“(3) An evaluation of pre-hospital medical care and transportation fees considering the reasonableness of the fees, the public interest, and the persons required to pay the fee;

“(4) The number of ambulances added to the Department’s frontline and reserve fleet after the date of a contract award, including whether these ambulances are replacing or supplementing the current fleet;

“(5) The number of emergency medical services personnel training hours provided, including all pediatric training conducted pursuant to a memorandum of understanding between the Department and the pediatric training entity;

“(6) The average time that the Department’s ambulances remained out of service while waiting to transfer the care of a patient to a healthcare facility; and

“(7) The number of patients who used the Department’s transport service twice or more during the reporting period, including the number of times the patient used transport services during the previous 12 months.

“(f) Within 4 months after the date of a contract award pursuant to subsection (b)(2) of this section, and quarterly thereafter, the Office of Unified Communications shall submit a report to the Council that includes the following information:

“(1) The number of calls dispatched, and the average dispatch time;

“(2) The average time within which the Department and the third-party contractor’s ambulances reported arriving at a healthcare facility with a patient and returning to service;

“(3) The protocol to reroute non-emergency calls; and

“(4) The average time between the on-scene arrival of the third-party contractor’s ambulance to the time the third-party contractor is at the patient’s side.

“(g) Within one year after the date of a contract award pursuant to subsection (b)(2) of this section, and annually thereafter, until the Department is no longer contracting with a third-party contractor pursuant to subsection (b)(2) of this section, the Department shall submit a report to the Council that evaluates performance under the contract and includes the following information:

“(1) The impact on the Department’s unit availability;

“(2) The impact on the Department’s fleet, including the ability to conduct preventative maintenance and the number of operational and reserve units available;

“(3) The impact on the Department’s training schedule;

“(4) The impact on the Department’s response times and quality of patient care;

“(5) An assessment of the number of units, the number of personnel, the amount of training, and associated costs required to provide pre-hospital medical care and transportation without the use of third parties; and

“(6) Recommendations for implementing any additional units, personnel, and training identified in paragraph (5) of this subsection.

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

“(1) “Basic Life Support” means a level of medical care provided by pre-hospital emergency medical services at the basic emergency response technician level and in accordance with the national scope of practice for a basic level provider.

“(2) “Patient care report” means a paper or electronic document that details the patient’s pre-hospital status and condition and medication administered by a member of the Department or third-party contractor, from the time of the emergency call to the handover of the patient to a healthcare facility.”.

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

“Sec. 1b. Public duty doctrine.

“The Council ratifies the interpretation and application of the public duty doctrine by the District of Columbia Court of Appeals up through the decision of September 25, 2014, in *Allen v. District of Columbia*, No. 10-CV-1425, and extends the public duty doctrine to claims against the District for the actions of contractors and their employees providing services pursuant to section 1 to the same extent as it applies to claims against the District for the actions of the District and its employees.”.

Sec. 3073. Sunset.

Section 3072(a)(2)(C) and (3) shall expire on September 30, 2019.

#### **SUBTITLE I. INTEGRATED HEALTH CARE TASK FORCE**

Sec. 3081. Short title.

This subtitle may be cited as the “Integrated Health Care Task Force Establishment Amendment Act of 2016”.

Sec. 3082. An Act To classify the officers and members of the fire department of the District of Columbia, and for other purposes, approved June 20, 1906 (34 Stat. 314; D.C. Official Code § 5-401 *et seq.*), is amended by adding a new section 3b to read as follows:

“Sec. 3b. Integrated Health Care Task Force.

“(a) The Fire and Emergency Medical Services Department shall establish an Integrated Health Care Task Force to study nationally recognized best practices and develop recommendations regarding strategies for reducing EMS call volume, improving EMS delivery, and providing for collaboration between agencies, hospitals, health care organizations, and community-based organizations, as well as strategies to achieve these goals by connecting patients with appropriate health care and social services.

“(b) The Task Force shall:

“(1) Examine the need for, cost of, and implementation of a pilot community paramedicine program (“program”), including:

“(A) Which District agency should manage the program;

“(B) Whether the program should be a self-sustaining independent entity that links hospitals, practice pharmacies, community health centers, schools, behavioral health services, public health services, nursing homes, and home health services;

“(C) Whether the program should employ case managers who are notified when a patient comes into contact with social service or EMS providers; and

“(D) Whether the program should be staffed with Department civilian EMS employees;

“(2) Determine the usefulness of advice nurses, tele-medicine, and tele-health techniques;

“(3) Examine the need for, cost of, and implementation of transporting EMS patients to destinations other than hospitals;

“(4) Make recommendations on how to best educate the community on medical conditions and resources for non-emergency medical conditions, as well as the proper use of 911;

“(5) Make recommendations on how to connect repeat users of EMS to effective health care and other services while considering the use of technology and data sharing consistent with the Health Insurance Portability and Accountability Act of 1996, approved August 21, 1996 (110 Stat. 1936; 42 U.S.C. § 1320d, *et seq.*) (“Act”), and the regulations issued pursuant to the Act;

“(6) Make recommendations for the District to provide additional health care resources to meet the needs identified by the Task Force, if the Task Force concludes that such resources are necessary;

“(7) Develop reporting requirements, performance measurements, or patient surveys that should be used to evaluate programs recommended by the Task Force; and

“(8) Make recommendations for criteria that will enable the District to train and equip members of the Department to provide pediatric care.

“(c) The Task Force shall be comprised of the following:

“(1) The Department’s Medical Director, who shall chair the Task Force;

“(2) One representative from a District-based college or university;

“(3) Three representatives from organizations for which the primary purpose of the organization is to provide services, education, or outreach to underserved populations with gaps in EMS or health services;

“(4) One representative from the District of Columbia Emergency Medical Services Advisory Committee, established by section 23 of the Emergency Medical Services Act of 2008, effective March 25, 2009 (D.C. Law 17-357; D.C. Official Code § 7-2341.22);

“(5) Two labor representatives, one from each labor organization affiliated with the Department;

“(6) One representative from the Office on Aging;

“(7) One representative from the Department of Health;

“(8) One representative from the Department of Health Care Finance;

“(9) One representative from the Department of Behavioral Health; and

“(10) One representative from the Office of Unified Communications.

“(d)(1) By June 30, 2017, the Task Force shall submit a report to the Mayor and to the Council that includes the definition of the issues identified in subsection (a) of this section, an analysis of the data supporting the objective assessments, and recommendations completed pursuant to subsection (b) of this section.

“(2) The Task Force shall dissolve after transmitting its report under paragraph (1) of this subsection.

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

“(1) “Department” means the Fire and Emergency Medical Services Department.

“(2) “EMS” means emergency medical services.

“(3) “Practice pharmacies” means pharmacies that optimize health outcomes from drug-related treatments, research safe and effective drug use, and develop practices that maximize patient benefit from medications.

“(4) “Task Force” means the Integrated Health Care Task Force established pursuant to this section.”.

#### **SUBTITLE. J. OAG LITIGATION SUPPORT FUND AND AUTHORITY CLARIFICATION**

Sec. 3091. Short title.

This subtitle may be cited as the “Office of the Attorney General Litigation Support Fund and Authority Clarification Amendment Act of 2016”.

Sec. 3092. The Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 1-301.81 *et seq.*), is amended as follows:

(a) Section 106b(d)(3) (D.C. Official Code § 1-301.86b(d)(3)) is amended by striking the phrase “\$1.5 million” both times it appears and inserting the phrase “\$3 million” in its place.

(b) Section 108b (D.C. Official Code § 1-301.88b) is amended as follows:

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

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

“(b)(1) The Attorney General shall issue rules to govern the procurement of goods and services for the Office of the Attorney General.

“(2) The rules promulgated pursuant to section 1106 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-361.06), shall apply to procurement of goods and services for the Office of the Attorney General unless the Attorney General has issued a superseding rule or regulation.”.

(c) A new section 112 is added to read as follows:

“Sec. 112. Attorney General notification on enforcement of laws.

“(a) An independent agency shall notify the Attorney General of any judicial or administrative proceeding in which the independent agency is a named party when the judicial or administrative proceeding includes a challenge to:

“(1) The legality of a District or federal statute or regulation;

“(2) The constitutionality of a final agency decision or any action taken by the independent agency; or

“(3) The statutory authority of the independent agency to act.

“(b) An independent agency shall notify the Attorney General before commencing, or filing a pleading seeking leave to participate as a party or *amicus curiae* in, a judicial or administrative proceeding that includes a challenge as described in subsection (a) of this section.

“(c) An independent agency shall provide notice as required by this section as early as practicable, but in no event later than:

“(1) Seven business days after receiving notice of the judicial or administrative proceeding; or

“(2) If a challenge or potential challenge requiring notice under subsection (b) of this section arises during the course of a judicial or administrative proceeding, 3 business days after becoming aware of the challenge or potential challenge.

“(d) For the purposes of this section, the term “independent agency” means any office, department, division, board, commission, or instrumentality of the District of Columbia government with respect to which the Mayor and the Council are not authorized by law to establish administrative procedures, and that is not represented by the Attorney General in a judicial or administrative proceeding in which the office, department, division, board, commission or instrumentality is participating as a named party or *amicus curiae*. The term “independent agency” does not include the Council, the Superior Court of the District of Columbia, or the District of Columbia Court of Appeals.”.

Sec. 3093. Section 404 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-604.04), is amended by adding a new subsection (a-1) to read as follows:

“(a-1)(1) The Attorney General shall issue rules and regulations to implement the provisions of titles VII, VIII, IX, IX-A, XI, XII, XIII, XIII-A, XIV-A, XVI-A, XVII, XIX, XXIV, XXVII, and XXXI of this act for employees under the jurisdiction of the Attorney General.

“(2) The rules and regulations promulgated pursuant to subsection (a) of this section shall apply to employees under the jurisdiction of the Attorney General unless the Attorney General has issued a superseding rule or regulation.”.

Sec. 3094. Section 3(b) of the Prohibition on Government Employee Engagement in Political Activity Act of 2010, effective March 31, 2011 (D.C. Law 18-335; D.C. Official Code § 1-1171.02(b)), is amended as follows:

(a) The lead-in language is amended by striking the word “Mayor” and inserting the phrase “Mayor, the Attorney General,” in its place.

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

“(2) Any designation pursuant to this subsection shall be made in writing by the Mayor and the Attorney General to the Secretary of the District of Columbia and by any member of the Council to the Secretary to the Council;”.

(c) Paragraph (4) is amended by striking the word “Mayor” and inserting the phrase “Mayor, the Attorney General,” in its place.

**SUBTITLE K. PUBLIC SAFETY TECHNICAL AMENDMENTS**

Sec. 3101. Short title.

This subtitle may be cited as the “Public Safety Technical Amendments Amendment Act of 2016”.

Sec. 3102. The Neighborhood Engagement Achieves Results Amendment Act of 2016, enacted on March 26, 2016 (D.C. Act 21-356; 63 DCR 4659), is amended as follows:

(a) Section 102(c) is amended to read as follows:

“(c) Beginning on January 31, 2017, and by January 31 of each year thereafter, the ONSE shall provide a report to the Council that excludes personally identifying information and includes the following information from the reporting period and in the aggregate:

“(1) The number of individuals successfully recruited and engaged;

“(2) The duration of individuals’ participation;

“(3) The status of participants’ progress; and

“(4) The participants’ age, race or ethnicity, gender, and ward of residence.”.

(b) Section 901(a) is amended to read as follows:

“(a) Sections 101, 102, 103, 104(b)(3), 105, and 204 shall apply upon the inclusion of their fiscal effect in an approved budget and financial plan.”.

Sec. 3103. Section 2213.1 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 2213.1) is amended by striking the phrase “front, sides, or back of the vehicle” and inserting the phrase “front or sides of the vehicle” in its place.

Sec. 3104. The Fair Criminal Record Screening Amendment Act of 2014, effective December 17, 2014 (D.C. Law 20-152; D.C. Official Code § 32-1341 *et seq.*), is amended by adding a new section 6a to read as follows:

“Sec. 6a. Rules.

“The Director of the Office of Human Rights, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code §2-501 *et seq.*), shall issue rules to implement the provisions of this act.”.

**SUBTITLE L. CPR EMERGENCY MEDICAL APPLICATION**

Sec. 3111. Short title.

This subtitle may be cited as the “Cardiopulmonary Resuscitation Application Establishment Amendment Act of 2016”.



Sec. 3112. The Office of Unified Communications Establishment Act of 2004, effective December 7, 2004 (D.C. Law 15-205; D.C. Official Code § 1-327.51 *et seq.*), is amended by adding a new section 3205a to read as follows:

“Sec. 3205a. Development of emergency medical application.

“(a) The Office shall develop an emergency medical application to aid a trained user in providing cardiopulmonary resuscitation to an individual reported to be exhibiting signs of cardiac arrest while emergency medical service providers are dispatched to the individual’s location. At a minimum, the emergency medical application shall:

“(1) Notify a trained user that he or she is within a certain distance from an individual that is experiencing a cardiac arrest in a public location;

“(2) Notify a trained user of the nearest location of a publicly accessible defibrillator;

“(3) Assist emergency medical service providers in monitoring patients or relaying information to hospital emergency rooms; and

“(4) Allow a trained user to alert the Office if an individual is experiencing a health emergency.

“(b) The Director shall ensure that staff are adequately trained to assist trained users in the use of the emergency medical application.

“(c) Notwithstanding any other law, a trained user shall have the same protections as provided in section 1 of An Act To relieve physicians of liability for negligent medical treatment at the scene of an accident in the District of Columbia, approved November 8, 1965 (79 Stat. 1302; D.C. Official Code § 7-401), and shall not be subject to criminal or, in the absence of gross negligence, civil liability for administering cardiopulmonary resuscitation or using an automated external defibrillator pursuant to this subtitle:

“(1) In good faith to treat a person who he or she reasonably believes is experiencing a cardiac arrest;

“(2) Outside of a hospital or medical office; and

“(3) Without the expectation of receiving or intending to seek compensation for such service or acts.

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

“(1) “Emergency medical application” means a website or mobile platform where trained users can interact with the Office during medical emergencies.

“(2) “Trained user” means a District resident or visitor using an emergency medical application who has been trained by an organization recognized by the Department of Health to provide cardiopulmonary resuscitation to a victim of a cardiac arrest.”.

**SUBTITLE M. ESTABLISHMENT OF CRIMINAL CODE REFORM  
COMMISSION**

Sec. 3121. Short title.

This subtitle may be cited as the “Criminal Code Reform Commission Establishment Act of 2016”.

Part 1. Establishment of Criminal Code Reform Commission

Sec. 3122. Establishment of the Criminal Code Reform Commission.

(a) The Criminal Code Reform Commission (“Commission”) is established as an independent agency within the District of Columbia government, consistent with the meaning of the term “independent agency” as provided in section 301(13) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-603.01(13)).

(b) The Commission shall be composed of the Executive Director and such staff as necessary to complete the work of the Commission.

(c)(1) Except as provided in paragraph (2) of this subsection, the Executive Director shall be appointed by the Chairman of the Council, subject to the approval of the majority of the Council. The Executive Director shall serve for a term of 3 years, or until the Commission is dissolved pursuant to section 3127, and shall be paid a rate of compensation as may be established from time to time by the Council.

(2) Notwithstanding paragraph (1) of this subsection, as of the effective date of this subtitle, the Criminal Code Revision Project Director of the District of Columbia Sentencing and Criminal Code Revision Commission shall be the Executive Director of the Commission.

(d) The Executive Director shall:

- (1) Be a member in good standing of the District of Columbia Bar;
- (2) Be responsible for and oversee the daily operations of the Commission;
- (3) Supervise Commission staff; and
- (4) Develop and institute internal policies, procedures, and processes to ensure efficient operations.

(e)(1) Except as provided in paragraph (2) of this subsection, all employees of the Commission shall be, or shall become within 180 days after hire, a resident of the District of Columbia

(2) Notwithstanding paragraph (1) of this subsection, the Executive Director as of the effective date of this subtitle shall be exempt from the residency requirement in paragraph (1) of this subsection.

Sec. 3123. Recommendations for comprehensive criminal code reform.

(a) By October 1, 2018, the Commission shall submit to the Mayor and the Council comprehensive criminal code reform recommendations that revise the language of the District’s criminal statutes to:

- (1) Use clear and plain language;

- (2) Apply consistent, clearly articulated definitions;
  - (3) Describe all elements, including mental states, that must be proven;
  - (4) Reduce unnecessary overlap and gaps between criminal offenses;
  - (5) Eliminate archaic and unused offenses;
  - (6) Adjust penalties, fines, and the gradation of offenses to provide for proportionate penalties;
  - (7) Organize existing criminal statutes in a logical order;
  - (8) Identify any crimes defined in common law that should be codified, and propose recommended language for codification, as appropriate;
  - (9) Identify criminal statutes that have been held to be unconstitutional and recommend their removal or amendment;
  - (10) Propose such other amendments as the Commission believes are necessary;
- and
- (11) Enable the adoption of Title 22 as an enacted title of the District of Columbia Official Code.
- (b) The comprehensive criminal code reform recommendations required by subsection (a) of this section shall be in the form of a report that:
- (1) Includes draft legislation or other specific steps for implementing the recommendations;
  - (2) Includes charging, sentencing, and other relevant statistics regarding the offenses affected by the recommendations; and
  - (3) Explains how and why the recommendations change existing District law.
- (c) In preparing the comprehensive criminal code reform recommendations required by subsection (a) of this section, the Commission shall:
- (1) Consult with the Code Revision Advisory Group established pursuant to section 3124; and
  - (2) Review criminal code reforms in other jurisdictions, recommend changes to criminal offenses by the American Law Institute, and survey best practices recommended by criminal law experts.
- (d) The Commission shall provide, upon request by the Council, a legal analysis of proposed legislation concerning criminal offenses, including information on existing District law, the laws of other jurisdictions, and model legislation.
- (e) The Commission may consult with other District of Columbia, federal, and state agencies, conduct community outreach, perform trainings, and engage in other activities regarding criminal code reform to advance the Commission's statutory duties.
- (f) The Commission may request such information as may be necessary to fulfill its statutory responsibilities. Each department, agency, instrumentality, or independent agency of the District of Columbia is authorized and directed, to the extent permitted by law, to furnish the Commission with such requested information.

Sec. 3124. Code Revision Advisory Group.

(a) The Commission shall establish a Code Revision Advisory Group (“Advisory Group”) to review and provide information and suggestions on proposals prepared by the Commission related to the comprehensive criminal code reform recommendations required by section 3123. The Advisory Group shall consist of 5 voting members and 2 nonvoting members as follows:

(1) The voting members of the Advisory Group shall consist of the following:

(A) The United States Attorney for the District of Columbia or his or her designee;

(B) The Director of the Public Defender Service for the District of Columbia or his or her designee;

(C) The Attorney General for the District of Columbia or his or her designee; and

(D) Two professionals from established organizations, including institutions of higher education, devoted to the research and analysis of criminal justice issues, appointed by the Council;

(2) The non-voting members of the Commission shall consist of the following:

(A) The Chairperson of the Council committee with jurisdiction over the Commission or his or her designee; and

(B) The Deputy Mayor for Public Safety and Justice or his or her designee.

(b) Meetings of the Advisory Group shall be conducted by the Commission’s Executive Director, with meetings scheduled by the Executive Director as necessary to fulfill the statutory responsibilities of the Commission.

(c) The Commission shall provide drafts of its recommended reforms to criminal statutes to the Advisory Group in the form of reports. Advisory Group members may provide to the Commission written comments in response to those recommendations within a reasonable period of time, to be determined by the Executive Director, but not less than one month.

(d) The Commission shall consider all written comments that are timely received from Advisory Group members under subsection (c) of this section and propose all final recommendations to the Council based on the comments received.

(e) The voting members of the Advisory Group shall vote to approve the final recommendations proposed by the Commission, with a majority of voting members necessary to approve the recommendations, before their submittal to the Council and the Mayor under section 3123(a).

(f) The Commission shall compile and make publicly available a record of all written comments received from Advisory Group members under subsection (c) of this section.

Sec. 3125. Reporting requirements.

(a) The Commission shall file quarterly reports with the Council that provide a summary of activities during the prior quarter.

(b) The Commission shall file an annual report with the Council before March 31 of each year that includes:

(1) A summary and copy of all recommendations for reforms to criminal statutes developed by the Commission during the previous calendar year;

(2) A summary and copy of comments received from the Advisory Group during the previous calendar year and their disposition;

(3) A summary of other Commission activities during the previous calendar year;

(4) A description of any problems discovered with prior Commission work or changes to prior work that are necessary due to legislative changes or court rulings;

(5) A description of any issues that could delay or prevent the Commission from timely fulfilling its statutory duties; and

(6) A work plan and schedule, or revisions to an existing work plan and schedule, for carrying out the responsibilities of the Commission to meet statutory requirements.

Sec. 3126. Transition from District of Columbia Sentencing and Criminal Code Revision Commission.

(a) All functions, authority, programs, positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available to the Criminal Code Revision Project previously established pursuant to section 2a of the Advisory Commission on Sentencing Establishment Act of 1998, effective June 16, 2006 (D.C. Law 16-126; D.C. Official Code § 3-101.01), are transferred to the Criminal Code Revision Commission.

(b) All rules, orders, obligations, determinations, grants, contracts, licenses, and agreements of the Criminal Code Revision Project transferred to the Criminal Code Revision Commission under subsection (a) of this section shall continue in effect according to their terms until lawfully amended, repealed, or modified.

Sec. 3127. Sunset.

This part shall expire on October 1, 2018.

#### Part 2. Conforming Amendments

Sec. 3128. The Advisory Commission on Sentencing Establishment Act of 1998, effective October 16, 1998 (D.C. Law 12-167; D.C. Official Code § 3-101 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 3-101) is amended as follows:

(1) The section heading is amended by striking the phrase “and Criminal Code Revision”.

(2) Subsection (a) is amended by striking the phrase “and Criminal Code Revision”.

(3) Subsection (b) is amended by striking the phrase “In addition to the duties required under section 2a, the” and inserting the word “The” in its place.

(b) Section 2a (D.C. Official Code § 3-101.01) is repealed.

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

(1) The lead-in language is amended by striking the number “15” and inserting the number “12” in its place.

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

(A) Subparagraph (H) is amended by striking the semicolon and inserting the phrase “; and” in its place.

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

(C) Subparagraph (J) is repealed.

(d) Section 4(c) (D.C. Official Code § 3-103(c)) is amended by striking the number “8” and inserting the number “7” in its place.

Sec. 3129. Section 406(b) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-604.06(b)), is amended as follows:

(1) Paragraph (19) is amended to read as follows:

“(19) For employees of the District of Columbia Sentencing Commission, the personnel authority is the District of Columbia Sentencing Commission;”.

(2) Paragraph (23) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(3) Paragraph (24) is amended by striking the period and inserting the phrase “; and” in its place.

(4) A new paragraph (25) is added to read as follows:

“(25) For employees of the Criminal Code Reform Commission, the personnel authority is the Criminal Code Reform Commission.”.

**SUBTITLE N. DOC INMATE AND RETURNING CITIZEN ASSISTANCE**

Sec. 3131. Short title.

This subtitle may be cited as the “Department of Corrections Inmate and Returning Citizen Assistance Act of 2016”.

Sec. 3132. Department of Corrections inmate and returning citizen assistance grant.

(a) In Fiscal Year 2017 and each fiscal year thereafter, of the annual funds available to the Office of Justice Grants Administration (“Office”), no less than \$125,000 shall be awarded to an organization that assists individuals currently in the custody of or recently released from the District of Columbia Jail or the Correctional Treatment Facility.

(b) The Office shall award the grant funds provided under subsection (a) of this section in their entirety as early in the fiscal year as is feasible. The Office shall not provide the grant funds on a reimbursement basis.

**SUBTITLE O. PUBLIC SAFETY TELECOMMUNICATOR AND DISTRICT SCHOOL CPR AND AED TRAINING**

Sec. 3141. Short title.

“This subtitle may be cited as the “Public Safety Telecommunicator and District School CPR and AED Training Amendment Act of 2016”.

Sec. 3142. The Office of Unified Communications Establishment Act of 2004, effective December 7, 2004 (D.C. Law 15-205; D.C. Official Code § 1-327.51 *et seq.*), is amended as follows:

(a) Section 3206 (D.C. Official Code § 1-327.55) is amended as follows:

(1) The lead-in language is amended by striking the number “4” and inserting the number “5” in its place.

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

“(5) The Division of Development and Standards shall include the staff needed to implement a robust program of training for all employees of the Office. The training program shall be described in a training plan published by the Office that:

“(A) Establishes the required minimum number of hours of annual training and the certifications required for public safety telecommunicators and public safety communications training officers;

“(B) Aligns with standards established by national public safety associations recognized by the Office;

“(C) Includes training on the following topics for public safety telecommunicators:

“(i) Cardiopulmonary resuscitation;

“(ii) Telecommunications devices for deaf individuals, including teletype; and

“(iii) Stress management;

“(D) Includes formalized quality assurance to identify areas in which future training would be beneficial and to ensure that existing training is effectively implemented; and

“(E) Incorporates examinations for public safety telecommunicators designed to demonstrate the public safety telecommunicators’ ability to utilize existing communication tools or available technologies to meet operational needs in both normal and back-up modes.”.

(b) Section 3207 (D.C. Official Code § 1-327.56) is amended as follows:

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

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

“(b) The Office shall coordinate with the Fire and Emergency Medical Services Department to cross-train, on an annual basis, public safety telecommunicators with firefighters, and emergency medical service providers.”.

Sec. 3143. Section 1 of An Act To classify the officers and members of the fire department of the District of Columbia, and for other purposes, approved June 20, 1906 (34 Stat. 314; D.C. Official Code § 5-401), is amended by adding a new subsection (b-1) to read as follows:

“(b-1) The Department shall establish a community cardiopulmonary resuscitation program to conduct cardiopulmonary resuscitation training and emergency medical application training for District residents and employees within the following District facilities:

“(1) District of Columbia Public Schools;

“(2) District of Columbia Public Charter Schools;

“(3) District of Columbia Department of Parks and Recreation facilities; and

“(4) Any other District of Columbia government buildings.”.

Sec. 3144. The Public Access to Automated External Defibrillator Act of 2000, effective April 27, 2001 (D.C. Law 13-278; D.C. Official Code § 44-231 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 44-231) is amended as follows:

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

“(2A) "CPR" means cardiopulmonary resuscitation.

“(2B) "CPR and AED program" means a training course on CPR and the operation and use of an AED that has been approved by the Mayor pursuant to section 3c.

“(2C) "Facility AED Coordinator" means the person who acquires the AED for a facility, or his or her designee.”.

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

“(5) "School" means a school in the District of Columbia Public Schools system, a public charter school, an independent school, a private school, or a parochial school.”.

(b) Section 3 (D.C. Official Code § 44-232) is amended as follows:

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

(A) Paragraph (1) is amended by striking the phrase “Expected AED users receive training from and be certified by the American Heart Association, the American Red Cross, or an equivalent state or nationally recognized course,” and inserting the phrase “The Facility AED Coordinator receives training from or is certified by the American Heart Association, the American Red Cross, or an equivalent state or nationally recognized course, such as the Heart Saver CPR AED course,” in its place.

(B) Paragraph (3) is amended by striking the phrase “; and” and inserting the phrase “; provided, that a physician is not required if a person or entity enters into an agreement with the Department pursuant to which the Department provides the equipment, training, and oversight required by this subsection; and” in its place.

(2) Subsection (b) is repealed



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

“(c) Any person or entity who acquires an AED shall notify the Chief of the Fire and Emergency Medical Services Department (“Chief of the Department”) or his or her designee and the call center, as defined in section 3202(a)(2) of the Office of Unified Communications Establishment Act of 2004, effective December 7, 2004 (D.C. Law 15-205; D.C. Official Code § 1-327.51(a)(2)), of the AED and the location and type of the AED. If an AED is removed, the Chief of the Department shall be notified. The Chief of the Department may issue a citation if the requirements of this subsection are not followed; provided, that the Chief of the Department has adopted regulations governing the issuance of the citations.”.

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

“Sec. 3c. CPR and AED program.

“(a) Within 120 days after the effective date of the Public Safety Telecommunicator and District School CPR and AED Training Amendment Act of 2016, passed on 2nd reading on June 21, 2016 (Enrolled version of Bill 21-669), each school shall meet the requirements of section 3 and:

“(1) Establish procedures for responding to a medical emergency involving cardiac arrest, including the appropriate use of CPR and an AED;

“(2) Have at least one AED on-site at the school;

“(3) Have, in coordination with the Department of General Services, a maintenance schedule established for each AED that is in accordance with the manufacturer’s guidelines and includes:

“(A) Periodic testing;

“(B) Periodic inspection; and

“(C) Annual maintenance;

“(4) Ensure that each AED at the school is appropriate for use on children and adults;

“(5) Have had the following individuals successfully complete a CPR and AED program; provided, that individuals newly hired for the following positions shall be required to successfully complete a CPR and AED program within 60 days after their hire date:

“(A) Athletic coach, coaching assistant, and athletic trainer;

“(B) Athletic director;

“(C) Team or game physician;

“(D) School nurse; and

“(E) Every anticipated AED user employed by the school, as designated by the school;

“(6) Require that at least one individual trained in a CPR and AED program be present during the school's hours of operation and during any athletic activity; and

“(7) Inform all school employees, at least annually, of the location of each AED in the school.

“(b)(1) The Mayor shall:

“(A) Establish baseline requirements and guidelines for a CPR and AED program;

“(B) Approve each existing CPR and AED program that the Mayor determines meets or exceeds the baseline requirements and guidelines for a CPR and AED program, and any new CPR and AED programs established pursuant to this act; provided, that the Mayor shall approve the existing programs listed in section 3(a)(1) and the program offered by the Fire and Emergency Medical Services Department pursuant to section 1(b-1) of An Act To classify the officers and members of the fire department of the District of Columbia, and for other purposes, approved June 20, 1906 (34 Stat. 314; D.C. Official Code § 5-401), as meeting the requirements of this section;

“(C) Require each school to maintain a written record of the periodic testing, inspection, and maintenance of each AED; and

“(D) Require the successful completion of a CPR and AED program by each employee in a position listed in subsection (a)(5) of this section.

“(2) A CPR and AED program may be conducted by a private or public entity.”.

Sec. 3145. Section 402 of the Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-824.02), is amended by adding a new subsection (b-1) to read as follows:

“(b-1) Public schools and public charter schools shall provide instruction in cardiopulmonary resuscitation to students in Grades 9 through 12 as follows:

“(1) Beginning with the 2016-2017 school year, instruction in cardiopulmonary resuscitation shall be included in at least one health class necessary for graduation.

“(2) The instruction required by this subsection shall:

“(A) Be an instructional program developed by the American Heart Association or the American Red Cross or be nationally recognized and based on the most current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation;

“(B) Include appropriate use of an automated external defibrillator, which may be taught by video; and

“(C) Incorporate hands-on practice in addition to cognitive learning.

“(3) The instruction required by this section may be provided by the public school or charter school directly or the public school or charter school may arrange for the instruction to be provided by available community-based providers.

“(4) The instruction required by this subsection is not required to be provided by a teacher.

“(5) A teacher providing the instruction under this subsection is not required to be a certified trainer of cardiopulmonary resuscitation.

“(6) A student is not required to earn certification in cardiopulmonary resuscitation to successfully complete the instruction for the purposes of this subsection.

“(7) The instruction offered by the Fire and Emergency Medical Services Department pursuant to section 1(b-1) of An Act To classify the officers and members of the fire department of the District of Columbia, and for other purposes, approved June 20, 1906 (34 Stat. 314; D.C. Official Code § 5-401), shall be deemed to meet the requirements of this subsection.”.

**TITLE IV. PUBLIC EDUCATION**

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

Sec. 4001. Short title.

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

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

(a) Section 104 (D.C. Official Code § 38-2903) is amended by striking the phrase “\$9,492 per student for fiscal year 2015” and inserting the phrase “\$9,682 per student for Fiscal Year 2017” in its place.

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

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

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

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

“Special Education Add-ons:

**ENROLLED ORIGINAL**

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

**ENROLLED ORIGINAL**

“Residential	D.C. Public School or public charter school that provides students with room and board in a residential setting, in addition to their instructional program	1.67	\$16,169
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“General Education Add-ons:

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

“Residential Add-ons:

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

**ENROLLED ORIGINAL**

<p>“Level 2: Special Education - Residential</p>	<p>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</p>	<p>1.337</p>	<p>\$12,945</p>
<p>“Level 3: Special Education - Residential</p>	<p>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</p>	<p>2.891</p>	<p>\$27,991</p>
<p>“Level 4: Special Education - Residential</p>	<p>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</p>	<p>2.891</p>	<p>\$27,991</p>
<p>“LEP/NEP - Residential</p>	<p>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</p>	<p>0.668</p>	<p>\$6,468</p>

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

“Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2017
“Special Education Level 1 ESY	Additional funding to support the summer school or program need for students who require ESY services in their IEPs.	0.063	\$610
“Special Education Level 2 ESY	Additional funding to support the summer school or program need for students who require ESY services in their IEPs	0.227	\$2,198
“Special Education Level 3 ESY	Additional funding to support the summer school or program need for students who require ESY services in their IEPs	0.491	\$4,754
“Special Education Level 4 ESY	Additional funding to support the summer school or program need for students who ESY services in their IEPs	0.491	\$4,754

”.

(d) Section 115 (D.C. Official Code § 38-2913) is amended as follows:

(1) Strike the phrase “Fiscal Year 2017” and insert the phrase “Fiscal Year 2020” in its place.

(2) Strike the word “equal” and insert the word “equitable” in its place.

**SUBTITLE B. DCPS CONTRACTING AND SPENDING FLEXIBILITY  
AMENDMENT**

Sec. 4011. Short title.

This subtitle may be cited as the “DCPS Contracting and Spending Flexibility Amendment Act of 2016”.

Sec. 4012. Reallocation and use of District of Columbia Public Schools funds.

(a) Pursuant to rules promulgated by the Chief Financial Officer, each school in the District of Columbia Public Schools (“DCPS”) may reallocate funds between object classes within the school’s non-personal services object category in the aggregate not-to-exceed amount of \$10,000 within each fiscal year.

(b) DCPS is authorized to spend appropriated funds to pay for DCPS-sponsored student travel, including the cost of transportation, lodging, meals, and admission fees for students and adult chaperones, to locations and venues outside DCPS facilities in accordance with rules promulgated by the Chancellor pursuant to section 105(c)(5) of the District of Columbia Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-174(c)(5)); provided, that such travel be related to the students’ curriculum or for the purpose of rewarding student curricular or extra-curricular achievement.

(c) For the purposes of this section, the terms “object category” and “object class” shall have the same meanings as provided in D.C. Official Code § 47-361(9) and (10), respectively.

Sec. 4013. Section 105(c)(5) of the District of Columbia Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-174(c)(5)), is amended by striking the semicolon and inserting the phrase “, including rules and regulations governing the use of DCPS funds for DCPS-sponsored student travel, including the cost of transportation, lodging, meals, and admission fees for students and adult chaperones, to locations and venues outside DCPS facilities; provided, that such travel be related to the students’ curriculum or for the purpose of rewarding student curricular or extra-curricular achievement;” in its place.

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

Sec. 4021. Short title.

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

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

“(6) Paragraph (1) of this subsection shall not apply to educational institutions that possess animals for educational and instructional purposes and that otherwise comply with humane, sanitary, and safe treatment requirements, as set forth in section 502 of the Animal



Protection Amendment Act of 2008, effective December 5, 2008 (D. C. Law 17-281; D.C. Official Code § 8-1851.02), and permitting requirements promulgated by the Mayor.”

**SUBTITLE D. HEALTHY TOTS ACT AMENDMENTS**

Sec. 4031. Short title.

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

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

(a) Section 4073(c)(1)(B) (D.C. Official Code § 38-282(c)(1)(B)) is amended as follows:

(1) Strike the word “breakfasts” both times it appears and insert the word “meals” in its place.

(2) Strike the phrase “to receive free or reduced meals” and insert the phrase “for subsidized child care” in its place.

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

(1) Subsection (a) is amended by striking the phrase “to participate in the CACF Program, the facility shall participate in the program” and inserting the phrase “for subsidized child care, the facility shall participate in the CACF Program” in its place.

(2) Subsection (c) is amended by striking the date “September 30, 2016” and inserting the date “September 30, 2017” in its place.

**SUBTITLE E. NATIONAL EXTERNAL DIPLOMA PROGRAM**

Sec. 4041. Short title.

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

Sec. 4042. Section 7b of the State Education Office Establishment Act of 2000, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-2608), is amended by adding a new subsection (g) to read as follows:

“(g) OSSE shall deem valid all diplomas awarded to residents who completed the requirements of the National External Diploma Program at any time from January 1, 1980, through February 5, 2016, in the District of Columbia.”

**SUBTITLE F. FOSTER CARE EXTENDED ELIGIBILITY**

Sec. 4051. Short title.

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

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

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

(b) Paragraph (5) is amended by striking the phrase "child." and inserting the phrase "child;" in its place.

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

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

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

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

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

Sec. 4061. Short title.

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

Sec. 4062. Section 107b(b) of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective April 13, 2005 (D.C. Law 15-348; D.C. Official Code § 38-2906.02(b)), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase “and shall be 30% of the school’s entitlement” and inserting the phrase “and shall be 35% of an existing school's entitlement, and 45% of the entitlement for a newly chartered school in its first school year of operation” in its place.

(b) Paragraph (2) is amended by striking the phrase “and shall be equal to 55% of the school’s entitlement less amounts paid in July” and inserting the phrase “and shall be equal to 60% of an existing school's entitlement and 70% of the entitlement for a newly chartered school in its first school year of operation, less amounts paid in July” in its place.

(c) Paragraph (3) is amended by striking the phrase “and shall be equal to 80% of the school’s entitlement less amounts paid in July and October” and inserting the phrase “and shall be equal to 80% of an existing school's entitlement and 85% of the entitlement for a newly chartered school in its first school year of operation, less amounts paid in July and October” in its place.

**SUBTITLE H. MY SCHOOL DC EDFEST SPONSORSHIP AND ADVERTISING AND COMMON LOTTERY BOARD AMENDMENT**

Sec. 4071. Short title.

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

Sec. 4072. Section 4122 of the My School DC EdFest Sponsorship and Advertising Act of 2015, effective October 22, 2015 (D.C. Law 21-36; 62 DCR 10905), is amended as follows:

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

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

“(g) The Chief Financial Officer shall deposit all cash proceeds received from advertisements and sponsorships pursuant to this section into the Common Lottery Board Fund established pursuant to section 206 of the Department of Education Establishment Act of 2007, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 38-195).”.

Sec. 4073. Section 206 of the Department of Education Establishment Act of 2007, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 38-195), is amended as follows:

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

(1) Paragraph (3) is amended by striking the phrase “; and” and inserting a semicolon in its place.

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

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

“(5) Cash proceeds for DC EdFest deposited pursuant to section 4122(g) of the My School DC EdFest Sponsorship and Advertising Act of 2015, effective October 22, 2015 (D.C. Law 21-36; 62 DCR 10905).”.

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

“(c)(1) Except as provided in paragraph (2) of this subsection, money in the Fund shall be used for the continued development and improvement of the common lottery system.

“(2) Cash proceeds deposited pursuant to section 4122(g) of the My School DC EdFest Sponsorship and Advertising Act of 2015, effective October 22, 2015 (D.C. Law 21-36; 62 DCR 10905), shall first be used to fund My School DC EdFest. Any excess funds shall be used in accordance with paragraph (1) of this subsection.”.

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

Sec. 4081. Short title.

This subtitle may be cited as the “School Immunization Requirements Enforcement Period Amendment Act of 2016”.

Sec. 4082. Section 6 of the Immunization of School Students Act of 1979, effective September 28, 1979 (D.C. Law 3-20; D.C. Official Code § 38-505), is amended by striking the phrase “ten (10) days” wherever it appears and inserting the phrase “20 school days” in its place.

**SUBTITLE J. PUBLIC CHARTER SCHOOL AT-RISK AND LIMITED ENGLISH PROFICIENT PAYMENT AMENDMENT**

Sec. 4091. Short title.

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

Sec. 4092. Section 107b of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective April 13, 2005 (D.C. Law 15-348; D.C. Official Code § 38-2906.02), is amended as follows:

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

(1) Designate the existing text as subparagraph (A).

(2) The newly designated subparagraph (A) is amended to read as follows:

“(A) Payments for special education, limited English proficient students, at-risk students, and other add-on components of the Funding Formula shall be included in the quarterly payments to public charter schools.”.

(3) New subparagraphs (B) and (C) are added to read as follows:

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

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

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

“(g)(1) Charter schools may receive payment on a pro-rata basis from the date on which the school begins providing special education services to students enrolled by October 5, who are identified as requiring an individualized education program (“IEP”) or as needing an increased IEP after October 5.

“(2) Upon application to and at the discretion of the Chief Financial Officer, the supplemental payments for the special education students available pursuant to paragraph (1) of this subsection shall be disbursed in addition to the quarterly payments made pursuant to subsection (a) of this section.”.

**SUBTITLE K. HIGHER EDUCATION LICENSURE COMMISSION**

**CLARIFICATION**

Sec. 4101. Short title.

This subtitle may be cited as the “Higher Education Licensure Commission Clarification Amendment Act of 2016”.

Sec. 4102. The Education Licensure Commission Act of 1976, effective April 6, 1977 (D.C. Law 1-104; D.C. Official Code § 38-1301 *et seq.*), is amended as follows:

(a) Section 201 (D.C. Official Code § 38-1302) is amended as follows:

(1) Paragraph (4)(C) is amended by striking the phrase “through agents offers” and inserting the phrase “through agents or an online presence offers” in its place.

(2) A new paragraph (17) is added to read as follows:

“(17) “Reciprocity agreement” means an agreement joined by the District of Columbia with other member states, districts, or U.S. territories that establishes national standards for interstate offering of postsecondary distance education courses and programs.”.

(b) Section 6(b)(3) (D.C. Official Code § 38-1306(b)(3)) is amended by striking the phrase “45-day” both times it appears and inserting the phrase “14-day” in its place.

(c) Section 7 (D.C. Official Code § 38-1307) is amended to read as follows:

“Sec. 7. Higher Education Licensure Commission — Functions.

“In addition to those duties specified in other sections of this act, the Commission shall:

“(1) Advise the Mayor and the Council with respect to the postsecondary educational needs of the District of Columbia;

“(2) File with the Mayor and the Council quarterly reports relating to:

“(A) The educational institutions granted or denied licenses under this act during the reporting period; and

“(B) Other matters that come under the Commission's purview;

“(3) Receive, and cause to be maintained, copies of student academic records in conformity with the following provisions:

“(A) If an educational institution operating in the District, or any educational institution licensed under this act operating outside of the District, proposes to discontinue its operation and has no other repository for its records, the chief administrative officer, by whatever title designated, of the institution shall cause to be filed with the Commission the original or legible true copies of all records of the institution specified by the Commission. The records shall include, at a minimum, the academic records of each former student;

“(B) The Commission shall maintain and dispose of the records in accordance with the provisions of the District of Columbia Public Records Management Act of 1985, effective September 5, 1985 (D.C. Law 6-19; D.C. Official Code § 2-1701 *et seq.*). Academic records shall be maintained for at least 50 years from the date the student attended the institution; and

“(C) The Commission may charge an institution for all costs involved in the transfer of records;

“(4)(A) If it appears to the Commission that the records of an institution discontinuing its operations are in danger of being destroyed, secreted, mislaid, or otherwise made unavailable to the Commission, the Commission may apply to the Superior Court of the District of Columbia for an order authorizing the Commission to seize and take possession of the records;

“(B) Any chief officer or member of a governing board of an institution who willfully fails to comply with the provisions of this subsection or willfully aids and abets any person in a scheme to avoid the requirements of this subsection may be held personally liable for all costs and damages resulting from the conduct, in addition to other penalties provided by this act.

“(5) Have the authority to enter into reciprocity agreements with other jurisdictions that relate to the authorization of postsecondary educational institutions that provide degree-granting or non-degree-granting online instruction to residents of the District; and

“(6) Have the authority to enter into agreements with degree-granting educational institutions operating in the District of Columbia that are otherwise conditionally exempt pursuant to section 10 for the purpose of ensuring consistent consumer protection in interstate distance education delivery of higher education.”.

(d) Section 9 (D.C. Official Code § 38-1309) is amended as follows:

(1) Subsection (a-1) is repealed.

(2) Subsection (c-1) is amended by adding a new paragraph (3) to read as follows:

“(3) Paragraph (1) of this subsection shall not apply to a postsecondary educational institution that provides degree-granting or non-degree-granting online instruction to residents of the District through an online presence and that is authorized to operate in the District pursuant to a reciprocity agreement.”.

(e) A new section 9a is added to read as follows:

“Sec. 9a. Delivery of online instruction by a postsecondary educational institution.

“(a) A postsecondary educational institution may provide degree-granting or non-degree-granting online instruction to residents of the District through an online presence.

“(b) An educational institution that provides degree-granting or non-degree-granting online instruction to residents of the District through an online presence shall be deemed to be operating in the District, and shall either be:

“(1) Licensed by the Commission in accordance with this act; or

“(2) Authorized to operate in the District pursuant to a reciprocity agreement.”.

**SUBTITLE L. TRAFFIC CONTROL INVESTIGATIONS FOR NEW SCHOOLS  
AMENDMENT**

Sec. 4111. Short title.

This subtitle may be cited as the “Traffic Control Investigations for New Schools Amendment Act of 2016”.

Sec. 4112. Section 2 of the School Proximity Traffic Calming Act of 2000, effective May 23, 2000 (D.C. Law 13-111; D.C. Official Code § 38-3101), is amended as follows:

(a) Subsection (a) is amended by striking the word “Mayor” and inserting the phrase “District Department of Transportation (“DDOT”)” in its place.

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

“(a-1)(1) Beginning July 31, 2016, the DDOT shall complete the investigation required in subsection (a) of this section for a new school no later than 60 days after the first day on which students begin classes at the school.

“(2) The District of Columbia Public Schools and the Public Charter School Board shall notify the DDOT of a new school no later than 90 days before the first day on which students will begin classes at the school.

“(3) For the purposes of this subsection, the term “new school” means:

“(A) A school located in a never-before-occupied structure, except for a structure erected in an existing school zone; or

“(B) A school located in a preexisting structure that has not been used as a District of Columbia public school or public charter school within the last 5 years.”.

(c) Subsections (b), (c), (d), and (e)(2) are amended by striking the word “Mayor” wherever it appears and inserting the acronym “DDOT” in its place.

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

“(d-1) A public charter school shall coordinate with the Metropolitan Police Department to provide the DDOT with the information in subsection (c)(1) and (2) of this section no later than 15 days after the date of the request.”.

(e) Subsection (f) is amended by striking the phrase “District Department of Transportation” and inserting the acronym “DDOT” in its place.

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

“(f-1) The DDOT shall provide, by July 31st of each year, recommendations to the Mayor, the Council, the Chancellor of the District of Columbia Public Schools, the Public Charter School Board, and the Chief of the Metropolitan Police Department on the deployment of school crossing guards, taking into account the impact of school closings and reconfigurations, projected enrollment, traffic conditions, investigations conducted pursuant to subsections (a) and (a-1) of this section, and all other relevant factors.”.

#### **SUBTITLE M. EXCESS SCHOOL FACILITIES EXISTING TENANT PREFERENCE**

Sec. 4121. Short title.

This subtitle may be cited as the “Excess School Facilities Existing Tenant Preference Amendment Act of 2016”.

Sec. 4122. Section 2209(b)(1) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.09(b)(1)), is amended by adding a new subparagraph (B-i) to read as follows:

“(B-i) *Existing tenants.* -- For the purposes of this paragraph, an existing tenant of an excess school facility, other than an eligible entity, shall be deemed to be an eligible entity and given the same preference as an eligible entity under subparagraph (A)(ii)(II) of this paragraph if:

“(i) The existing tenant is a nonprofit elementary or secondary school incorporated in the District or a community-based, nonprofit arts education organization incorporated in the District, whose programming includes youth classes; and

“(ii) The existing tenant has continuously occupied all or substantially all of the excess school facility or property since December 30, 2008.”.

**SUBTITLE N. EDUCATION OMBUDSMAN AND OFFICE OF THE STUDENT  
ADVOCATE AMENDMENT**

Sec. 4131. Short title.

This subtitle may be cited as the “Education Ombudsman and Office of the Student Advocate Amendment Act of 2016”.

Sec. 4132. Section 604(15) of the Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-353(15)), is amended as follows:

(a) The lead-in language is amended by striking the number “90” and inserting the number “120” in its place.

(b) Subparagraph (D) is repealed.

(c) Subparagraph (E) is amended by striking the semicolon and inserting the phrase “; and” in its place.

(d) Subparagraph (F) is amended by striking the semicolon and inserting the phrase “; and” in its place.

(e) Subparagraph (G) is repealed.

Sec. 4133. Section 204 of the Parent and Student Empowerment Amendment Act of 2013, effective February 22, 2014 (D.C. Law 20-76; D.C. Official Code § 38-373), is amended as follows:

(a) Paragraph (6) is amended by striking the phrase “s student’s” and inserting the phrase “a student’s” in its place.

(b) Paragraph (9) is amended as follows:

(1) The lead-in language is amended by striking the number “90” and inserting the number “120” in its place.

(2) Subparagraph (C) is amended by striking the word “and”.

(3) Subparagraph (D) is amended by striking the word “and”.

(4) New subparagraphs (E), (F), and (G) are added to read as follows:

“(E) Students represented through formal or administrative proceedings;

“(F) Information sessions held and trainings conducted by ward; and



“(G) Complaints, concerns, or other inquiries referred to District agencies, including the name of the agency, office, or organization to which the referral was made; and”.

**SUBTITLE O. EDUCATION REPORTING REQUIREMENTS**

Sec. 4141. Short title.

This subtitle may be cited as the “Education Reporting Requirements Act of 2016”.

Sec. 4142. Office of the State Superintendent of Education reporting requirements.

(a) By June 15, 2016, the Office of the State Superintendent of Education (“OSSE”) shall submit to the Council a report on the establishment of the Uniform Per Student Funding Formula (“UPSFF”) Working Group pursuant to section 112(c) of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2911(c)), including a list of members and proposed meeting dates.

(b) By August 15, 2016, and every 2 months thereafter through December 15, 2016, the OSSE shall submit to the Council a report on the status of work conducted by the UPSFF Working Group in the preceding 2 months, including meeting minutes.

(c)(1) By October 1, 2016, and quarterly thereafter through September 30, 2017, the OSSE shall submit to the Council a report on a comprehensive plan and efforts to implement by July 1, 2018, the expansion of the IDEA Part C and the Strong Start: DC Early Intervention Program included in section 7h of the State Education Office Establishment Act of 2000, effective March 10, 2015 (D.C. Law 20-195; D.C. Official Code § 38-2614).

(2) The reports shall include the following:

(A) A timeline for implementation;

(B) The OSSE’s projected capacity needs to accomplish implementation,

with supporting data;

(C) A description of barriers to implementation;

(D) Benchmark goals; and

(E) Steps OSSE intends to take to:

(i) Accomplish needed program enhancements for implementation, including enhancements to service provider capacity, recruiting and retention strategies, and strategies for differentiated models of service for children with 25% to 50% delay in one developmental area; and

(ii) Work with the Department of Healthcare Finance to develop a Medicaid carve-out whereby a portion of money is set aside for early intervention programs through which OSSE can recoup costs.

Sec. 4143. Public Charter School Board reporting requirements.

By October 1, 2016, the Public Charter School Board shall submit to the Council a report on the distribution of at-risk funds to each local education agency (“LEA”) it oversees for students in pre-k through grade 12 for school year 2016-2017. The report shall include, at a

minimum, the projected allocation of at-risk funds to each LEA and a breakdown of the intended use of the funds, including a description of the programs, initiatives, and the enrichment activities it is being used to support.

**Sec. 4144. Deputy Mayor for Education reporting requirements.**

By October 1, 2016, the Deputy Mayor for Education shall report to the Council on the following:

(1) An update on the Deputy Mayor's convened Cross Sector Collaboration Task Force's work in Fiscal Year 2016, and the most recent list of recommendations for the Mayor and the Council;

(2) The need for transportation subsidies and assistance for adult learners who are 22 years of age and older and enrolled in publicly funded adult education programs or in University of the District of Columbia Workforce Development and Lifelong Learning programs. This report shall include:

(A) An assessment of what subsidies are currently available to this population through government assistance programs, the usage rates of these resources, and whether local or federal money is used to pay for them;

(B) An assessment of the unmet need for transportation subsidies among adult learners, and the impact of increased transportation costs on attendance and enrollment in adult education programs and the University of the District of Columbia Workforce Development and Lifelong Learning programs;

(C) Recommendations on:  
(i) Ways to better leverage and connect qualifying adult learners and transportation providers to existing resources, and the best ways to ensure that federal money is utilized whenever possible; and

(ii) Ways that the government, District of Columbia Public Schools, public charter schools, and the University of the District of Columbia can provide broader access to subsidized transportation opportunities; and

(D) The cost associated with recommendations for delivering transportation assistance, and an assessment of new federal and local funding streams that may be accessed to provide these services; and

(3) A proposed plan for schools where students are suffering from safe passage issues of bullying, violence, or other impediments to getting to and from school and recommendations for best practices for improved safe passage policies that schools can adopt.

**Sec. 4145. District of Columbia Public Schools reporting requirements.**

By October 1, 2016, the District of Columbia Public Schools shall submit to the Council a report on Student Activity Funds. The report shall include the following:

(1) Information on each existing Student Activity Fund within the control of the District of Columbia Public Schools, including the health of the fund and the date of its last audit;

(2) The policies and procedures governing Student Activity Funds, including requirements on deposits and any restrictions on items that can be purchased with Student Activity Fund monies; and

(3) A description of the training provided to school-based staff on use of Student Activity Funds.

**SUBTITLE P. UNIVERSITY OF THE DISTRICT OF COLUMBIA  
FUNDRAISING MATCH**

Sec. 4151. Short title.

This subtitle may be cited as the “University of the District of Columbia Fundraising Match Act of 2016”.

Sec. 4152. (a) In Fiscal Year 2017, of the funds allocated to the Non-Departmental agency, \$1, up to a maximum of \$1.5 million, shall be transferred to the University of the District of Columbia (“UDC”) for every \$2 that UDC raises from private donations by March 1, 2017.

(b) Of the amount transferred to UDC pursuant to subsection (a) of this section, two-thirds of the funds shall be deposited into UDC’s endowment fund.

**TITLE V. HEALTH AND HUMAN SERVICES**

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

Sec. 5001. Short title.

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

Sec. 5002. Section 552(c-3) of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.52(c-3)), is amended as follows:

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

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

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

**SUBTITLE B. DHCF AND DDS MEDICAL ASSISTANCE PROGRAM  
AMENDMENTS**

Sec. 5011. Short title.

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

Sec. 5012. Section 1(a) of An Act To enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744: D.C. Official Code § 1-307.02(a)), is amended by adding a new paragraph (10) to read as follows:

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

“(A) Implement needed amendments to:

“(i) The Intermediate Care Facilities for Individuals with Developmental Disabilities reimbursement methodology;

“(ii) The payment methodology for hospital services;

“(iii) The payment methodology for nursing homes;

“(iv) The payment methodology for the Disproportionate Share Hospital program;

“(v) The health homes program;

“(vi) Renew and update the Elderly and Individuals with Physical Disabilities waiver program and make conforming changes to the state plan; and

“(vii) The payment methodology for prescription drugs; and

“(B) Increase the number of participants in the Home and Community-Based Services Waiver for Persons with Intellectual and Developmental Disabilities program.”.

### **SUBTITLE C. CONTRIBUTION TO COSTS OF SUPPORTS FUND**

Sec. 5021. Short title.

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

Sec. 5022. The Developmental Disabilities Service Management Reform Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-264; D.C. Official Code § 7-761.01 *et seq.*), is amended as follows:

(a) Section 102 (D.C. Official Code § 7-761.02) is amended by adding new paragraphs (2A) and (2B) to read as follows:

“(2A) “Contribution to costs of supports” means full or partial payment by persons with intellectual disabilities or their estate for the locally funded supports and services provided by the Developmental Disabilities Administration.

“(2B) “Costs of occupancy” means:

“(A) Rent;

“(B) Other personal expenses, including food, clothing, and medical costs;

“(C) Supplies, furnishings, and equipment;

“(D) Communications; and

“(E) Other supports.”.

(b) New sections 105b and 105c are added to read as follows:

“Sec. 105b. Contribution to costs of supports.

“(a) DDS shall collect the contribution to costs of supports from persons with intellectual disabilities who are:

“(1) Medicaid Program-eligible but not eligible for the maximum Supplement Security Income or Social Security Disability Insurance payments; or

“(2) Not Medicaid Program-eligible but otherwise have been found eligible to receive services from the Developmental Disabilities Administration.

“(b) DDS shall collect the contribution to costs of supports under subsection (a) of this section only to the extent that DDS uses local dollars to fund the costs of occupancy.

“Sec. 105c. Contribution to Costs of Supports Fund.

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

“(b) The Fund shall consist of contributions to costs of supports collected by DDS from persons with intellectual disabilities pursuant to section 105b.

“(c) The Fund shall be used by DDS to pay the costs of occupancy to persons with intellectual disabilities consistent with federal and local law and regulations.

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

“(2) Subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.”.

(c) Section 109 (D.C. Official Code § 7-761.09) is amended by adding a new subsection (a-1) to read as follows:

“(a-1)(1) Within 45 days after the effective date of the Contribution to Costs of Supports Fund Amendment Act of 2016 (‘Act’), passed on 2nd reading on June 21, 2016 (Enrolled version of Bill 21-669), the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat.1204; D.C. Official Code §2-501 *et seq.*), shall issue rules to implement the provisions of the Act, including rules establishing who has the ability to pay the contribution to costs of supports, the amount to be collected, the method and timing of payments to DDS for such purposes, and due process protections.

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

**SUBTITLE D. PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES RENT INCREASE RELIEF**

Sec. 5031. Short title.

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

Sec. 5032. The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*), is amended as follows:

(a) Section 103 (D.C. Official Code § 42-3501.03) is amended by adding a new paragraph (13A) to read as follows:

“(13A) “Home and community-based services waiver provider” means an entity that provides residential habilitation or supported living services under the Medicaid Home and Community-Based Services Waiver for Persons with Intellectual and Developmental Disabilities program authorized by section 1915(c) of the Social Security Act, approved August 13, 1981 (95 Stat. 809; 42 U.S.C. § 1396n).”.

(b) Section 205(a)(1) (D.C. Official Code § 42-3502.05(a)(1)) is amended by striking the phrase “title III;” and inserting the phrase “Title III, or any unit rented by a home and community-based services waiver provider and occupied by a tenant with a disability without regard to income but otherwise as defined in section 206(f)(2)(A), or co-leased by a home and community-based services waiver provider and occupied by a tenant with a disability without regard to income but otherwise as defined in section 206(f)(2)(A);” in its place.

(c) Section 208(h)(2) (D.C. Official Code § 42-3502.08(h)(2)) is amended by striking the phrase “elderly or disabled tenant” and inserting the phrase “elderly or disabled tenant, including a unit leased or co-leased by a home and community-based services waiver provider,” in its place.

#### **SUBTITLE E. COMMISSION ON HEALTH EQUITY**

Sec. 5041. Short title.

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

Sec. 5042. The Commission on Health Disparities Establishment Act of 2014, effective March 10, 2015 (D.C. Law 20-192; D.C. Official Code § 7-755.01 *et seq.*), is repealed.

Sec. 5043. Establishment of the Commission on Health Equity.

(a) There is established a Commission on Health Equity (“Commission”) to prepare, through the Department of Health’s Office on Violence Prevention and Health Equity, comprehensive recommendations to the Department of Health, the Council, and the Mayor that examine and address health inequities across the District and differing opportunities for healthcare by demographic subpopulations and geographic areas, including in each election ward of the District.

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

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

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

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

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

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

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

(B) Social and human services and vulnerable populations;

(C) Early learning and education;

(D) Minority communities and population health outcomes and improvement;

(E) Economic and community development; or

(F) Ecology and the natural and built environment.

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

(c)(1) The Commission shall include the following nonvoting advisory members:

(A) The Chairperson of the Council committee with jurisdiction over the Department of Health, who shall serve as an ex-officio member;

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

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

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

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

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

(e) All members of the Commission shall be appointed within one year after the effective date of this subtitle.

**Sec. 5044. Commission duties and functions.**

(a) The Commission shall advise the Department of Health's Office of Violence Prevention and Health Equity on:

(1) The development of a baseline assessment of health equity across the District, and differing opportunities for health by demographic subpopulations and geographic areas, including in each election ward of the District;

(2) The application of innovative data collection and dissemination strategies to augment the use of evidence-based methods and tools and practices within a community-based participatory research framework; and

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

(b) The Commission shall:

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

(2) Seek federal grants, if available; and

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

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

(1) A report of the Commission's findings regarding:

(A) Health equity across the District and differing opportunities for healthcare by demographic subpopulations and geographic areas, including in each election ward of the District;

(B) The identification of health indicators studied that highlight the election ward and populations or neighborhoods most affected, possible steps that can be taken by the District government to remedy these issues, and expected outcomes that will result from taking the recommended steps; and

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

Sec. 5045. Commission procedure and powers.

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

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

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

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

Sec. 5046. Section 2(f)(53) of the of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)(53)), is amended to read as follows:

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



**SUBTITLE F. TEEN PREGNANCY PREVENTION FUND AMENDMENT**

Sec. 5051. Short title.

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

Sec. 5052. The Teen Pregnancy Prevention Fund Establishment Act of 2014, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 1-325.321 *et seq.*), is amended as follows:

(a) Section 5142(2) (D.C. Official Code § 1-325.321(2)) is amended by striking the phrase “the DC Campaign to Prevent Teen Pregnancy, as authorized by section 5146” and inserting the phrase “, for Fiscal Year 2017, the Department of Health, as authorized by section 5146” in its place.

(b) Section 5143 (D.C. Official Code § 1-325.322) is amended as follows:

(1) Subsection (a) is amended by striking the word “subgrants” and inserting the word “grants” in its place.

(2) Subsections (b), (c), and (d) are amended to read as follows:

“(b) Grants from the Fund shall be awarded by the Department of Health to nonprofit organizations for the purpose of implementing the following types of programs, consistent with an evidence-based, community-wide teen pregnancy prevention model:

“(1) Health services for teens;

“(2) Reproductive health education;

“(3) Professional development and training;

“(4) Research and policy development related to teen pregnancy; and

“(5) Public education and awareness on teen pregnancy.

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

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

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

“(3) All grants shall be subject to the Freedom of Information Act of 1976, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*).

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

(3) Subsection (e) is repealed.

(c) Section 5144 (D.C. Official Code § 1-325.323) is amended as follows:

(1) Strike the word “subgrant” wherever it appears and insert the word “grant” in its place.

(2) Strike the word “subgrantee” wherever it appears and insert the word “grantee” in its place.

(3) Subsection (a)(4)(C) is amended by striking the word “subgrantee’s” and inserting the word “grantee’s” in its place.

(d) Section 5145 (D.C. Official Code § 1-325.324) is amended as follows:

(1) Strike the date “December 1, 2014” and insert the date “December 1, 2017” in its place.

(2) Strike the word “bimonthly” and insert the word “semiannual” in its place.

(3) Strike the word “subgrantee” both times it appears and insert the word “grantee” in its place.

(4) Strike the word “subgrant” wherever it appears and insert the word “grant” in its place.

(e) Section 5146 (D.C. Official Code § 1-325.325) is amended to read as follows:

“Sec. 5146. Authorization for grant-managing entity.

“For Fiscal Year 2017, the Department of Health is designated as the grant-managing entity.”.

(f) Section 5147 (D.C. Official Code § 1-325.326) is amended to read as follows:

“Sec. 5147. Limitation on duplicative projects.

“The grant-managing entity shall take steps to avoid awarding a grant to a nonprofit that has been awarded or is being awarded funds from another District agency for the same or similar program purposes for which it is applying for funding from the Fund.”.

## **SUBTITLE G. MEDICAID HOSPITAL OUTPATIENT SUPPLEMENTAL PAYMENT**

Sec. 5061. Short title.

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

Sec. 5062. Definitions.

For the purposes of this subtitle, the term:

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

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

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

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

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

**Sec. 5063. Hospital Provider Fee Fund.**

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

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

- (1) Fees collected under this subtitle; and
- (2) Interest and penalties collected under this subtitle.

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

- (1) Making Medicaid outpatient hospital access payments to hospitals as required under section 5066;
- (2) Payment of administrative expenses incurred by the Department or its agent in performing the activities authorized by this subtitle in an amount not to exceed \$150,000 annually; and
- (3) Providing refunds to hospitals pursuant to section 5065.

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

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

(2) Subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.

**Sec. 5064. Hospital provider fee.**

(a) Beginning October 1, 2016, and subject to section 5065, the District may charge each hospital a fee based on its outpatient gross patient revenue. The fee shall be charged at a uniform rate necessary to generate the following:

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

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

(3) An amount equal to the Department's administrative expenses as described in section 5063(c)(2).

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

**Sec. 5065. Applicability of fees.**

(a) The fee imposed by section 5064 shall not be due and payable until such time that the federal Centers for Medicare and Medicaid Services approves the Medicaid State Plan amendment authorizing the Medicaid payments described in section 5066.

(b) The fee imposed by section 5064 shall cease to be imposed, and any moneys remaining in the Fund shall be refunded to hospitals in proportion to the amounts paid by them, if:

(1) The Department makes changes in its rules that reduce the hospital inpatient or outpatient Medicaid payment rates, including adjustment to payment rates that are in effect on October 1, 2015; or

(2) The payments to hospitals required under section 5066 are modified in any way other than to secure federal approval of such payments as described in section 5066 or are not eligible for federal matching funds under section 1903(w) of the Social Security Act, approved July 30, 1965 (70 Stat. 349; 42 U.S.C. §1396b(w)) (“Social Security Act”).

(c) The fee imposed by section 5064 shall not take effect or shall cease to be imposed if the fee is determined to be an impermissible tax under section 1903(w)(3)(B) of the Social Security Act by the Centers for Medicare and Medicaid Services.

(d) Should the fee imposed by section 5064 not take effect or cease to be imposed, moneys in the Fund derived from the imposed fee shall be disbursed in accordance with section 5066 to the extent federal matching is available. If federal matching is not available due to a determination by the Centers for Medicare and Medicaid Services that the fee is impermissible, any remaining moneys shall be refunded to hospitals in proportion to the amounts paid by them.

**Sec. 5066. Medicaid outpatient hospital access payments.**

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

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

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

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

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

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

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

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

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

**Sec. 5067. Quarterly notice and collection.**

(a) The fee imposed under section 5064, which shall be calculated, due, and payable on a quarterly basis, shall be due and payable by the 15th of the last month of each DFY quarter; provided, that the fee shall not be due and payable until:

(1) The District issues written notice that the payment methodologies for payments to hospitals required under section 5066 have been approved by the federal Centers for Medicare and Medicaid Services; and

(2) The District issues written notice to the hospital informing the hospital of its fee rate, outpatient gross patient revenue subject to the fee, and the fee amount owed on a quarterly basis, including, in the initial written notice from the District to the hospital, all fee amounts owed beginning with the period commencing on October 1, 2016, to ensure all applicable fee obligations have been identified.

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

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

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

**Sec. 5068. Multi-hospital systems, closure, merger, and new hospitals.**

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

(b)(1) Notwithstanding any other provision in this subtitle, if a hospital system or person ceases to conduct, operate, or maintain a hospital that is subject to a fee under section 5064, as evidenced by the transfer or surrender of the hospital license, the fee for the DFY in which the cessation occurs shall be adjusted by multiplying the fee computed under section 5064 by a fraction, the numerator of which is the number of days in the year during which the hospital

system or person conducted, operated, or maintained the hospital, and the denominator of which is 365.

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

(c) Notwithstanding any other provision in this subtitle, a hospital system or person who conducts, operates, or maintains a hospital, upon notice by the Department, shall pay the fee computed under section 5064 and subsection (a) of this section in installments on the due date stated in the notice and on the regular installment due dates for the DFY occurring after the due dates of the initial notice.

Sec. 5069. Rules.

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

Sec. 5070. Sunset.

This subtitle shall expire on September 30, 2017.

**SUBTITLE H. MEDICAID HOSPITAL INPATIENT SUPPLEMENTAL PAYMENT**

Sec. 5071. Short title.

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

Sec. 5072. Definitions.

For the purposes of this subtitle, the term:

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

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

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

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

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

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

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

(D) Multiplied by: Worksheet G-3; Column 1; Line 3.

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

Sec. 5073. Hospital Fund.

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

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

(1) Fees collected under this subtitle;

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

(3) Other amounts collected under this subtitle.

(c) Money in the Fund shall be used solely as set forth in section 5074(a)(2) of this subtitle.

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

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

Sec. 5074. Hospital provider fee.

(a)(1) Beginning October 1, 2016, and except as provided in subsection (b) of this section and section 5077, the District, through the Office of Tax and Revenue, may charge each hospital a fee based on its inpatient net patient revenue.

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

(3) The fee collected pursuant to this section shall be deposited in the Hospital Fund, established by section 5073.

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

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

**Sec. 5075. Quarterly notice and collection.**

(a) The fee imposed under section 5074 shall be due and payable by the 15th of the last month of each DFY quarter.

(b) The fee imposed under section 5074 shall be calculated, due, and payable on a quarterly basis, but shall not be due and payable until the District issues written notice to each hospital informing the hospital of its fee rate, inpatient net patient revenue subject to the fee, and the fee amount owed on a quarterly basis, including, in the initial written notice from the District to the hospital, all fee amounts owed beginning with the period October 1, 2016, to ensure all applicable fee obligations have been identified.

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

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

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

**Sec. 5076. Multi-hospital systems, closure, merger, and new hospitals.**

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

(b)(1) Notwithstanding section 5074, if a hospital system or person that is subject to a fee under section 5074 ceases to conduct, operate, or maintain a hospital, as evidenced by the transfer or surrender of a hospital license, the fee for the DFY in which the cessation occurs shall be adjusted by multiplying the fee computed under section 5074 by a fraction, the numerator of which is the number of days in the year during which the hospital system or person conducts, operates, or maintains the hospital and the denominator of which is 365.

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

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



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

Sec. 5077. Federal determinations; suspension and termination of assessment.

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

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

Sec. 5078. Rules.

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

Sec. 5079. Sunset.

This subtitle shall expire on September 30, 2017.

#### **SUBTITLE I. PROGRAM ON WORK, EMPLOYMENT, AND RESPONSIBILITY (POWER) AMENDMENT**

Sec. 5081. Short title.

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

Sec. 5082. The District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-201.01 *et seq.*), is amended as follows:

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

(b) Section 572a(a)(1A) (D.C. Official Code § 4-205.72a(a)(1A)) is repealed.

#### **SUBTITLE J. YOUTH SERVICES COORDINATION TASK FORCE**

Sec. 5091. Short title.

This subtitle may be cited as the “Expansion and Coordination of Youth Services Act of 2016”.

Sec. 5092. Youth Services Coordination Task Force.

(a) There is established a Youth Services Coordination Task Force (“Task Force”) within the Office of the Deputy Mayor for Health and Human Services, for the purpose of studying the establishment of a single network of service providers for District youth that can provide family counseling, family support services, vocational training, subsidized work experiences, substance abuse counseling and recovery assistance, mentoring, tutoring, GED preparation, community service opportunities, and recreational activities to youth pursuant to Individualized Success Plans developed by each agency.

(b) The Task Force shall consist of the following persons or their designees:

- (1) The Deputy Mayor for Health and Human Services;
- (2) The Director of the Child and Family Service Agency;
- (3) The Director of the Department of Behavioral Health;
- (4) The Director of the Department of Disability Services;
- (5) The Director of the Department of Health;
- (6) The Director of the Department of Human Services;
- (7) The Director of the Department of Youth Rehabilitation Services;
- (8) The Chairperson of the Council committee with jurisdiction over the Department of Youth Rehabilitation Services;
- (9) The Chairperson of the Council committee with jurisdiction over the Department of Health; and
- (10) Two representatives from District youth-serving nonprofits, as chosen by the Mayor.

(c) The Task Force may, at the discretion of the Mayor, include the directors of other youth-serving District agencies, or their designees.

(d) The Task Force shall elect a chairperson by a majority vote of the members.

(e) By March 17, 2017, the Task Force shall provide a report to the Mayor, the Council, and the public that includes findings and recommendations on:

(1) How best to establish a single network of service providers, with unified grant-making procedures and reporting requirements, for youth currently served by the Child and Family Services Agency, the Department of Behavioral Health, the Department of Health, the Department of Human Services, the Department of Youth Rehabilitation Services, and other District youth-serving agencies, as considered appropriate by the Task Force; and

(2) The feasibility of providing the services described in subsection (a) of this section in centralized District-owned facilities in each ward.

(f) For the purposes of this section, the term “Individualized Success Plans” includes plans developed by the youth, family members, and agency staff that describe the services the youth needs, such as tutoring, job training, or substance abuse prevention, and the progress the youth needs to make.

Sec. 5093. Administration and appropriations.

The Office of the Deputy Mayor for Health and Human Services shall provide facilities and other administrative support for the Task Force.

Sec. 5094. Sunset.

This subtitle shall expire on March 17, 2017.

**SUBTITLE K. SUPPORTING NORMALCY, EMPOWERING FOSTER CHILDREN, AND ENCOURAGING PLACEMENT WITH SIBLINGS**

Sec. 5101. Short title

This subtitle may be cited as the “Supporting Normalcy, Empowering Foster Children, and Encouraging Placement with Siblings Amendment Act of 2016”.

Sec. 5102. The Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.01 *et seq.*), is amended as follows:

(a) Section 102 (D.C. Official Code § 4-1301.02) is amended as follows:

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

(A) Subparagraph (B) is amended by striking the phrase “under the plan;” and inserting the phrase “under the plan. With respect to a child who has attained 14 years of age, the plan, and any revision or addition to the plan, shall be developed in consultation with the child and, at the option of the child, with up to 2 members of the case-planning team who are chosen by the child and who are not a foster parent of, or caseworker for, the child. The agency may reject an individual selected by a child to be a member of the case-planning team at any time if the agency has good cause to believe that the individual would not act in the best interests of the child. One individual selected by a child to be a member of the child’s case-planning team may be designated to be the child’s advisor and, as necessary, advocate, with respect to the application of the reasonable and prudent parent standard to the child.” in its place.

(B) Subparagraph (D) is amended by striking the phrase “16 years of age” and inserting the phrase “14 years of age” in its place.

(C) Subparagraph (F)(ii) is amended by striking the phrase "separation of siblings" and inserting the phrase "separation of siblings, including individuals who would have been considered siblings of the child but for the termination of parental rights or death of a parent," in its place.

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

“(16A) “Reasonable and prudent parent standard” means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that should be used when determining whether to allow a child to participate in extracurricular, enrichment, cultural, and social activities.”.

(b) Section 303 (D.C. Official Code § 4-1303.03) is amended as follows:

(1) Subsection (a)(16)(A) is amended as follows:

(A) Sub-subparagraph (ii) is amended by striking the phrase “District of Columbia; or” and inserting the phrase “District of Columbia;” in its place.

(B) Sub-subparagraph (iii) is amended by striking the phrase “terminated.” and inserting the phrase “terminated; or” in its place.

(C) A new sub-subparagraph (iv) is added to read as follows:

“(iv) The ward reaches 14 years of age and on an annual basis thereafter.”.

(2) Subsection (a-1)(5) is amended by striking the phrase "siblings," and inserting the phrase "siblings, including individuals who would have been considered siblings of the child but for the termination of parental rights or death of a parent," in its place.

(c) A new section 303f is added to read as follows:

“Sec. 303f. Reasonable and prudent parent standard.

“(a) Foster parents and group homes for children who have been abused or neglected shall use the reasonable and prudent parent standard when determining whether to allow a ward to participate in extracurricular, enrichment, cultural, and social activities.

“(b) The Agency, foster parents, and group homes shall not be held liable for any civil damages resulting from the application of, or the failure to apply, the reasonable and prudent parent standard, except in cases constituting gross negligence.”.

Sec. 5103. Section 16-2323(d)(4) of the District of Columbia Official Code is amended as follows:

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

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

“(D) For a child placed in another planned permanent living arrangement, the steps taken by the agency to ensure that the reasonable and prudent parent standard, as defined in section 102(16A) of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.02(16A)), has been followed and that the child has opportunities to engage in age-appropriate or developmentally appropriate activities; and”.

**SUBTITLE L. NOT-FOR-PROFIT HOSPITAL CORPORATION CERTIFICATE OF NEED EXEMPTION AMENDMENT ACT OF 2016**

Sec. 5111. Short title.

This subtitle may be cited as the “Not-For-Profit Hospital Corporation Certificate of Need Exemption Amendment Act of 2016”.

Sec. 5112. Section 8(b) of the Health Services Planning Program Re-establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-191; D.C. Official Code § 44-407(b)), is amended as follows:

(a) Paragraph (12) is amended by striking the word “and”.

(b) Paragraph (13) is amended by striking the period and inserting the phrase “; and” in its place.

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

“(14) Operation by the Not-For-Profit Hospital Corporation of an ambulatory care clinic in the Bellevue neighborhood of Ward 8. The exemption provided in this paragraph shall expire on September 30, 2017.”.

**SUBTITLE M. DEPARTMENT OF HEALTH FUNCTIONS CLARIFICATION**

Sec. 5121. Short title.

This subtitle may be cited as the “Department of Health Functions Clarification Amendment Act of 2016”.

Sec. 5122. Section 4907a of the Department of Health Functions Clarification Act of 2001, effective March 3, 2010 (D.C. Law 18-111; D.C. Official Code § 7-736.01), is amended by adding new subsections (i), (j), and (k) to read as follows:

“(i) For Fiscal Year 2017, the Director of the Department of Health shall have the authority to issue grants to qualified community organizations for the purpose of providing the following services:

“(1) Programs designed to improve food access:

“(A) Through mobile, vehicle-based farm stands that operate at regularly scheduled stops, provide recipes and cooking demonstrations, and distribute locally produced food to communities in underserved communities, not to exceed \$50,000; and

“(B) By delivering fresh produce to small retailers and corner store owners that operate in underserved communities, not to exceed \$250,000;

“(2) A Farmers Market Subsidy program aimed at establishing healthy dietary habits, providing incentives for farmers to locate in low-income communities, and reducing chronic illness in District residents by providing monetary assistance for the purchase of fresh fruits and vegetables to those receiving federal assistance, not to exceed \$1,200,000;

“(3) Programs designed to support teen peer educators who work to provide sexual health information and condoms to youth, not to exceed \$150,000; and

“(4) Programs designed to promote healthy development in girls attending public and chartered schools in grades 8-12 located in areas of the city possessing the highest rates of teen pregnancy and highest enrollment in state-funded health programs in the District, not to exceed \$500,000.

“(j) For Fiscal Year 2017, the Director of the Department of Health shall issue grants totaling \$100,000 to nonprofit pediatric dental clinics to provide oral health literacy and awareness programming.

“(k)(1) All grants issued pursuant to subsections (i) and (j) of this section shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*).

“(2) The Department of Health shall submit a quarterly report to the Secretary to

the Council on all grants issued pursuant to the authority granted in subsections (i) and (j) of this section.”.

**SUBTITLE N. DCHA REHABILITATION AND MAINTENANCE FUND**

Sec. 5131. Short title.

This subtitle may be cited as the “District of Columbia Housing Authority Rehabilitation and Maintenance Fund Amendment Act of 2016”.

Sec. 5132. Section 3 of the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-202), is amended as follows:

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

(1) Strike the phrase “Authority Fund” and insert the phrase “Authority Fund (“Authority Fund”)” in its place.

(2) Strike the phrase “credited to the Fund” and insert the phrase “credited to the Authority Fund” in its place.

(3) Strike the phrase “out of the Fund” and insert the phrase “out of the Authority Fund” in its place.

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

“(c-1)(1) There is established as a special fund the DCHA Rehabilitation and Maintenance Fund (“R&M Fund”), which shall be administered by the Authority in accordance with paragraphs (3) and (4) of this subsection.

“(2) Revenue from the following sources shall be deposited in the R&M Fund:

“(A) \$15 million of one-time resource allocated in Fiscal Year 2016 from existing resources within the Authority;

“(B) Annual appropriations; and

“(C) Any remaining local funds available to the Authority for the Local Rent Supplement Program at the conclusion of each fiscal year.

“(3) Money in the R&M Fund shall be used for the maintenance, repair, and rehabilitation of public housing properties within the District.

“(4) Money in the R&M Fund shall not be used to fund:

“(A) Any major rehabilitation or maintenance on any occupied unit set to be demolished or otherwise removed from the Authority inventory within 9 months, other than to protect the health or safety of tenants; and

“(B) Any repair, maintenance, or rehabilitation of any vacant unit planned to be demolished or otherwise removed from the Authority inventory within 9 months.

“(5)(A) The money deposited into the R&M Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

“(B) Subject to authorization in an approved budget and financial plan, any funds appropriated in the R&M Fund shall be continually available without regard to fiscal year limitation.

“(6) By January 1 and by July 1 of each year, the Authority shall submit a report to the Mayor and to each Councilmember that details:

“(A) How the funds in the R&M Fund were used in the prior fiscal year;

“(B) The Authority's planned use of money in the R&M Fund for the succeeding fiscal year, identifying the following:

“(i) The address of each public housing unit to be repaired, rehabilitated, or renovated;

“(ii) The nature of the repair, rehabilitation, or renovation to be undertaken;

“(iii) The number of residents in each unit to be repaired, rehabilitated, or renovated, including adults and children;

“(iv) The estimated cost of the repair, rehabilitation, or renovation to be performed; and

“(v) The share of the estimated cost, if any, to be financed by the federal government.”.

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

(1) Strike the phrase “from the Fund” and insert the phrase “from the Authority Fund” in its place.

(2) Strike the phrase “each fiscal year,” and insert the phrase “each fiscal year, except as provided in subsection (c-1)(2)(C) of this section,” in its place.

#### **SUBTITLE O. LRSP AMENDMENT**

Sec. 5141. Short title.

This subtitle may be cited as the "Local Rent Supplement Amendment Act of 2016".

Sec. 5142. Section 26c of the District of Columbia Housing Authority Act of 1999, effective March 2, 2007 (D.C. Law 16-192; D.C. Official Code § 6-228), is amended by adding a new subsection (f) to read as follows:

“(f) Agencies within the District government may refer individuals 62 years of age and older to the Authority for eligibility determination for the Local Rent Supplement Program if the individuals are:

“(1) Returning citizens within the meaning of section 2(5) of the Office on Ex-Offender Affairs Commission on Re-Entry and Ex-Offender Affairs Establishment Act of 2006, effective March 8, 2007 (D.C. Law 16-243; D.C. Official Code § 24-1301(5));

“(2) LGBTQ individuals within the meaning of section 2(2) of the Office of Gay, Lesbian, Bisexual, and Transgender Affairs Act of 2006, effective April 4, 2006 (D.C. Law 16-89; D.C. Official Code § 2-1381(2)); or

“(3) Persons with a disability as defined in section 3(1)(A) of the Americans with Disabilities Act of 1990, approved July 26, 1990 (104 Stat. 329; 42 U.S.C. § 12102(1)(A)).”.

**SUBTITLE P. FLEXIBLE RENT SUBSIDY PILOT**

Sec. 5151. Short title.

This subtitle may be cited as the “Flexible Rent Subsidy Pilot Establishment Amendment Act of 2016”.

Sec. 5152. The Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01 *et seq.*), is amended by adding a new section 31c to read as follows:

“Sec. 31c. Flexible Rent Subsidy Pilot Program.

“(a) The Department shall establish a Flexible Rent Subsidy Pilot Program (“Program”) to subsidize the cost of monthly rent for families receiving, or eligible to receive, Continuum of Care services.

“(b) The Department shall provide the subsidy to each participating family via dedicated account, which shall be used solely to pay the family’s monthly rent.

“(c) The annual subsidy for a participating family shall be less than the maximum annual amount that may be provided to a household by voucher pursuant to section 26c of the District of Columbia Housing Authority Act of 1999, effective March 2, 2007 (D.C. Law 16-192; D.C. Official Code § 6-228).

“(d) No later than 120 days after October 1, 2016, the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this subtitle, including rules establishing program eligibility and the dollar amount of the maximum annual subsidy, and rules of program administration.

“(e) This section shall expire on September 30, 2021.”.

**SUBTITLE Q. VITAL RECORDS FEES**

Sec. 5161. Short title.

This subtitle may be cited as the “Vital Records Fees Amendment Act of 2016”.

Sec. 5162. Section 22 of the Vital Records Act of 1981, effective October 8, 1981 (D.C. Law 4-34; D.C. Official Code § 7-221), is amended as follows:

(a) The section heading is amended to read as follows:

“Sec. 22. Vital records fees and fund.”.

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

“(b)(1) There is established as a lapsing special fund the Vital Records Fees Fund (“Fund”), which shall be administered by the Department of Health (“Department”) in accordance with paragraph (3) of this subsection.



“(2) Revenue received pursuant to subsection (a) of this section shall be deposited in the Fund.

“(3) Money in the Fund shall be used to support the operations of the Department.”.

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

“(c)(1) Notwithstanding subsection (a) of this section, the fee for a certificate of birth shall be waived for an individual experiencing homelessness.

“(2) For the purposes of this subsection, the term “individual experiencing homelessness” means a person:

“(A) Who is lacking a fixed, regular residence that provides safe housing and the financial means to acquire such a residence immediately; or

“(B) Whose primary night-time residence is:

“(i) A supervised publicly or privately operated shelter or transitional housing facility designed to provide temporary living accommodations; or

“(ii) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

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

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

### **SUBTITLE A. WILDLIFE PROTECTION ENFORCEMENT**

Sec. 6001. Short title.

This subtitle may be cited as the “Wildlife Protection Enforcement Amendment Act of 2016”.

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

(a) Section 2 (D.C. Official Code § 8-2201) is amended by striking the phrase “District Department of the Environment” both times it appears and inserting the phrase “Department of Energy and Environment” in its place.

(b) Section 10(b) (D.C. Official Code § 8-2209(b)) is amended by striking the phrase “inspections, pursuant to section 8” and inserting the phrase “services, including inspections, sample collection, document review, or other reasonable costs or fees incurred in implementing this act, or regulations promulgated pursuant to this act” in its place.

(c) Section 12 (D.C. Official Code § 8-2211) is amended by adding a new subsection (c) to read as follows:

“(c) The Mayor may impose civil infraction penalties, fines, and fees as alternative sanctions for any violation of this act or a regulation promulgated pursuant to this act, pursuant to the procedures set forth in the Department of Consumer and Regulatory Affairs Civil

Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*)”.

**SUBTITLE B. AIR QUALITY RULEMAKING AMENDMENT**

Sec. 6011. Short title.

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

Sec. 6012. The District of Columbia Air Pollution Control Act of 1984, effective March 15, 1985 (D.C. Law 5–165; D.C. Official Code § 8-101.01 *et seq.*), is amended as follows:

(a) Section 5(d)(5) (D.C. Official Code § 8-101.05(d)(5)) is amended by striking the phrase “District Department of the Environment’s” and inserting the phrase “Department of Energy and Environment’s” in its place.

(b) Section 5a(d) (D.C. Official Code § 8-101.05a(d)) is amended by striking the phrase “implementing this section and section 5” and inserting the phrase “implementing this act or a regulation promulgated pursuant to this act” in its place.

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

(1) Subsection (b) is repealed.

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

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

**SUBTITLE C. ENERGY INNOVATION AND SAVINGS AMENDMENT**

Sec. 6021. Short title.

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

Sec. 6022. The Energy Innovation and Savings Amendment Act of 2012, effective March 19, 2013 (D.C. Law 19-252; D.C. Official Code § 8-1772.01 *et seq.*), is amended as follows:

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

(1) Paragraph (2) is repealed.

(2) Paragraph (3) is amended by striking the phrase “; provided, that the term “commercial property” shall not include a small store, hotel, or restaurant.” and inserting a period in its place.

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

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

(4) Paragraph (5) is repealed.

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

“Sec. 202. Commercial property energy conservation.

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

“(1) As needed to permit the ingress and egress of people or the delivery or shipping of goods;

“(2) As needed to permit vehicular access to or for a loading dock; or

“(3) When an emergency situation exists that requires an exterior door or window to be kept open.

“(b) This section shall not apply to exterior doors or windows of hotels and restaurants that adjoin an indoor or outdoor seating area where food or beverages are served during times when the indoor or outdoor seating area is open for use by customers.”.

(c) Section 203(f) (D.C. Official Code § 8-1772.03(f)) is amended by striking the phrase “the Director of the District Department of the Environment” and inserting the acronym “DOEE” in its place.

(d) A new section 204 is added to read as follows:

“Sec. 204. Rules.

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

Sec. 6023. Section 305(b) of the Energy Efficiency Financing Act of 2010, effective May 27, 2010 (D.C. Law 18-183; D.C. Official Code § 8-1778.45(b)), is amended by striking the phrase “until 5 years after the effective date of the initial contract to retain an administrator.” and inserting a period in its place.

#### **SUBTITLE D. PRODUCT STEWARDSHIP PROGRAM AMENDMENT**

Sec. 6031. Short title.

This subtitle may be cited as the “Product Stewardship Program Amendment Act of 2016”.

Sec. 6032. The Sustainable Solid Waste Management Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-154; D.C. Official Code § 8-1031.01 *et seq.*), is amended as follows:

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

(1) Paragraph (3) is amended by striking the period and inserting the phrase “and identified on the list of compostable materials described in section 103(b).” in its place.

(2) Paragraph (6) is amended to read as follows:

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

(3) Paragraph (13) is amended by striking the period and inserting the phrase “and identified on the list of recyclable materials described in section 103(b).” in its place.

(b) Section 108 (D.C. Official Code § 8-1031.08) is amended by striking the acronym “DDOE” both times it appears and inserting the acronym “DOEE” in its place.

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

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

(1) Strike the phrase “previous year” wherever it appears and insert the phrase “previous calendar year” in its place.

(2) Strike the phrase “program year” both times it appears and insert the phrase “calendar year” in its place.

(3) Subsection (a) is amended by striking the date “January 1, 2016” and inserting the date “June 1, 2017” in its place.

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

(A) Strike the date “January 1, 2016” and insert the date “December 31, 2016” in its place.

(B) Paragraph (9)(C) is amended by striking the phrase “, including how the organization will take into account the economic value of different types of covered electronic equipment;” and inserting the phrase “; and” in its place.

(e) Section 118 (D.C. Official Code § 8-1041.04) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “previous year” wherever it appears and inserting the phrase “previous calendar year” in its place.

(2) Subsection (b) is amended by striking the phrase “program year” and inserting the phrase “calendar year” in its place.

(f) Section 119 (D.C. Official Code § 8-1041.05) is amended as follows:

(1) Subsection (a) is amended by striking the date “January 1, 2016” and inserting the date “January 1, 2017” in its place.

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

(A) Subparagraph (A) is repealed.

(B) Subparagraph (D) is amended by striking the phrase “calendar years” and inserting the phrase “reporting years” in its place.

(C) Subparagraph (E) is amended by striking the phrase “previous year” and inserting the phrase “previous reporting year” in its place.

(3) Subsection (e) is amended by striking the date “January 1, 2017” and inserting the date “January 1, 2018” in its place.

(g) Section 124 (D.C. Official Code § 8-1041.10) is amended as follows:

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

(A) Strike the date “March 1, 2017” and insert the date “June 1, 2018” in its place.

(B) Strike the date “April 1” and insert the date “June 1” in its place.

(2) Subsection (b) is amended by striking the date “March 1, 2019” and inserting the date “June 1, 2019” in its place.

(h) Section 126 (D.C. Official Code § 8-1041.12) is amended as follows:

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

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

“(b) The Mayor may impose civil fines and penalties as sanctions for violations of the provisions of this subtitle or any rules issued under the authority of this subtitle, pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*)”.

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

“(c) In addition to the enforcement authority provided in subsection (b) of this section, the Mayor may seek injunctive relief or other appropriate remedy in any court of competent jurisdiction to enforce compliance with the provisions of this subtitle.”.

Sec. 6033. Section 3(c) of the Anacostia River Clean Up and Protection Act of 2009, effective September 23, 2009 (D.C. Law 18-55; D.C. Official Code § 8-102.02(c)), is amended as follows:

(a) Paragraph (1) is amended by striking the semicolon and inserting the phrase “; and” in its place.

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

(c) Paragraph (3) is repealed.

Sec. 6034. Section 401 of the Sustainable DC Omnibus Amendment Act of 2014, effective December 17, 2014 (D.C. Law 20-142; D.C. Official Code § 8-1531), is amended as follows:

(a) The existing paragraph (1) is redesignated as paragraph (1A).

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

“(1) “Compostable” means:

“(A) Made solely of materials that break down into, or otherwise become part of, usable compost in a safe and timely manner in an appropriate program; and

“(B) Once the Mayor has published the list of compostable materials described in section 103(b) of the Sustainable Solid Waste Management Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-154; D.C. Official Code § 8-1031.03(b)), identified on that list;”.

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

“(5) “Recyclable” means made solely of materials that can be recycled using the District’s recycling collection program and identified on the list of recyclable materials described in section 103(b) of the Sustainable Solid Waste Management Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-154; D.C. Official Code § 8-1031.03(b)).”.

Sec. 6035. Section 2 of the District of Columbia Comprehensive Plan for a Multi-Material Recycling System Act of 1987, effective July 25, 1987 (D.C. Law 7-19; D.C. Official Code § 8-1101), is repealed.

**SUBTITLE E. CLEAN AND AFFORDABLE ENERGY AMENDMENT**

Sec. 6041. Short title.

This subtitle may be cited as the “Clean and Affordable Energy Amendment Act of 2016”.

Sec. 6042. The Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D.C. Law 17-250; D.C. Official Code § 8-1773.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 8-1773.01) is amended as follows:

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

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

(2) Strike the phrase “the District Department of the Environment” wherever it appears and insert the acronym “DOEE” in its place.

(3) Paragraph (20) is amended by striking the acronym “DDOE” and inserting the acronym “DOEE” in its place.

(b) Section 201 (D.C. Official Code § 8-1774.01) is amended as follows:

(1) Strike the acronym “DDOE” wherever it appears and insert the acronym “DOEE” in its place.

(2) Strike the phrase “the District Department of the Environment” and insert the acronym “DOEE” in its place.

(c) Section 202 (D.C. Official Code § 8-1774.02) is amended by striking the acronym “DDOE” both times it appears and inserting the acronym “DOEE” in its place.

(d) Section 203 (D.C. Official Code § 8-1774.03) is amended as follows:

(1) Strike the acronym “DDOE” both times it appears and insert the acronym “DOEE” in its place.

(2) Strike the phrase “the Energy Office” both times it appears and insert the acronym “DOEE” in its place.

(e) Section 204 (D.C. Official Code § 8-1774.04) is amended as follows:

(1) Strike the phrase “the Energy Office” and insert the acronym “DOEE” in its place.

(2) Strike the acronym “DDOE” wherever it appears and insert the acronym “DOEE” in its place.

(3) Subsection (g) is amended to read as follows:

“(g) The Board shall annually prepare and present a report on the progress of the SEU to the Council within 90 days after the conclusion of the independent review of the performance and expenditures of the SEU under section 205(k). DOEE shall make the report available to the public on its website within 10 days after its submission to the Council.”.

(f) Section 205 (D.C. Official Code § 8-1774.05) is amended as follows:

(1) Strike the phrase “District Department of the Environment” and insert the acronym “DOEE” in its place.

(2) Strike the acronym “DDOE” wherever it appears and insert the acronym “DOEE” in its place.

(g) Section 206 (D.C. Official Code § 8-1774.06) is amended by striking the acronym “DDOE” wherever it appears and inserting the acronym “DOEE” in its place.

(h) Section 207 (D.C. Official Code § 8-1774.07) is amended by striking the acronym “DDOE” wherever it appears and inserting the acronym “DOEE” in its place.

(i) Section 209 (D.C. Official Code § 8-1774.09) is amended by striking the acronym “DDOE” wherever it appears and inserting the acronym “DOEE” in its place.

(j) Section 210 (D.C. Official Code § 8-1774.10) is amended as follows:

(1) Strike the acronym “DDOE” wherever it appears and insert the acronym “DOEE” in its place.

(2) Subsection (c)(10) is amended by striking the phrase “in Fiscal Year 2016” and inserting the phrase “in Fiscal Year 2016 and \$1.2 million in Fiscal Year 2017” in its place.

(k) Section 211(e) (D.C. Official Code § 8-1774.11(e)) is amended by striking the acronym “DDOE” both times it appears and inserting the acronym “DOEE” in its place.

Sec. 6043. The Renewable Energy Portfolio Standard Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code § 34-1431 *et seq.*), is amended as follows:

(a) Section 3(5) (D.C. Official Code § 34-1431(5)) is amended to read as follows:

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

(b) Section 6 (D.C. Official Code § 34-1434) is amended as follows:

(1) Subsection (d) is amended by striking the acronym “DDOE” and inserting the acronym “DOEE” in its place.

(2) Subsection (f) is amended by striking the phrase “District Department of the Environment” and inserting the acronym “DOEE” in its place.

(c) Section 8 (D.C. Official Code § 34-1436) is amended as follows:

(1) Strike the phrase “Energy Office” wherever it appears and insert the acronym “DOEE” in its place.

(2) Strike the acronym “DDOE” and insert the acronym “DOEE” in its place.

(d) Section 9 (D.C. Official Code § 34-1437) is amended by striking the phrase “Energy Office” both times it appears and inserting the acronym “DOEE” in its place.

Sec. 6044. The Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-1451.01 *et seq.*), is amended as follows:

(a) Section 2(9A) (D.C. Official Code § 6-1451.01(9A)) is amended to read as follows:

“(9A) “DOEE” means the Department of Energy and Environment.”.

(b) Section 3 (D.C. Official Code § 6-1451.02) is amended by striking the acronym “DDOE” wherever it appears and inserting the acronym “DOEE” in its place.

(c) Section 4(c)(2) (D.C. Official Code § 6-1451.03(c)(2)) is amended by striking the acronym “DDOE” wherever it appears and inserting the acronym “DOEE” in its place.

(d) Section 10 (D.C. Official Code § 6-1451.09) is amended by striking the acronym “DDOE” wherever it appears and inserting the acronym “DOEE” in its place.

(e) Section 12(c) (D.C. Official Code § 6-1451.11(c)) is amended by striking the acronym “DDOE” both times it appears and inserting the acronym “DOEE” in its place.

Sec. 6045. The District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.01 *et seq.*), is amended as follows:

(a) Strike the phrase “District Department of the Environment” wherever it appears and insert the phrase “Department of Energy and Environment” in its place.

(b) Strike the acronym “DDOE” wherever it appears and insert the acronym “DOEE” in its place.

(c) Strike the word “DDOE’s” wherever it appears and insert the word “DOEE’s” in its place.

#### **SUBTITLE F. STREETCAR AUTHORIZATION AMENDMENT**

Sec. 6051. Short title.

This subtitle may be cited as the “Streetcar Authorization Amendment Act of 2016”.

Sec. 6052. Section 5 of the District Department of Transportation DC Streetcar Amendment Act of 2012, effective April 20, 2013 (D.C. Law 19-268; D.C. Official Code § 50-921.71, note), is repealed.

Sec. 6053. Section 47-392.02(f)(6) of the District of Columbia Official Code is repealed.

#### **SUBTITLE G. PUBLICATION OF SAFETY ENHANCEMENT RECOMMENDATIONS**

Sec. 6061. Short title.

This subtitle may be cited as the “Publication of Safety Enhancement Recommendations Amendment Act of 2016”.

Sec. 6062. Section 6103 of the Fiscal Year 2014 Budget Support Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 50-921.01, note), is amended as follows:

(a) The lead-in language is amended by striking the phrase “On or before February 1, 2014” and inserting the phrase “On or before January 1, 2017, and annually thereafter” in its place.

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

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

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



“(3) A list of infrastructure and enforcement recommendations to enhance safety at each of the 10 most dangerous intersections identified pursuant to paragraph (2) of this section, and a timeline for the implementation of each recommendation.”.

**SUBTITLE H. BID PARKING ABATEMENT FUND AMENDMENT**

Sec. 6071. Short title.

This subtitle may be cited as the “BID Parking Abatement Fund Amendment Act of 2016”.

Sec. 6072. Section 6082(b) of the Fiscal Year 2016 Budget Support Act of 2015, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 1-325.341(b)), is amended to read as follows:

“(b) The Fund shall be funded by an annual appropriation in the amount of \$120,000 from the District’s annually approved budget and financial plan.”.

**SUBTITLE I. COMMUNITY RENEWABLE ENERGY CREDIT RATE CLARIFICATION AMENDMENT**

Sec. 6081. Short title.

This subtitle may be cited as the “Community Renewable Energy Credit Rate Clarification Amendment Act of 2016”.

Sec. 6082. Section 101(12A) of the Retail Electric Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D.C. Law 13-107; D.C. Official Code § 34-1501(12A)), is amended to read as follows:

“(12A) “CREF credit rate” means a credit rate applied to subscribers of community renewable energy facilities, which shall be equal to:

“(A) For residential customer subscribers, the full retail distribution rate, which includes generation, transmission, and distribution charges, for the standard offer service General Service Low Voltage Non-Demand Customer class or its successor, as determined by the Commission, based upon section 118; and

“(B) For commercial customer subscribers, the standard offer service rate for the General Service Low Voltage Non-Demand Customer class or its successor, as determined by the Commission, based upon section 118.”.

**SUBTITLE J. COMPETITIVE GRANTS**

Sec. 6091. Short title.

This subtitle may be cited as the “Competitive Grants Act of 2016”.

Sec. 6092. In Fiscal Year 2017, the Department of Energy and Environment shall award a grant, on a competitive basis, in an amount not to exceed \$250,000, for a study to evaluate the

feasibility, costs, and benefits of establishing a municipally owned, public electric utility in the District.

Sec. 6093. In Fiscal Year 2017, the Department of Energy and Environment shall award a grant, on a competitive basis, in an amount not to exceed \$300,000, to conduct a study on aircraft noise for arriving and departing flights from Ronald Reagan Washington National Airport, including evaluation of the current noise environment, analysis of current noise impact modeling assumptions and inputs, review of current noise abatement programs, and recommendations to reduce noise or mitigate its impact.

Sec. 6094. In Fiscal Year 2017, the Department of Small and Local Business Development shall award a grant, on a competitive basis, in an amount not to exceed \$135,000, to provide clean team services to the following area: Wisconsin Avenue, N.W., from Davis Street, N.W., to R Street, N.W.

Sec. 6095. In Fiscal Year 2017, the Department of Energy and Environment shall award a grant, on a competitive basis, in an amount not to exceed \$200,000, to one or more nonprofit organizations to employ youth in improving and cleaning the Anacostia River and surrounding area.

**SUBTITLE K. COMPOST DROP-OFF PROGRAM**

Sec. 6101. Short title.

This subtitle may be cited as the “Compost Drop-Off Program Act of 2016”.

Sec. 6102. Compost drop-off program.

(a) The Department of Public Works (“Department”) shall establish a program that allows residents to drop off food waste weekly for compost.

(b) The Department shall establish one drop-off site in each ward to operate year-round.

(c) The Department shall provide the public with instructional materials that describe:

(1) How to collect food waste for compost; and

(2) What food waste is appropriate for compost.

(d) If the Department requires residents to purchase any materials or equipment to participate in the program, the Department shall sell the materials or equipment at cost; provided, that the Department shall provide any required materials or equipment for free to any resident who participates in a federal assistance program.

**SUBTITLE L. ENVIRONMENTAL LITERACY PROGRAM AMENDMENT**

Sec. 6111. Short title.

This subtitle may be cited as the “Environmental Literacy Program Amendment Act of 2016”.

Sec. 6112. Section 502(d) of the Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-825.02(d)), is amended to read as follows:

“(d)(1) The Office of the State Superintendent of Education (“OSSE”) shall establish an Environmental Literacy Leadership Cadre (“Cadre”), which shall be comprised of teachers, selected by OSSE, at public schools and public charter schools. Each teacher in the Cadre shall:

“(A) Create, if applicable, and help maintain a garden at the teacher’s school;

“(B) Implement composting and recycling programs at the teacher’s school;

“(C) Implement the June 2012 environmental literacy plan, or a subsequent environmental literacy plan developed pursuant to this section, and other OSSE-approved guidance, at the teacher’s school; and

“(D) Assist other teachers at the teacher’s school with incorporating science standards.

“(2) OSSE shall provide each teacher selected to participate in the Cadre with an appropriate and fair stipend, in addition to the teacher’s salary.

“(3) OSSE shall provide grants to nonprofit and community-based organizations to support the schools represented in the Cadre by providing or coordinating programs and activities related to school-based environmental literacy programs.

“(4) OSSE may create or implement other initiatives or projects that support the Cadre.”.

**SUBTITLE M. SELF-SERVICE EXHAUST EMISSIONS TESTING PILOT PROGRAM**

Sec. 6141. Short title.

This subtitle may be cited as the “Self-Service Exhaust Emissions Testing Pilot Program Amendment Act of 2016”.

Sec. 6142. An Act To provide for the annual inspection of all motor vehicles in the District of Columbia, approved February 18, 1938 (52 Stat. 78; D.C. Official Code § 50-1101 *et seq.*), is amended by adding a new section 10 to read as follows:

“Sec. 10. Self-service exhaust emissions testing pilot program.

“(a) Within 120 days after the effective date of the Self-Service Exhaust Emissions Testing Pilot Program Amendment Act of 2016, passed on 2nd reading on June 21, 2016 (Enrolled version of Bill 21-669), the Department of Motor Vehicles (“Department”) shall establish a pilot program to provide for the use of one or more self-service kiosks to test motor vehicles for exhaust emissions.

“(b) At a minimum, each kiosk shall allow:

“(1) An individual to test a motor vehicle to determine whether the vehicle complies with the exhaust emissions standards established under this act and regulations issued pursuant to this act; and

“(2) For testing 24 hours per day, 7 days per week, on a first-come, first-served basis; provided, that the Department may periodically close a kiosk for necessary maintenance.

“(c) The Department shall establish the specifications for the kiosks, the types of motor vehicles that are eligible for self-service exhaust emissions testing, the location of the kiosks, and the cost per test; provided, that the cost per test shall not exceed the cost per test of an exhaust emissions test conducted at a non-self-service inspection station.

“(d) The Department may enter into contracts with one or more vendors for the equipment, operation, and maintenance necessary to conduct the pilot program.

“(e) On or before March 30, 2018, the Department shall submit a written report to the Council that evaluates the pilot program’s operations, including the number of vehicles inspected, a description of issues that arose during the reporting period, and a study of the impact of the pilot program on the number of vehicles inspected and wait times at non-self-service inspection stations.”.

Sec. 6143. Sunset.

This subtitle shall expire on September 30, 2018.

**SUBTITLE N. WAIVER OF PUBLIC SPACE PERMIT FEES FOR CIVIC ASSOCIATIONS**

Sec. 6161. Short title.

This subtitle may be cited as the “Civic Associations Public Space Permit Fee Waiver Amendment Act of 2016”.

Sec. 6162. Section 603a of the Fiscal Year 1997 Budget Support Act of 1996, effective December 2, 2011 (D.C. Law 19-48; D.C. Official Code § 10-1141.03a), is amended as follows:

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

(b) The newly designated subsection (a)(1) is amended by striking the phrase “Is conducted by a” and inserting the phrase “Is conducted by a civic association or a” in its place.

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

“(b) For the purposes of this section, the term “civic association” means an organization that is:

“(1) Comprised of residents of the community within which the public space, public right of way, or public structure is located;

“(2) Operated primarily for the improvement of the community within which the public space, public right of way, or public structure is located; and

“(3) Exempt from taxation under section 501(c)(3) or (4) of the Internal Revenue Code of 1954, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3), (4)).”.

Sec. 6163. Section 225.12 of Title 24 of the District of Columbia Municipal Regulations (24 DCMR § 225.12) is amended as follows:

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

(b) The newly designated paragraph (a)(1) is amended by striking the phrase “Is conducted by a” and inserting the phrase “Is conducted by a civic association or a” in its place.

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

“(b) For the purposes of this subsection, the term “civic association” means any organization that is:

“(1) Comprised of residents of the community within which the public space, public right-of-way, or public structure is located;

“(2) Operated primarily for the improvement or benefit of the community within which the public space, public right-of-way, or public structure is located; and

“(3) Exempt from taxation under section 501(c)(3) or (4) of the Internal Revenue Code of 1954, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3), (4)).”.

**SUBTITLE O. KINGMAN ISLAND AND HERITAGE ISLAND STUDY.**

Sec. 6171. Short title.

This subtitle may be cited as the “Kingman Island and Heritage Island Planning and Feasibility Study Act of 2016”.

Sec. 6172. (a) By May 1, 2017, the Director of the Department of Energy and Environment (“Director”) shall submit to the Council a proposal for the use of Kingman Island and Heritage Island for recreational, environmental, and educational purposes and a report supporting the proposal.

(b) The report shall assess the feasibility and cost of developing, maintaining, and managing a state-of-the-art nature center and other possible structures consistent with the National Children’s Island Act of 1995, approved July 19, 1996 (110 Stat. 1416; D.C. Official Code § 10-1401 *et seq.*), the Anacostia Waterfront Framework Plan, and the Comprehensive Plan. The report shall include:

(1) A feasibility review of existing architectural drawings for a nature center;

(2) Cost estimates for building any proposed infrastructure or amenities necessary to conduct recreational, environmental, and educational events on Kingman Island and Heritage Island;

(3) Maintenance costs for the nature center, other structures such as a covered pavilion for performances and events, and any infrastructure;

(4) Potential partnerships for recreational, environmental, and educational activities on Kingman Island and Heritage Island; and

(5) Management options for the nature center and related infrastructure.

(c) In developing the proposal and report, the Director shall coordinate with:

(1) The Deputy Mayor for Planning and Economic Development;

(2) The Department of Parks and Recreation;

(3) The District Department of Transportation;

(4) Nonprofit organizations focused on the restoration of the Anacostia River;

- (5) Nonprofit organizations that provide environmental and educational programs and activities;
- (6) Residents in nearby neighborhoods; and
- (7) Other possible public and private partners for recreational, environmental, and educational activities on Kingman Island and Heritage Island.

**SUBTITLE P. LOCAL FOOD ECONOMY STUDY**

Sec. 6181. Short title.

This subtitle may be cited as the “Local Food Economy Study Act of 2016”.

Sec. 6182. Local food economy study.

The Office of Planning shall conduct a study of the state of the local food economy. The focus of the study shall include:

- (1) Obstacles and opportunities for new and existing businesses;
  - (2) Opportunities for job growth and workforce development;
  - (3) Geographic areas in the District that have a well-developed food economy;
  - (4) Geographic areas in the District that have a poorly developed food economy;
- and
- (5) Opportunities for government investments to improve the local food economy.

**SUBTITLE Q. PERSONAL DELIVERY DEVICES PILOT PROGRAM**

Sec. 6191. Short title.

This subtitle may be cited as the “Personal Delivery Device Pilot Program Act of 2016”.

Sec. 6192. Definitions.

For the purposes of this subtitle, the term:

- (1) “Central Business District” shall have the same meaning as provided in section 9901.1 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 9901.1).
- (2) “Crosswalk” means that part of a roadway at an intersection included within the lateral lines connecting sidewalks on opposite sides of the roadway.
- (3) “DDOT” means the District Department of Transportation.
- (4) “Director” means the Director of the District Department of Transportation.
- (5) “Operator” means a person who has the ability to control the operations of a PDD through the use of remote control technology.
- (6) “PDD” means a device powered by an electric motor, for use primarily on sidewalks, capable of:
  - (A) Transporting items with or without an operator directly controlling the device;
  - (B) Identifying and yielding to:

- (i) Pedestrians;
- (ii) Bicyclists;
- (iii) Other lawful users of public space; and
- (iv) Property;
- (C) Navigating public thoroughfares; and
- (D) Interpreting traffic signals and signs at crosswalks.
- (7) "Pedestrian" means any person afoot or who is using a wheelchair.
- (8) "Public thoroughfare" means any street, road, alley, or paved public space that is under the jurisdiction of the District of Columbia.

Sec. 6193. Establishment of a personal delivery device pilot program.

DDOT shall implement a pilot program, effective September 15, 2016, through December 31, 2017, for the registration and operation of PDDs in the District. A person or entity registered under this pilot program is authorized to operate up to 5 PDDs in the District in accordance with section 6196.

Sec. 6194. Application.

To register for the pilot program established in section 6193, the applicant shall submit an application to the Director including:

- (1) The applicant's legal name, business address, telephone number, and e-mail address;
- (2) A certification by the applicant that:
  - (A) Each PDD is safe to operate on sidewalks, crosswalks, and public thoroughfares interconnected to sidewalks and crosswalks;
  - (B) Each PDD will comply with the requirements and limitations provided in section 6196;
  - (C) No more than 5 PDDs will be operated by the applicant in the District;
  - (D) The person signing the application has reviewed it and determined that the information provided is true and accurate; and
  - (E) The person signing the application is authorized to sign and file the application;
- (3) The proposed geographic locations within the District where the applicant intends to operate the PDDs; and
- (4) A nonrefundable fee of \$250.

Sec. 6195. Registration and revocation.

- (a) An applicant who submits a complete application to the Director in accordance with section 6194 shall be registered for the pilot program within 15 calendar days of submission.
- (b) A registration for the pilot program shall be valid for one year from the date of registration, or until December 31, 2017, whichever is first.

(c) A registrant shall notify the Director within 15 calendar days of any change in the information on the pilot program application as submitted.

(d) The Director may revoke a registration for the pilot program if the Director determines that the registrant has violated a provision of this subtitle.

**Sec. 6196. Personal delivery device operation**

(a) Except within the Central Business District, a PDD that is registered under section 6195 and complies with subsection (b) of this section may operate on sidewalks and crosswalks under the jurisdiction of the District of Columbia, and transitorily on public thoroughfares interconnected to sidewalks and crosswalks.

(b) To operate in the District, a PDD shall:

(1) Be operated in a safe and non-hazardous manner so as not to endanger:

(A) Pedestrians;

(B) Bicyclists;

(C) Other lawful users of public space; or

(D) Property;

(2) Not operate above 10 miles per hour;

(3) Have a gross weight of less than 50 pounds, excluding cargo;

(4) Not interfere with pedestrian or bicycle traffic;

(5) Yield the right-of-way to all vehicles approaching on a roadway upon entering a crosswalk to the extent necessary to safely cross the roadway, except when crossing pursuant to a crosswalk pedestrian signal;

(6) Have a system that alerts the operator if a technology failure or loss of communication occurs, and when such an alert is given, that:

(A) Requires the operator to assume direct control of the PDD; and

(B) If the operator is unable to assume control of the device, causes the PDD to safely come to an off-roadway stop; and

(7) Obey all traffic and pedestrian control signals and signs.

(c) In the case of a technology failure or other circumstance that causes the PDD to come to a stop in a location other than property owned by the owner of the PDD, the owner of the PDD shall remove the PDD within 24 hours.

**TITLE VII. FINANCE AND REVENUE**

**SUBTITLE A. SUBJECT TO APPROPRIATIONS AMENDMENTS**

Sec. 7001. Short title.

This subtitle may be cited as the “Subject to Appropriations Amendment Act of 2016”.

Sec. 7002. Section 4 of the Access to Emergency Epinephrine in Schools Amendment Act of 2015, effective March 9, 2016 (D.C. Law 21-77; 63 DCR 756), is repealed.



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Sec. 7003. Section 3 of the Injured Worker Fair Pay Amendment Act of 2015, effective December 15, 2015 (D.C. Law 21-39; 62 DCR 13744), is repealed.

Sec. 7004. Section 4 of the Vault Tax Clarification Amendment Act of 2011, effective January 12, 2012 (D.C. Law 19-78; 58 DCR 10102), is repealed.

Sec. 7005. Section 3 of the Notice Requirements for Historic Properties Amendment Act of 2014, effective April 30, 2015 (D.C. Law 20-249; 62 DCR 1512), is repealed.

Sec. 7006. Section 3 of the Higher Education Tax Exemption Act of 2016, effective May 12, 2016 (D.C. Law 21-113; 63 DCR 4328), is repealed.

Sec. 7007. Section 7 of the Made in DC Program Establishment Act of 2016, enacted on May 3, 2016 (D.C. Act 21-388; 63 DCR 7141), is repealed.

Sec. 7008. Section 14 of the Repeal of Outdated and Unnecessary Audit Mandates Amendment Act of 2016, enacted on May 10, 2016 (D.C. Act 21-392; 63 DCR 7589), is repealed.

Sec. 7009. Section 3 of the Campaign Finance Reform and Transparency Amendment Act of 2013, effective February 22, 2014 (D.C. Law 20-79; 61 DCR 153), is repealed.

Sec. 7010. Section 3 of the Voter Registration Access and Ballot Modernization Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-158; 61 DCR 10730), is repealed.

Sec. 7011. Section 601 of the Transportation Reorganization Amendment Act of 2016, effective June 22, 2016 (D.C. Law 21-124; 63 DCR 7076), is repealed.

Sec. 7012. Section 4(b) of the Tree Canopy Protection Amendment Act of 2015, enacted on May 4, 2016 (D.C. Act 21-386; 63 DCR 7134), is repealed.

Sec. 7013. The Trash Compactor Tax Incentive Amendment Act of 2014, effective March 11, 2015 (D.C. Law 20-223; 62 DCR 227), is amended as follows:

(a) Section 202(b)(1) is amended by adding a new subparagraph (C) to read as follows:

“(C) The total amount of grants for Fiscal Year 2017 shall not exceed \$1 million.”.

(b) Section 301(b) is amended to read as follows:

“(b)(1) Title II of this act shall apply as of October 1, 2016.

“(2) After September 30, 2017, Title II of this act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

“(3) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

“(4)(A) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

“(B) The date of publication of the notice of the certification shall not affect the applicability of this title.”.

Sec. 7014. Section 3 of the New Issue Bond Program Tax Exemption Amendment Act of 2011, effective December 31, 2011 (D.C. Law 19-60; D.C. Official Code § 42-1102, note), is repealed.

Sec. 7015. Section 502(d) of the Sustainable DC Omnibus Act of 2014, effective December 17, 2014 (D.C. Law 20-142; 61 DCR 8045), is amended to read as follows:

“(d) Title III, Subtitle A, section 302(b) shall apply as of October 1, 2015.”.

Sec. 7016. Section 401 of the Sustainable Solid Waste Management Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-154; 61 DCR 9971), is repealed.

Sec. 7017. Section 6(b) of the Food Policy Council and Director Establishment Act of 2014, effective March 10, 2015 (D.C. Law 20-191; 61 DCR 12160), is amended to read as follows:

“(b) Section 5 shall apply as of October 1, 2015.”.

Sec. 7018. Section 5 of the Primary Date Alteration Amendment Act of 2014, effective May 2, 2015 (D.C. Law 20-273; 62 DCR 1938), is repealed.

Sec. 7019. The St. Matthews Evangelical Lutheran Church Community Garden Equitable Real Property Tax Relief Act of 2014, effective March 10, 2015 (D.C. Law 20-200; 61 DCR 12563), is amended as follows:

(a) Section 2 is amended by striking the phrase “be refunded, so long as the property is used as a community garden” and inserting the phrase “be refunded.” in its place.

(b) Section 3 is repealed.

**SUBTITLE B. OMNIBUS BUDGET SUPPORT CLARIFICATION  
AMENDMENT**

Sec. 7021. Short title.

This subtitle may be cited as the “Omnibus Budget Support Clarification Amendment Act of 2016”.

Sec. 7022. The Fiscal Year 2016 Budget Support Act of 2015, effective October 22, 2015 (D.C. Law 21-36; 62 DCR 10905), is amended as follows:

(a) Section 1072(a)(1) is amended by striking the date “December 15, 2016” and inserting the date “April 30, 2017” in its place.

(b) Section 6004 is repealed.

(c) Section 6193 is amended by striking the date “September 30, 2016” and inserting the date “September 30, 2017” in its place.

(d) Section 8052 is amended as follows:

(1) Strike the phrase “YY105C” in the tabular array and insert the phrase “YY159C” in its place.

(2) Strike the phrase “PROSPECT ES MODERNIZATION/RENOVATION” in the tabular array and insert the phrase “ELLINGTON MODERNIZATION/RENOVATION” in its place.

Sec. 7023. Section 7154 of the IPW Fund, Destination DC Marketing Fund, and WMATA Momentum Support Fund Establishment Act of 2014, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 1-325.311), is amended to read as follows:

“Sec. 7154. WMATA Operations Support Fund.

“(a) There is established as a special fund the WMATA Operations Support Fund (“Fund”), which shall be administered by the Chief Financial Officer in accordance with subsection (c) of this section.

“(b)(1) Upon affirmance of the trial court’s summary-judgment rulings by the District of Columbia Court of Appeals in *District of Columbia v. Expedia, Inc., et al.*, Nos. 14-CV-308, 14-CV-309, the full amount the District obtains pursuant to the consent judgments entered by the trial court, to include any additional amounts in taxes and interest paid by defendants or accrued during the pendency of that litigation, minus the amounts designated for other purposes in sections 7152 and 7153 and in the Fiscal Year 2015 and Fiscal Year 2016 Revised Budget Request Adjustment Emergency Act of 2015, effective October 6, 2015 (D.C. Act 21-153; 62 DCR 13178), and the Fiscal Year 2015 and Fiscal Year 2016 Revised Budget Request Adjustment Temporary Act of 2015, enacted on October 22, 2015 (D.C. Act 21-171; 62 DCR 13979), shall be deposited into the Fund.

“(2) The full amount the District obtains pursuant to any and all settlements, judgments, or recoveries in *District of Columbia v. Bank of America, N.A., et al.*, No. 2008 CA 007763 B, to include any additional amounts in taxes and interest paid by defendants or accrued during the pendency of that litigation, shall be deposited into the Fund.

“(c) The monies in the Fund shall be available to fund extraordinary or unanticipated operating or capital needs of the Washington Metropolitan Area Transit Authority (“WMATA”) that arise outside of WMATA’s regular inter-jurisdictional subsidy allocation formulae.

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

“(2) Subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.”

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Sec. 7024. Section 308(d)(1) of the District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1160; D.C. Official Code § 10-1103.07(d)(1)), is amended by striking the phrase “For periods beginning after June 30, 2015, interest on unpaid vault rent” and inserting the phrase “Beginning September 15, 2015, interest on any unpaid vault rent for any vault year” in its place.

Sec. 7025. Section 2 of the Accrued Sick and Safe Leave Act of 2008, effective May 13, 2008 (D.C. Law 17-152; D.C. Official Code § 32-131.01), is amended as follows:

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

(1) Subparagraph (E) is amended by striking the word “or”.

(2) Subparagraph (F) is amended by striking the period and inserting the phrase “; or” in its place.

(3) A new subparagraph (G) is added to read as follows:

“(G) A substitute teacher or a substitute aide who is employed by District of Columbia Public Schools for a period of 30 or fewer consecutive work days.”.

(b) New paragraphs (9) and (10) are added to read as follows:

“(9) “Substitute aide” means an individual who is employed by District of Columbia Public Schools to provide instructional assistance (general, specialized, or concentrated) to students on a temporary basis when the regular instructional aide is unavailable. The term “substitute aide” does not include an individual employed by District of Columbia Public Schools on a term or full-time assignment.

“(10) “Substitute teacher” means an individual who is employed by District of Columbia Public Schools to work as a classroom teacher on a temporary basis when the regular teacher is unavailable. The term “substitute teacher” does not include an individual employed by District of Columbia Public Schools on a term or full-time assignment.”.

Sec. 7026. Section 2(g) of the Youth Employment Act of 1979, effective January 5, 1980 (D.C. Law 3-46; D.C. Official Code § 32-241(g)), is amended as follows:

(a) Paragraph (4) is amended by striking the word “outcomes” and inserting the phrase “outcomes as of December 31, 2015,” in its place.

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

“(5) In Fiscal Year 2016, the District of Columbia Auditor shall conduct an evaluation of multiple years of the summer youth jobs program to assess whether the program has met and is meeting program objectives.”.

Sec. 7027. Section 2(h) of the School Transit Subsidy Act of 1978, effective March 6, 1979 (D.C. Law 2-152; D.C. Official Code § 35-233(h)), is amended as follows:

(a) Paragraph (2)(A) is amended by striking the phrase “Under 22 years of age” and inserting the phrase “A resident of the District of Columbia under 22 years of age” in its place.

(b) Paragraph (6) is repealed.

Sec. 7028. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-355.07 is amended as follows:

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

(A) Subparagraph (A) is amended by striking the phrase “serve at the pleasure of” and inserting the phrase “shall be appointed by” in its place.

(B) Subparagraph (B) is amended by striking the phrase “serves at the pleasure of” and inserting the phrase “shall be appointed by” in its place.

(C) Subparagraph (D) is amended by striking the phrase “serves at the pleasure of” and inserting the phrase “shall be appointed by” in its place.

(2) Subsection (d)(3)(D) is amended by striking the phrase “taken or proposed to be taken” and inserting the word “recommended” in its place.

(3) New subsections (d-1), (d-2), and (d-3) are added to read as follows:

“(d-1)(1) The Review Board shall conduct an investigation upon receipt of a report of an alleged violation.

“(2) In investigating a report of an alleged violation, the Review Board may:

“(A) Request assistance from the Office of the Chief Financial Officer, the Office of the Inspector General, and the Office of the Attorney General; and

“(B) Consult with the Office of the Attorney General for the purposes of obtaining legal advice.

“(d-2) The Review Board:

“(1) Shall have access, subject to any privileges or confidentiality requirements as provided by law, to all facilities, files, and databases of the District government, including all files, electronic paper records, reports, documents, and other materials that may relate to the investigation;

“(2) May request information or assistance from any District, federal, state, or local government agency as may be necessary for carrying out the investigation; and

“(3) May seek information from parties outside the District government, including government contractors, that may be relevant to the investigation.

“(d-3)(1) Subject to any applicable privileges, all officers, employees, and members of boards, commissions, and councils of the District government shall cooperate in an investigation by the Review Board and shall provide documents, materials, and information to the Review Board upon request.

“(2) Subject to any applicable privileges, officers, employees, and members of boards, commissions, and councils of the District government shall respond truthfully to all questions posed by the Review Board, and shall not prevent or prohibit the Review Board from initiating, carrying out, or completing an investigation within its jurisdiction.

“(3) The Review Board:

“(A) May require any officer, employee, or member of a board, commission, or council of the District government, including the subject of an allegation, to appear before the Review Board; and

“(B) Shall provide any officer, employee, or member of a board, commission, or council of the District who is potentially subject to disciplinary action an opportunity to appear before the Review Board.

“(4) The Review Board may recommend an appropriate disciplinary action with respect to any officer, employee, or member of a board, commission, or council of the District government who fails to cooperate fully with a Review Board investigation.”.

(b) Chapter 13A is amended as follows:

(1) Section 47-1341 is amended as follows:

(A) Subsection (a)(1) is amended by striking the phrase “, postage prepaid, bearing a postmark from the United States Postal Service,”.

(B) Subsection (b-1)(1) is amended by striking the phrase “, postage prepaid, bearing a postmark from the United States Postal Service,”.

(2) Section 47-1353.01(a) is amended by striking the phrase “, postage prepaid, bearing a postmark from the United States Postal Service to the last known address of the owner” and inserting the phrase “to the person who last appears as the owner of the real property on the tax roll, at the last address shown on the tax roll, as updated by the filing of a change of address in accordance with § 42-405” in its place.

(c) Chapter 18 is amended as follows:

(1) The table of contents is amended by striking the phrase “Tax haven updates.” and inserting the phrase “Tax haven updates. [Repealed].” in its place.

(2) Section 47-1801.04 is amended as follows:

(A) Paragraph (11) is amended as follows:

(i) Subparagraph (A) is amended by striking the phrase “calendar year beginning January 1, 2011” wherever it appears and inserting the phrase “base year” in its place.

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

“(C) For the purposes of this paragraph, the term “base year” shall mean the calendar year beginning January 1, 2011, or the calendar year beginning one calendar year before the calendar year in which the new dollar amount of a deduction or exemption shall become effective, whichever is later.”.

(B) Paragraph (49) is amended as follows:

(i) Subparagraph (A) is amended by striking the phrase “means the jurisdictions listed in subparagraph (B-i) of this paragraph and any jurisdiction that” and inserting the phrase “means a jurisdiction that” in its place.

(ii) Subparagraph (B-i) is repealed.

(3) Section 47-1806.02(h-1)(1) of the District of Columbia Official Code is amended to read as follows:

“(h-1)(1) For taxable years beginning after December 31, 2014, the amount of the personal exemption otherwise allowable for the taxable year in the case of an individual whose adjusted gross income exceeds \$150,000 shall be reduced by 2% for every \$2,500 (or fraction thereof) by which the taxpayer’s adjusted gross income for the taxable year exceeds \$150,000.”.

(4) Section 47-1807.02(a)(6) is amended by striking the phrase “9%” and inserting the phrase “9.2%, 9%” in its place.

(5) Section 47-1808.03(a)(6) is amended by striking the phrase “9%” and inserting the phrase “9.2%, 9%” in its place.

(6) Section 47-1810.09 is repealed.

Sec. 7029. Section 6012 of the Unlawfully Parked Vehicles Act of 2015, effective October 22, 2015 (D.C. Law 21-36; 62 DCR 10905), is amended by striking the phrase “shall be a violation of” and inserting the phrase “shall be a violation, to be adjudicated pursuant to” in its place.

Sec. 7030. Section 2404 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 2404) is amended as follows:

(a) Subsection 2404.15 is amended to read as follows:

“2404.15 Except as provided in § 2424, the rates for parking meters in the “Premium Demand Parking Meter Rate Zones” shall be as follows:

“(a) Fifty cents (50¢) for thirteen minutes (13 min.) for automobile size spaces; and

“(b) Twenty-five cents per hour (25¢/hr.) for motorcycle size spaces.”.

(b) Subsection 2404.17 is amended to read as follows:

“2404.17 Except as provided in § 2424, the rates for parking meters in the “Normal Demand Parking Meter Rate Zones” shall be as follows:

“(a) Fifty cents (50¢) for thirteen minutes (13 min.) for automobile size spaces; and

“(b) Twenty-five cents per hour (25¢/hr.) for motorcycle size spaces.”.

(d) This section shall apply as of June 1, 2016.

### **SUBTITLE C. COMBINED REPORTING AMENDMENT**

Sec. 7041. Short title.

This subtitle may be cited as the “Combined Reporting Amendment Act of 2016”.

Sec. 7042. Section 47-1810.08(b) of the District of Columbia Official Code is amended as follows:

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

(b) The newly designated paragraph (1) is amended by striking the phrase “5th year” and inserting the phrase “10th year” in its place.

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

“(2) If there is an underpayment of estimated tax for tax year 2015 as a result of taking into account the deduction pursuant to this section, the estimated tax interest resulting from such underpayment, upon application, shall be waived.”.

**SUBTITLE D. FRANCHISE TAX RETURN DUE DATE**

Sec. 7051. Short title.

This subtitle may be cited as the “Franchise Tax Return Due Date Amendment Act of 2016”.

Sec. 7052. Chapter 18 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-1805.01 is amended by striking the word “Mayor” wherever it appears and inserting the phrase “Chief Financial Officer” in its place.

(b) Section 47-1805.02 is amended by striking the word “Mayor” wherever it appears and inserting the phrase “Chief Financial Officer” in its place.

(c) Section 47-1805.03 is amended as follows:

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

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

(B) The newly designated paragraph (1) is amended as follows:

(i) Strike the phrase “All returns” and insert the phrase “For tax years beginning before January 1, 2016, all returns” in its place.

(ii) Strike the phrase “filed with the Mayor” and insert the phrase “filed with the Chief Financial Officer” in its place.

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

“(2) For tax years beginning after December 31, 2015, all returns of income for the preceding taxable year required to be filed by § 47-1805.01 shall be filed with the Chief Financial Officer on or before the 15th day of April of each year; except, that such returns, if made on the basis of a fiscal year, shall be filed on or before the 15th day of the 4th month following the close of such fiscal year.”.

(2) Subsection (b) is amended by striking the phrase “The Mayor” and inserting the phrase “The Chief Financial Officer” in its place.

**SUBTITLE E. COLLEGE SAVINGS PROGRAM AMENDMENT**

Sec. 7061. Short title.

This subtitle may be cited as the “College Savings Program Amendment Act of 2016”.

Sec. 7062. The lead-in language of section 47-4512(b)(1) of the District of Columbia Official Code is amended to read as follows:

“By May 31st of each year, the Chief Financial Officer shall submit to the Council a report for the preceding fiscal year, which shall include:”.

**SUBTITLE F. D.C. LOTTERY AMENDMENT**

Sec. 7071. Short title.

This subtitle may be cited as the "Lottery Amendment Act of 2016".



Sec. 7072. Section 4 of the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Official Code § 3-1301 *et seq.*), is amended as follows:

(a) Section 2-2501 (D.C. Official Code § 3-1301) is amended to read as follows:

“Section 2-2501. Creation; established as an office within the Office of the Chief Financial Officer; transfer of powers; definitions.

“(a) There is hereby created by the District of Columbia, the District of Columbia Lottery and Charitable Games Control Board.

“(b) Effective with the appointment of the first Chief Financial Officer under section 424(b) and pursuant to section 424(a)(3) of the District of Columbia Home Rule Act, approved April 17, 1995 (109 Stat. 142; D.C. Official Code § 1-204.24a(c)), the Board is established as the Office of Lottery and Charitable Games, a subordinate office within the Office of the Chief Financial Officer. All of the powers, duties, functions, and personnel of the Board are transferred to the Office of the Chief Financial Officer.

“(c) For the purposes of this act, the term:

“(1) “Board” means the District of Columbia Lottery and Charitable Games Control Board established by this section.

“(2) “Office” means the Office of Lottery and Charitable Games established by this section.”.

(b) Section 2-2502 (D.C. Official Code § 3-1302) is amended to read as follows:

“Section 2-2502. Oath requirement.

“Before entering upon the discharge of the duties of office, the Executive Director and the Deputy Director shall take an oath that he or she will faithfully execute the duties of office according to the laws of the District of Columbia. In addition, each employee of the Office shall take and subscribe to an oath or affirmation that he or she is not pecuniarily interested, voluntarily or involuntarily, directly or indirectly, in any firm, partnership, association, organization, or corporation engaged in any activity related to legalized or illegal gambling. If required by the Chief Financial Officer, an employee shall file a financial disclosure statement according to the laws of the District of Columbia.”.

(c) Section 2-2503 (D.C. Official Code § 3-1303) is amended to read as follows:

“Section 2-2503. Executive Director and Deputy Director.

“(a)(1) Pursuant to section 424a of the District of Columbia Home Rule Act, approved April 17, 1995 (109 Stat. 142; D.C. Official Code § 1-204.24a(c)), after consultation with the Mayor and the Council, the Chief Financial Officer shall appoint an Executive Director and a Deputy Director of the Office, each of whom shall serve at the pleasure of the Chief Financial Officer.

“(2) The Chief Financial Officer shall determine the compensation for the Executive Director and the Deputy Director.

“(3) Before performing the duties of their respective offices, the Executive Director and the Deputy Director shall take the oath of office as required by section 2-2502 of section 4 (D.C. Official Code § 3-1302).

“(b)(1) Subject to the direction and supervision of the Chief Financial Officer, the Executive Director shall:

“(A) Serve as the chief executive officer of the Office;

“(B) Manage, administer, and coordinate the operation of public gambling and charitable games activities; and

“(C) Employ other assistants and employees who shall serve at the pleasure of the Chief Financial Officer.

“(2)(A) The Chief Financial Officer may delegate any of his or her functions to the Executive Director or to any other officer or employee of the Office, and may delegate to the Executive Director or other employee such other duties the Chief Financial Officer considers necessary for the proper and efficient operation of public gambling and charitable activities.

“(B) The Executive Director may, with the approval of the Chief Financial Officer, make a further delegation of all or a part of the functions to subordinates under his or her jurisdiction.

“(C) The Chief Financial Officer may revoke any delegation at any time.”.

(d) Section 2-2504 (D.C. Official Code § 3-1304) is amended to read as follows:

“Section 2-2504. Bonding and fingerprinting.

“The Chief Financial Officer may require an Office employee to give a bond in an amount determined by the Chief Financial Officer. Every such bond shall be filed with the District of Columbia Treasurer. The cost of a bond given pursuant to this section shall be part of the necessary expenses of the Office. Further, Office employees shall be fingerprinted before, and as a condition of, employment.”.

(e) Section 2-2505 (D.C. Official Code § 3-1305) is amended by striking the phrase “No member of the Board, Chairperson of the Board, Executive Director, or employee of the Board” and inserting the phrase “Neither the Executive Director nor any employee of the Office” in its place.

(f) Section 2-2506 (D.C. Official Code § 3-1306) is amended as follows:

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

(A) Strike the phrase “The Board shall have” both times it appears and insert the phrase “The Chief Financial Officer shall have” in its place.

(B) Strike the phrase “existing licensees of the Board” and insert the phrase “existing licensees of the Office” in its place.

(C) Strike the phrase “Corporation Counsel” and insert the phrase “Attorney General” in its place.

(2) Subsection (b) is amended by striking the word “Board” both times it appears and inserting the phrase “Chief Financial Officer” in its place.

(g) Section 2-2507 (D.C. Official Code § 3-1307) is amended as follows:

(1) Strike the phrase “The Board” both times it appears and insert the phrase “The Chief Financial Officer” in its place.

(2) Strike the phrase “disbursements of the Board” and insert the phrase “disbursements of the Office” in its place.

(3) Strike the phrase “which the Board may deem” and insert the phrase “that the Chief Financial Officer may consider” in its place.

(h) Section 2-2508 (D.C. Official Code § 3-1308) is amended to read as follows:

“Section 2-2508. Power to administer oaths and take testimony; subpoena power.

“(a)(1) The Chief Financial Officer, the designee of the Chief Financial Officer, or other agent authorized by law (“empowered authority”) shall have the power to administer oaths and take testimony under oath relative to a matter of inquiry or investigation undertaken pursuant to this act.

“(2) At a hearing ordered by the Chief Financial Officer or designee, the empowered authority may subpoena witnesses and require production of records, papers, and documents relevant to the inquiry or investigation.

“(b) The refusal or failure to provide relevant testimony or produce relevant records, papers, or documents pursuant to a properly issued subpoena of the Chief Financial Officer or designee by any applicant before the empowered authority, or by any officer, director, or employee of the applicant, licensee, or agent, may subject the applicant to summary denial of its application and summary termination of its license or authorization of the licensee or agent.

“(c) If a person disobeys the process authorized pursuant to this section or having appeared in obedience to a lawful request to appear refuses to answer any relevant or pertinent question propounded by the empowered authority, the Chief Financial Officer, or designee, may apply to the Superior Court of the District of Columbia (“Court”), or to any judge of the Court if the Court is not in session, setting forth the facts relating to the disobedience to the process or refusal to answer questions, and the Court shall order the person to appear before the Court to answer the questions the person had been asked or to produce the records, papers, or documents sought at the inquiry or investigation.

“(d) Upon the person’s continued refusal, the Court, in accordance with the appropriate provisions of District law, shall take such punitive action as the Court considers necessary and appropriate.

“(e) Notwithstanding the imposition of any punitive action imposed on the person by the Court, the Chief Financial Officer, or designee, may proceed with the inquiry or investigation as if the person had not previously been called to testify.”

(i) Section 2-2509 (D.C. Official Code § 3-1309) is amended to read as follows:

“Section 2-2509. Recordkeeping.

“The Chief Financial Officer shall maintain full and complete records of the conduct and operation of daily numbers games and lotteries and of the regulation of bingo, raffles, and Monte Carlo Night parties, which records shall include a statement of revenues and license fees, prize disbursements, and administrative expenses. The records shall be open and available to the public.”

(j) Section 2-2510 (D.C. Official Code § 3-1310) is amended to read as follows:

“Section 2-2510. Authority to establish divisions.

“The Chief Financial Officer shall have the authority to establish divisions within the Office.”

(k) Section 2-2511 (D.C. Official Code § 3-1311) is amended to read as follows:

“Section 2-2511. Budget.

“(a)(1) The Chief Financial Officer shall submit to the Mayor a consolidated budget covering all anticipated income, expenses (including all start-up costs), and capital outlays of the Office, which budget shall show the net amount for which it requests an appropriation.

“(2) The net amount for which the Chief Financial Officer requests an appropriation shall be the difference between the anticipated expenses for the coming fiscal year, including debt service for capital expenses and a reserve for bad debts, as shown in the consolidated budget, and the anticipated income shown in that budget.

“(b)(1) The budget shall be submitted on the date that all District government agencies are required to submit their budgets to the Mayor.

“(2) The Mayor shall transmit to the Council the budget as requested by the Chief Financial Officer. The Mayor may also submit a modified budget, as the Mayor considers appropriate.”.

(l) Section 2-2512 (D.C. Official Code § 3-1312) is amended as follows:

(1) Subsection (a) is amended by striking the word “Board” wherever it appears and inserting the phrase “Chief Financial Officer” in its place.

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

“(b) Any monies of the Office, from whatever source derived (including gifts to the Office), shall be for the sole use of the Fund and shall be deposited as soon as practicable in the Fund and shall be disbursed from the Fund according to the terms of this act. Disbursements of up to \$500 from the Fund shall be paid out in checks signed by the Executive Director or designee. Disbursements in excess of \$500 shall be paid out in checks signed by the Executive Director and the Treasurer of the District of Columbia.”.

(3) Subsection (c) is amended by striking the word “Board” wherever it appears and inserting the phrase “Chief Financial Officer” in its place.

(m) Section 2-2513 (D.C. Official Code § 3-1313) is amended by striking the word “Board” wherever it appears and inserting the phrase “Chief Financial Officer” in its place.

(n) Section 2-2514 (D.C. Official Code § 3-1314) is amended as follows:

(1) The first sentence is amended by striking the phrase “The Board shall” and inserting the phrase “The Office shall” in its place.

(2) The third and fourth sentences are amended by striking the word “Board” wherever it appears and inserting the phrase “Chief Financial Officer” in its place.

(o) Section 2-2515 (D.C. Official Code § 3-1315) is amended by striking the word “Board” wherever it appears and inserting the phrase “Chief Financial Officer” in its place.

(p) Section 2-2516 (D.C. Official Code § 3-1316) is amended as follows:

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

(A) Strike the phrase “Board, in its discretion,” and insert the phrase “Chief Financial Officer, in the Chief Financial Officer’s discretion,” in its place.

(B) Strike the phrase “in the name of the Board, to the Credit of the Board, which the Board is authorized to establish, in institutions designated by it which are legal” and

insert the phrase “in the name of the Office, to the credit of the Office, which the Chief Financial Officer is authorized to establish, in institutions designated by the Chief Financial Officer that are legal” in its place.

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

(A) Strike the phrase “benefit of the Board” and insert the phrase “benefit of the Office” in its place.

(B) Strike the phrase “transferred to the Board. The Board shall” and insert the phrase “transferred to the Office. The Chief Financial Officer shall” in its place.

(C) Strike the phrase “sales agents. The Board” and insert the phrase “sales agents. The Chief Financial Officer” in its place.

(q) Section 2-2517 (D.C. Official Code § 3-1317) is amended as follows:

(1) Strike the phrase “The Board may authorize” and insert the phrase “The Chief Financial Officer may authorize” in its place.

(2) Strike the phrase “the Board may determine.” and insert the phrase “the Chief Financial Officer may determine.” in its place.

(3) Strike the phrase “accounts of the Board” and insert the phrase “accounts of the Office” in its place.

(4) Strike the phrase “authorized by the Board because” and insert the phrase “authorized by the Chief Financial Officer because” in its place.

(5) Strike the phrase “as the Board may require.” and insert the phrase “as the Chief Financial Officer may require.” in its place.

(r) Section 2-2518 (D.C. Official Code § 3-1318) is amended as follows:

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

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

(B) Paragraph (5) is amended by striking the word “Board” and inserting the phrase “Chief Financial Officer” in its place.

(2) Subsection (b) is amended by striking the word “Board” and inserting the phrase “Chief Financial Officer” in its place.

(s) Section 2-2519 (D.C. Official Code § 3-1319) is amended by striking the word “Board” and inserting the phrase “Chief Financial Officer” in its place.

(t) Section 2-2520(a) (D.C. Official Code § 3-1320(a)) is amended as follows:

(1) Strike the phrase “Any member or employee of the Board” and insert the phrase “The Chief Financial Officer, any employee of the Office,” in its place.

(2) Strike the phrase “any member or employee of the Board” and insert the phrase “the Chief Financial Officer or any employee of the Office” in its place.

(u) Section 2-2521 (D. C. Official Code § 3-1321) is amended as follows:

(1) The existing text is designated as subsection (a).

(2) The newly designated subsection (a) is amended as follows:

(A) Strike the phrase “The Board” wherever it appears and insert the phrase “The Chief Financial Officer” in its place.

(B) Strike the phrase “paid over to the Board which shall” and insert the phrase “paid over to the District of Columbia Treasurer, who shall” in its place.

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

“(b) Any rule or regulation promulgated by the Board before the transfer of its functions and personnel to the Chief Financial Officer by section 424(a)(3) of the District of Columbia Home Rule Act, approved April 17, 1995 (109 Stat. 142; D.C. Official Code § 1-204.24a(c)), shall continue in effect, except to the extent it is modified or superseded by the Chief Financial Officer, or designee, or made inapplicable by or under other law.”.

(v) Section 2-2522 (D.C. Official Code § 3-1322) is amended by striking the word “Board” and inserting the phrase “Chief Financial Officer” in its place.

(w) Section 2-2522a (D.C. Official Code § 3-1322.01) is amended by striking the word “Board” wherever it appears and inserting the phrase “Chief Financial Officer” in its place.

(x) Section 2-2523 (D.C. Official Code § 3-1323) is amended as follows:

(1) Subsection (a) is amended by striking the word “Board” and inserting the word “Office” in its place.

(2) Subsection (b) is amended by striking the word “Board” and inserting the word “Office” in its place.

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

(A) Paragraph (1) is amended by striking the word “Board” and inserting the word “Office” in its place.

(B) Paragraphs (2) and (3) are amended by striking the word “Board” both times it appears and inserting the phrase “Chief Financial Officer” in its place.

(4) Subsections (c) and (d) are amended by striking the word “Board” wherever it appears and inserting the word “Office” in its place.

(y) Section 2-2524 (D.C. Official Code § 3-1324) is amended as follows:

(1) Strike the phrase “The Board shall adopt rules” and insert the phrase “The Chief Financial Officer shall adopt rules” in its place.

(2) Strike the phrase “raffles. The Board” and insert the phrase “raffles. The Office” in its place.

(3) Strike the phrase “regulations. The Board” and insert the phrase “regulations. The Office” in its place.

(4) Strike the phrase “paid over to the Board” and insert the phrase “paid over to the Office” in its place.

(5) Strike the phrase “right to a hearing before the Board” and insert the phrase “right to a hearing before the Chief Financial Officer, or designee,” in its place.

(z) Section 2-2525 (D.C. Official Code § 3-1325) is amended as follows:

(1) Strike the phrase “regulations of the Board and to insure” and insert the phrase “regulations of the Chief Financial Officer and to insure” in its place.

(2) Strike the phrase “given to the Board” and insert the phrase “given to the Office” in its place.

(3) Strike the phrase “determined by the Board.” and insert the phrase “determined by the Chief Financial Officer.” in its place.

(4) Strike the phrase “pay to the Board” and insert the phrase “pay to the Office” in its place.

(aa) Section 2-2526(a) (D.C. Official Code § 3-1326(a)) is amended as follows:

(1) Strike the phrase “licensed by the Board” both times it appears and insert the phrase “licensed by the Office” in its place.

(2) Strike the phrase “regulations of the Board” and insert the phrase “regulations of the Chief Financial Officer” in its place.

(3) Strike the phrase “prescribed by the Board” and insert the phrase “prescribed by the Office” in its place.

(4) Strike the phrase “directives of the Board” and insert the phrase “directives of the Chief Financial Officer” in its place.

(bb) Section 2-2527 (D.C. Official Code § 3-1327) is amended as follows:

(1) Strike the phrase “set by the Board” and insert the phrase “set by the Chief Financial Officer” in its place.

(2) Strike the phrase “enable the Board” and insert the phrase “enable the Office” in its place.

(cc) Section 2-2528(a) (D.C. Official Code § 3-1328(a)) is amended by striking the phrase “The Board, in its discretion” and inserting the phrase “The Chief Financial Officer, in the Chief Financial Officer’s discretion” in its place.

(dd) Section 2-2529 (D. C. Official Code § 3-1329) is amended by striking the word “Board” and inserting the word “Office” in its place.

(ee) Section 2-2530 (D. C. Official Code § 3-1330) is amended by striking the word “Board” wherever it appears and inserting the word “Office” in its place.

(ff) Section 2-2531 (D.C. Official Code § 3-1331) is amended as follows:

(1) Strike the word “Board” wherever it appears and insert the phrase “Chief Financial Officer” in its place.

(2) Strike the phrase “at which he shall have the right” and insert the phrase “at which the licensee shall have the right” in its place.

(gg) Section 2-2532 (D. C. Official Code § 3-1332) is amended by striking the word “Board” and inserting the word “Office” in its place.

(hh) Section 2-2535 (D.C. Official Code § 3-1335) is amended by striking the word “Board” wherever it appears and inserting the phrase “Chief Financial Officer” in its place.

(ii) Section 2-2536 (D. C. Official Code § 3-1336) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “No Board member, officer, or employee of the Board” and inserting the phrase “Neither the Chief Financial Officer nor any employee of the Office of the Chief Financial Officer or the Office” in its place.

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

(A) Strike the phrase “Office of Contracting and Procurement” and insert the phrase “Office of Contracts of the Office of the Chief Financial Officer” in its place.

(B) Strike the phrase “on behalf of the Board” and insert the phrase “on behalf of the Office” in its place.

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

“(d) No contract awarded or entered into by the Office of the Chief Financial Officer may be assigned by the holder thereof except by specific approval of the Chief Financial Officer.”.

(4) Subsection (g) is amended by striking the word “Board” and inserting the phrase “Chief Financial Officer” in its place.

Sec. 7073. Section 2(e)(11) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)(11)), is repealed.

Sec. 7074. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D. C. Official Code 1-601.01 *et seq.*), is amended as follows:

(a) Section 406(b)(14) (D.C. Official Code § 1-604.06(b)(14)) is amended to read as follows:

“(14) For all employees of the Office of Lottery and Charitable Games, including the Executive Director, the personnel authority is the Chief Financial Officer.”.

(b) Section 908(13) (D.C. Official Code § 1-609.08(13)) is repealed.

#### **SUBTITLE G. OIG AUDIT AMENDMENT**

Sec. 7081. Short title.

This subtitle may be cited as the “Office of Inspector General Audit Amendment Act of 2016”.

Sec. 7082. Section (3)(e) of the District of Columbia Emergency Highway Relief Act, approved August 4, 1995 (109 Stat. 257; D.C. Official Code § 9-109.02(e)), is amended by striking the phrase “March 15 thereafter” and inserting the phrase “May 31 thereafter” in its place.

#### **SUBTITLE H. PARKSIDE PARCEL E AND J TAX ABATEMENT**

Sec. 7091. Short title.

This subtitle may be cited as the “Parkside Parcel E and J Mixed-Income Apartments Tax Abatement Amendment Act of 2016”.

Sec. 7092. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by striking the phrase “47-4658. Parkside Parcel E and J Mixed-Income Apartments; Lot 808, Square 5041 and Lot 811, Square 5056.” and inserting the phrase “47-4658. Lot 72, Square 5041 and Lot 811, Square 5056.” in its place.



(b) Section 47-4658 is amended as follows:

(1) The heading is amended to read as follows:

“§ 47-4658. Lot 72, Square 5041 and Lot 811, Square 5056.”.

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

“(a) Subject to subsection (b) of this section, the real property described as Lot 72 in Square 5041 and Lot 811 in Square 5056 shall be allowed an annual real property tax abatement equal to the amount of the real property taxes assessed and imposed by Chapter 8 of this title of up to a total maximum amount for each lot of \$300,000 per year for 10 property tax years commencing for Lot 72 and Lot 811 at the beginning of the first month following the date that specific lot is issued a final certificate of occupancy (“commencement date”) and ending for each lot at the end of the 10th full real property tax year following the lot’s commencement date.”.

(3) Subsection (b) is amended by striking the year “2018” and inserting the year “2020” in its place.

(4) Subsections (c) and (d) are amended to read as follows:

“(c) Notwithstanding any other provision of law and provided that the final certificate of occupancy is issued on or before September 20, 2020, upon the issuance of a final certificate for Lot 72 or Lot 811, any fees or deposits charged to and paid by the owner of that specific lot for the development of Lot 72 or Lot 811, including private space or building permit fees or public space permit fees (“related fees”), shall be refunded and any prospective related fees forgiven.

“(d) The tax abatements and the exemptions from fees and deposits provided pursuant to this section shall be in addition to, and not in lieu of, any other tax relief or assistance from any other source applicable to the development of Lot 72 or Lot 811.”.

#### **SUBTITLE I. SCHEDULE H CONSUMER PRICE INDEX AMENDMENT**

Sec. 7101. Short title.

This subtitle may be cited as the “Schedule H Consumer Price Index Amendment Act of 2016”.

Sec. 7102. Section 47-1806.06(r) of the District of Columbia Official Code is amended to read as follows:

“(r)(1) “The maximum credit amount of \$1000 shall be adjusted annually for inflation based on the Consumer Price Index (if the adjustment does not result in a multiple of \$25, rounded down to the next multiple of \$25).

“(2) The eligibility income threshold of \$50,000 (\$60,000 for eligible senior claimants) shall be adjusted annually for inflation based on the Consumer Price Index (if the adjustment does not result in a multiple of \$100, rounded down to the next multiple of \$100).

“(3) In the case of a negative annual inflation rate based on the Consumer Price Index, neither the credit amount of \$1000 nor the eligibility income threshold of \$50,000 (\$60,000 for eligible senior claimants) shall be decreased.

“(4) For the purposes of this subsection, the term “Consumer Price Index” means the all items index of the Consumer Price Index for All Urban Consumers for Washington-

Baltimore Area, published by the Bureau of Labor Statistics of the United States Department of Labor.”.

**SUBTITLE J. TAX SALE RESOURCE CENTER AND DEED CLARIFICATION**

Sec. 7111. Short title.

This subtitle may be cited as the “Tax Sale Resource Center and Deed Clarification Amendment Act of 2016”.

Sec. 7112. Chapter 13A of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-1341 is amended as follows:

(1) Subsection (a)(2) is amended by striking the phrase ““Tax Sale Resource Center. Resource Center attorneys provide legal information to taxpayers and interested parties who do not have their own lawyers on Wednesday mornings from 10:00am to 12:00pm when court is in session. The Resource Center is located in the Moultrie Courthouse at 500 Indiana Ave. NW.”.

(2) Subsection (b-1)(2) is amended by striking the phrase ““Tax Sale Resource Center. Resource Center attorneys provide legal information to taxpayers and interested parties who do not have their own lawyers on Wednesday mornings from 10:00am to 12:00pm when court is in session. The Resource Center is located in the Moultrie Courthouse at 500 Indiana Ave. NW.”.

(b) Section 47-1353.01(b) is amended by striking the phrase ““Tax Sale Resource Center. Resource Center attorneys provide legal information to taxpayers and interested parties who do not have their own lawyers on Wednesday mornings from 10:00am to 12:00pm when court is in session. The Resource Center is located in the Moultrie Courthouse at 500 Indiana Ave., NW.”.

(c) Section 47-1382(b) is amended to read as follows:

“(b) Notwithstanding subsection (a)(1) of this section, upon issuance of a tax deed concerning a real property sold under § 47-1353(a)(3) or (b), the real property shall be free and clear of all prior taxes and liabilities owed by the real property to a taxing agency. The purchaser shall not be required to pay such prior taxes and liabilities to receive the tax deed.”.

**SUBTITLE K. TAX REVISION COMMISSION IMPLEMENTATION**

Sec. 7121. Short title.

This subtitle may be cited as the “Tax Revision Implementation Amendment Act of 2016”.

Sec. 7122. Section 47-181(b) of the District of Columbia Official Code is amended as follows:

(a) The existing text is designated as paragraph (1).

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

“(2) If local Fiscal Year 2017 recurring annual revenues included in the quarterly revenue estimate issued in September 2016 exceed the annual revenue estimate incorporated in the approved budget and financial plan for Fiscal Year 2017, the additional revenue shall be used to continue implementation of the TRC Act according to the priority set forth in subsection (c) of this section for taxable years beginning or deaths occurring, as applicable, after December 31, 2016; provided, that the Chief Financial Officer shall recalculate the cost of the provisions of the TRC Act with the September 2016 estimate.”.

**SUBTITLE L. LIHTC PILOT PROGRAM AMENDMENT**

Sec. 7131. Short title.

This subtitle may be cited as the “LIHTC Pilot Program Initiation Amendment Act of 2016”.

Sec. 7132. Section 47-4802(a)(2) of the District of Columbia Official Code is amended by striking the phrase “tax year 2016” and inserting the phrase “tax year 2017” in its place.

**SUBTITLE M. FISCAL STABILIZATION RESERVE AMENDMENT**

Sec. 7141. Short title.

This subtitle may be cited as the “Fiscal Stabilization Reserve Amendment Act of 2016”.

Sec. 7142. Section 47-392.02(j-1) of the District of Columbia Official Code is amended as follows:

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

(1) Subparagraph (A) is amended by striking the phrase “act; and” and inserting the phrase “act;” in its place.

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

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

“(C) Funding for the appropriations advance to District of Columbia Public Schools and District of Columbia Public Charter Schools as authorized by the annual budget and financial plan; provided, that any amounts used must be replenished immediately upon the approval of the District’s annual budget for that year.”.

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

“(2A) The Fiscal Stabilization Reserve Account may be used by the Chief Financial Officer to cover cash flow needs; provided, that any amounts used shall be replenished to the Fiscal Stabilization Reserve Account in the same fiscal year.”.

**SUBTITLE N. SPECIAL BUDGET PROVISION REFORM**

Sec. 7151. Short title.

This subtitle may be cited as the “Special Budget Provision Reform Act of 2016”.

Sec. 7152. Chapter 3 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended as follows:

(1) Strike the phrase “47-368.01. Transfer of dedicated funds to the General Fund.” and insert the phrase “47-368.01. Transfer of dedicated funds to the General Fund. [Repealed].” in its place.

(2) Strike the phrase “47-368.02. Increase in funds and fees and charges.” and insert the phrase “47-368.02. Increase in funds and fees and charges. [Repealed].” in its place.

(3) Strike the phrase “47-368.03. Reduction in rates for certain excise taxes.” and insert the phrase “47-368.03. Reduction in rates for certain excise taxes. [Repealed].” in its place.

(b) Section 47-368.01 is repealed.

(c) Section 47-368.02 is repealed.

(d) Section 47-368.03 is repealed.

**SUBTITLE O. VAULT TAX EXPANSION**

Sec. 7161. Short title.

This subtitle may be cited as the “Vault Tax Expansion Amendment Act of 2016”.

Sec. 7162. Section 305(d) of the District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1159; D.C. Official Code § 10-1103.04(d)), is amended by adding a new paragraph (4) to read as follows:

“(4) Any vault serving, in whole or in part, real property located at Square 287, Lot 812 shall be exempt from vault rent.”.

**SUBTITLE P. WALKER JONES REAL PROPERTY TAX ABATEMENT**

Sec. 7171. Short title.

This subtitle may be cited as the “Walker Jones/Northwest One Unity Health Center Tax Abatement Amendment Act of 2016”.

Sec. 7172. Section 47-4619(b) of the District of Columbia Official Code is amended by striking the phrase “October 1, 2009 to September 30, 2013” and inserting the phrase “October 1, 2016, to September 30, 2021” in its place.

Sec. 7173. Section 3 of the Walker Jones/Northwest One Unity Health Center Tax Abatement Act of 2008, effective March 25, 2009 (D.C. Law 17-351; 56 DCR 1113), is repealed.

**SUBTITLE Q. JUBILEE ONTARIO APARTMENTS REAL PROPERTY TAX ABATEMENT**

Sec. 7181. Short title.

This subtitle may be cited as the “Jubilee Ontario Apartments Real Property Tax Abatement Amendment Act of 2016”.

Sec. 7182. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

“47-1098. Jubilee Ontario Apartments, LP, Lot 805, Square 2565.”.

(b) A new section 47-1098 is added to read as follows:

“§ 47-1098. Jubilee Ontario Apartments, LP, Lot 805, Square 2565.

“The portion of Lot 805 in Square 2565, located at 2525 Ontario Road, N.W. (“Property”) that is used for nonresidential purposes, shall be exempt from real property taxation so long as the residential portion of the Property continues to be exempt from real property taxation pursuant to § 47-1005.02.”.

Sec. 7183. The Council of the District of Columbia orders that all real property taxes, interest, penalties, fees, and other related charges assessed against the real property located at 2525 Ontario Road, N.W., described as Lot 805, Square 2565, for the period beginning March 27, 2015, through November 31, 2016, and recordation tax, interest, or penalties assessed or collected on Document number 2015028485, recorded March 27, 2015, shall be forgiven and that any payments made shall be refunded to the person who made the payments.

**TITLE VIII. CAPITAL BUDGET**

**SUBTITLE A. FY 2017 CAPITAL PROJECT FINANCING REALLOCATION APPROVAL**

Sec. 8001. Short title.

This subtitle may be cited as the "Fiscal Year 2017 Capital Project Reallocation Approval Act of 2016".

Sec. 8002. (a) Pursuant to and in accordance with Chapter 3 of Title 47 of the District of Columbia Official Code, the Council approves the Mayor's request to reallocate \$180,809,546 in general obligation bond proceeds from the District capital projects listed in Table A to the District capital projects listed in Table B, in the amounts specified.

(b) The current allocations were made pursuant to the Fiscal Year 2010 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Emergency Approval Act of 2009, effective December 4, 2009 (D.C. Act 18-240; 56 DCR 9265), the Fiscal Year 2012 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Approval Resolution of 2011, effective December 6, 2011 (Res. 19-315; 58 DCR 10556), the Fiscal Year 2013 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Approval Resolution

**ENROLLED ORIGINAL**

of 2012, effective October 16, 2012 (Res.19-635; 59 DCR 12818), the Fiscal Year 2014 Income Tax Secured Revenue Bond and General Obligation Approval Resolution of 2013, effective November 5, 2013 (Res. 20-321; 60 DCR 15794), and the Fiscal Year 2015 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Approval Resolution of 2014, effective November 28, 2014 (Res. 20-687; 61 DCR 12738).

ENROLLED ORIGINAL

TABLE A.

Owner Agency Name	Project Number	Implementing Agency	Project Title	Bond Issuance Series	Amount
Office of the Chief Financial Officer	BF2	OCFO	CFOSolve	2010A	140,465
Department of General Services	BC1	DGS	Facility Condition Assessment	2012C I.T.	113,644
Department of Parks and Recreation	BSM	DGS	Benning Stoddert Modernization	2012C I.T.	3,124,785
Department of Parks and Recreation	QH7	DPR	Park Improvements - Project Management	2012C I.T.	393,520
Department of Parks and Recreation	QN4	DGS	Friendship Park	2012C I.T.	529,131
Department of Parks and Recreation	QN4	DGS	Ward 2 Public Park Rehabilitation	2012C I.T.	334,244
District Department of Transportation	ED1	DDOT	Rhode Island Avenue NE Small Area Plan	2012C I.T.	599,509
District Department of Transportation	EDS	DDOT	Great Streets Initiative	2012C I.T.	292,359
District Department of Transportation	STC	DDOT	Streetcars	2012C I.T.	43,409
District of Columbia Public Schools	MO3	DGS	Moten ES Modernization	2012C I.T.	1,565,607
District of Columbia Public Schools	ND4	DGS	Deal JHS Modernization/Renovation	2012C I.T.	11,664
District of Columbia Public Schools	NJ8	DGS	McKinley Modernization	2012C I.T.	11,442
District of Columbia Public Schools	PE3	DGS	Drew ES Modernization/Renovation	2012C I.T.	39,641
Fire and Emergency Management Services	LB7	FEMS	Engine Company 16 Renovation	2012C I.T.	2,268,528
Metropolitan Police Department	ECS	MPD	Automation Of Report Generation & Purchase	2012C I.T.	300,000
Office of the Chief Technology Officer	N60	OCTO	Transportation Infrastructure Modernization	2012C I.T.	481,728
Department of Behavioral Health	XA6	OCTO	St. Elizabeths Info Tech System	2013A G.O.	81,575
Department of Behavioral Health	XA8	DBH	Integrated Care Applications Mgmt	2013A G.O.	145,551
Department of Corrections	CRF	DOC	Roof Refurbishment At DOC Facilities	2013A G.O.	508,089
Department of Healthcare Finance	MPM	DHCF	Medicaid Payment Management System	2013A G.O.	1,313,068
Department of Parks and Recreation	QE5	DGS	ADA Compliance	2013A G.O.	75,757
Department of Parks and Recreation	QJ8	DGS	Friendship Park	2013A G.O.	351,837
Department of Public Works	FS1	DPW	Upgrade To DPW Fueling Sites	2013A G.O.	76,846
Deputy Mayor for Planning and Economic Development	AWR	DMPED	Saint Elizabeths E Campus Infrastructure	2013A G.O.	1,546,808
District Department of Employment Services	UIM	DOES	Unemployment Insurance Modernization Project	2013A G.O.	2,354,064
District Department of Transportation	BRI	DDOT	Pedestrian Bridge - Parkside	2013A G.O.	1,678,669
District Department of Transportation	ED1	DDOT	Georgetown Streetscape Improvements	2013A G.O.	500,000
District Department of Transportation	FLD	DDOT	Prevention Of Flooding In Bloomingdale/Ledroit Pk	2013A G.O.	39,030
District Department of Transportation	PM0	DDOT	Planning, Management & Compliance	2013A G.O.	148,484
District of Columbia Public Schools	PK3	DGS	Martin Luther King ES Modernization	2013A G.O.	538,150
Office of the Chief Technology Officer	EQ1	OCTO	DC Cable Net	2013A G.O.	83,199
Office of the Chief Technology Officer	N60	OCTO	Transportation Infrastructure Modernization	2013A G.O.	99,732
D.C. Public Library	WOD	DCPL	Woodbridge Library	2013A GO	791,863
Office of the Secretary	AB1	DGS	Archives	2013A GO	784,215
Department of General Services	BC1	DGS	Facility Condition Assessment	2014 A/B GO	25,054
D.C. Public Library	WOD	DCPL	Woodbridge Library	2014C G.O.	2,300,000
Department of Corrections	CEV	DOC	DOC Elevator Refurbishment	2014C G.O.	1,566,292
Department of Corrections	CRF	DOC	Roof Refurbishment At DOC Facilities	2014C G.O.	1,500,000
Department of General Services	BC1	DGS	Facility Condition Assessment	2014C G.O.	950,000
Department of Parks and Recreation	QS5	DGS	Barry Farm Recreation Center	2014C G.O.	3,927,608
Deputy Mayor for Planning and Economic Development	EBO	DMPED	New Communities	2014C G.O.	9,000,000
District Department of Employment Services	UIM	DOES	Unemployment Insurance Modernization Project	2014C G.O.	2,500,000
District Department of Transportation	6EQ	DDOT	Equipment Acquisition - DDOT	2014C G.O.	3,526,564
District Department of Transportation	BRI	DDOT	Pedestrian Bridge - Parkside	2014C G.O.	8,000,000
District Department of Transportation	FLD	DDOT	Prevention of Flooding In Bloomingdale/Ledroit Pk	2014C G.O.	1,469,644
Office of the Secretary	AB1	DGS	Archives	2014C G.O.	2,500,000
Office of the Chief Financial Officer	BF2	OCFO	CFOSolve	2015A G.O.	429,148
D.C. Public Library	CAV	DCPL	Capitol View Library	Pending	4,500,000
D.C. Public Library	CPL	DCPL	Cleveland Park Library	Pending	4,125,000
D.C. Public Library	PAL	DCPL	Paisades Library	Pending	5,700,000
District Department of Employment Services	UIM	DOES	Unemployment Insurance Modernization Project	Pending	2,500,000
Deputy Mayor for Planning and Economic Development	STH	DMPED	Strand Theatre	Pending	1,000,000
Metropolitan Police Department	PEQ	MPD	Specialized Vehicles - MPD	Pending	2,000,000
Fire and Emergency Management Services	LC4	DGS	Engine 22 Firehouse Replacement	Pending	3,000,000
Fire and Emergency Management Services	LC4	DGS	Engine 27 Major Renovation	Pending	2,000,000
Department of Corrections	CEV	DGS	DOC Elevator Refurbishment	Pending	33,708
District of Columbia Public Schools	JOH	DGS	Johnson MS Renovation/Modernization	Pending	2,886,000
District of Columbia Public Schools	NX8	DGS	Coolidge HS Modernization/Renovation	Pending	3,000,000
District of Columbia Public Schools	SG3	DGS	Maintenance Improvements	Pending	7,738,513
State Superintendent of Education	SIS	OSSE	Single State-Wide Student Information System	Pending	1,800,000
Special Education Transportation	BU4	SET	Bus Facility Upgrades	Pending	2,740,000
Special Education Transportation	BU5	SET	DOT GPS System	Pending	1,000,000
Department of Parks and Recreation	FTD	DGS	Fort Davis Recreation Center	Pending	2,000,000
Department of Parks and Recreation	IVY	DGS	Ivy City Community Center	Pending	1,925,000
Department of Parks and Recreation	Q10	DGS	Fort Greble Recreation Center	Pending	1,000,000
Department of Parks and Recreation	Q11	DGS	Hillcrest Recreation Center	Pending	1,500,000
Department of Parks and Recreation	QF4	DGS	Benning Park Recreation Center Rehab	Pending	1,400,000
Department of Parks and Recreation	WBR	DGS	Edgewood Recreation Center	Pending	14,000,000
Department of Healthcare Finance	MPM	DHCF	MMIS System Upgrade	Pending	2,300,000
Department of Healthcare Finance	H11	DHCF	District Operated Health Information System	Pending	3,145,040
District Department of Transportation	AW0	DDOT	S Capitol St/Frederick Douglass Bridge	Pending	40,000,000
District Department of Transportation	CDT	DDOT	Railroad Bridges	Pending	10,340
District Department of Transportation	PLU	DDOT	Power Line Undergrounding	Pending	4,000,000
District Department of Transportation	TRF	DDOT	Traffic Operations Center	Pending	1,500,000
Office of the Chief Technology Officer	N90	OCTO	DC Government New Park Center Build-out	Pending	3,000,000
Office of the Chief Technology Officer	N91	OCTO	DC Government Citywide IT Security Program	Pending	1,500,000
Office of the Chief Technology Officer	N92	OCTO	Citywide Disk Based Backup Infrastructure	Pending	445,022
<b>TOTAL</b>					<b>\$180,809,546</b>

**TABLE B.**

Owner Agency Name	Project Number	Implementing Agency	Project Title	Bond Issuance Series	Amount
District of Columbia Public Schools	BRK	DGS	Brookland MS Modernization	N/A	8,200,000
District of Columbia Public Schools	GM1	DGS	Major Repairs/Maintenance	N/A	6,100,000
District of Columbia Public Schools	GM3	DGS	High School Labor - Program Management	N/A	5,000,000
District of Columbia Public Schools	NA6	DGS	Ballou SHS	N/A	20,100,000
District of Columbia Public Schools	NR9	DGS	Roosevelt HS Modernization	N/A	15,500,000
State Superintendent of Education	SFF	OSSE	Evans Campus	N/A	2,000,000
Deputy Mayor for Economic Development	AMS	DMPED	McMillan Site Redevelopment	N/A	1,467,000
WMATA	SA5	DDOT	WMATA CIP Contribution	N/A	693,923
Fire and Emergency Management Services	LF2	DGS	FEMS Scheduled Capital Improvements	Pending	2,275,000
Department of Parks and Recreation	WBR	DGS	Edgewood Recreation Center	Pending	14,000,000
Department of Parks and Recreation	QE2	DGS	Ridge Road Recreation Center	Pending	9,730,000
Department of Parks and Recreation	QN7	DPR	Park Improvements	Pending	19,000,000
Department of Human Services	CMS	DHS	Case Management System - GO Bond	Pending	14,000,000
District Department of Transportation	CEL	DDOT	Alley Rehab	Pending	3,000,000
WMATA	SA3	DDOT	WMATA Fund - PRIAA	Pending	20,000,000
WMATA	SA5	DDOT	WMATA CIP Contribution	Pending	39,743,623
<b>TOTAL</b>					<b>\$180,809,546</b>

**TITLE IX. SPECIAL PURPOSE AND DEDICATED REVENUE FUND AMENDMENTS AND TRANSFERS**

**SUBTITLE A. FIXED COST COMMODITIES RESERVE AMENDMENT**

Sec. 9001. Short title.

This subtitle may be cited as the “Fixed Cost Commodities Reserve Amendment Act of 2016”.

Sec. 9002. Section 47-368.04 of the District of Columbia Official Code is amended as follows:

(a) Subsection (b) is amended by striking the phrase “and rent” and inserting the phrase “and rent; provided, that the amount in the Fund shall not exceed \$5 million in any fiscal year” in its place.

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

“(c) Amounts in the Fund shall be used only for the purposes in subsection (b) of this section and shall not be available for other purposes or be transferred to other funds or accounts.”.

Sec. 9003. Notwithstanding section 47-368.04 of the District of Columbia Official Code, or any other law restricting the use of the funds in the Commodities Cost Reserve Fund, the Chief Financial Officer shall transfer from the Commodities Cost Reserve Fund in Fiscal Year 2016 and recognize as Fiscal Year 2017 local funds resources \$19,477,173.

**TITLE X. APPLICABILITY; FISCAL IMPACT; EFFECTIVE DATE**

Sec. 10001. Applicability.

Except as otherwise provided, this act shall apply as of October 1, 2016.



Sec. 10002. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 10003. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia