

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To establish a subrogation fund for the District.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Subrogation Fund Establishment Act of 2018”.

Sec. 2. Subrogation Fund.

(a) There is established as a special fund the Subrogation Fund (“Fund”), which shall be administered by the Chief Risk Officer in accordance with subsections (c) and (d) of this section.

(b) Revenue from the following sources shall be deposited in the Fund:

(1) Funds appropriated for the Fund; and

(2) Revenue arising from subrogation claims brought by or on behalf of the Chief Risk Officer, including revenue arising from subrogation claims referred by the Chief Risk Officer to the Office of the Attorney General for prosecution; provided, that before deposit of such revenue into the Fund in fiscal years 2018 through 2021, the following sums arising from subrogation claims in fiscal years 2018 through 2021 shall be deposited first into the General Fund of the District of Columbia:

(A) \$310,000 in Fiscal Year 2018;

(B) \$315,000 in Fiscal Year 2019;

(C) \$322,000 in Fiscal Year 2020; and

(D) \$328,000 in Fiscal Year 2021.

(c) Money in the Fund shall be used for the following purposes:

(1) To repair and replace District property damaged or destroyed by the actions or negligence of persons who caused such damage or destruction;

(2) To pay for the costs of administering the subrogation functions of the Office of Risk Management; and

(3) To pay for the costs incurred by the Office of the Attorney General in the prosecution of subrogation claims referred to it by the Chief Risk Officer and collection of judgments on such claims.

(d)(1) The money deposited into the Fund 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.

ENROLLED ORIGINAL

(e) The Chief Risk Officer, 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 section.

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

(1) “Chief Risk Officer” means the director of the Office of Risk Management established by Reorganization Plan No. 1 of 2003, effective December 15, 2003 (50 DCR 7298; D.C. Official Code § 1-1518.01).

(2) “Subrogation” means the right of the District to pursue claims against persons who caused loss or damage to the District.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report 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. 5. 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.

Chairman
Council of the District of Columbia

Mayor
District of Columbia