

AN ACT

---

*Codification  
District of  
Columbia  
Official Code*

**2001 Edition**

**West Group  
Publisher**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

---

FISCAL YEAR 2002 BUDGET SUPPORT ACT OF 2001

TABLE OF CONTENTS

TITLE I.	REPROGRAMMING POLICY
TITLE II.	PARAMEDIC AND EMERGENCY MEDICAL TECHNICIAN LATERAL TRANSFER TO FIREFIGHTING
TITLE III.	THE OFFICE ON ASIAN AND PACIFIC ISLANDER AFFAIRS ESTABLISHMENT
TITLE IV.	TRANSFER OF THE OFFICE OF POSTSECONDARY EDUCATION, RESEARCH AND ASSISTANCE AND TUITION ASSISTANCE PROGRAM TO THE STATE EDUCATION OFFICE
TITLE V.	SUMMER SCHOOL WEIGHTED FORMULA
TITLE VI.	TRANSFER OF THE STATE EDUCATION AGENCY-ADULT EDUCATION FUNDING TO THE STATE EDUCATION AGENCY
TITLE VII.	ESTABLISHMENT OF VETERANS AFFAIRS OFFICE
TITLE VIII.	CONSUMER CREDIT AND MONEY LENDER REORGANIZATION
TITLE IX.	DECEASED REMAINS PRIORITY CLAIM CLARIFICATION

**ENROLLED ORIGINAL**

- TITLE X. FIRE/EMS EXCEPTED SERVICE DESIGNATION
- TITLE XI. INDUSTRIAL REVENUE BOND SPECIAL ACCOUNT
- TITLE XII. DISTRICT OF COLUMBIA GOVERNMENT EMPLOYEES  
DISABILITY COMPENSATION REORGANIZATION
- TITLE XIII. NATIONAL CAPITAL REVITALIZATION CORPORATION
- TITLE XIV. PUBLIC ACCESS CORPORATION BUDGET REVIEW
- TITLE XV. CRIMINAL JUSTICE COORDINATING COUNCIL FOR THE  
DISTRICT OF COLUMBIA SUPPORT ESTABLISHMENT
- TITLE XVI. SPORTS AND ENTERTAINMENT COMMISSION CAPITAL  
IMPROVEMENTS
- TITLE XVII. HIGHWAY TRUST FUND
- TITLE XVIII. APPRENTICESHIP COUNCIL BUDGET REALLOCATION
- TITLE XIX. EXPANSION OF ELIGIBILITY FOR MEDICAID
- TITLE XX. REAL PROPERTY TAX ASSESSMENT
  - SUBTITLE A: REAL PROPERTY TAX ASSESSMENT TRANSITION
  - SUBTITLE B. OWNER-OCCUPANT RESIDENTIAL TAX CREDIT
- TITLE XXI. POLICE AND FIRE RETIREMENT FUND SURVIVOR ANNUITY  
INCREASE
- TITLE XXII. ADOPTION SUPPORT FUND
- TITLE XXIII. COUNCIL CONTRACT REVIEW PERIOD INCREASE
- TITLE XXIV. RECORDER OF DEEDS RECORDATION SURCHARGE
- TITLE XXV. TAXICAB COMMISSION/METROPOLITAN POLICE

DEPARTMENT

- TITLE XXVI. 21ST CENTURY FINANCIAL MODERNIZATION
- TITLE XXVII. INSURANCE TRADE ECONOMIC DEVELOPMENT
- TITLE XXVIII. RISK BASED CAPITAL
- TITLE XXIX. SECURITIES
- TITLE XXX. ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION FUND
- TITLE XXXI. CHECK CASHERS
- TITLE XXXII. MORTGAGE LENDER AND BROKER
- TITLE XXXIII. CONSUMER CREDIT SERVICE ORGANIZATION
- TITLE XXXIV. BANKING FEES
- TITLE XXXV. UNIFORM ELECTRONIC TRANSACTIONS
- TITLE XXXVI. PREVENTION OF UNAUTHORIZED SWITCHING OF CUSTOMER NATURAL GAS ACCOUNTS
- TITLE XXXVII. POLICE AND FIRE SENIOR MANAGEMENT OVERTIME
- TITLE XXXVIII. ADVISORY COMMISSION ON SENTENCING
- TITLE XXXIX. REQUIREMENT FOR CFO CERTIFICATION OF FUNDS FREED UP FROM THE RESERVE ROLLOVER AND PRIORITY FOR SPENDING SUCH FUNDS
- TITLE XL. OFFICE OF LABOR RELATIONS AND COLLECTIVE BARGAINING
- TITLE XLI. TAX PARITY FRANCHISE TAX RATE CLARIFICATION ACT

**ENROLLED ORIGINAL**

- TITLE XLII. ADDICTION PREVENTION AND RECOVERY ADMINISTRATION
- SUBTITLE A: ADDICTION RECOVERY FUND
- SUBTITLE B: PILOT SUBSTANCE ABUSE PROGRAM FOR YOUTH
- TITLE XLIII. DEPARTMENT OF RECREATION USE OF TANF/DOES ASSISTED PERSONS TO FILL VACANT POSITIONS
- TITLE XLIV. MULTIYEAR BUDGET PLANS FOR SPECIFIC PROGRAMS
- TITLE XLV. PERFORMANCE AND FINANCIAL ACCOUNTABILITY
- TITLE XLVI. CHILD FATALITY REVIEW COMMITTEE ESTABLISHMENT
- TITLE XLVII. UNEMPLOYMENT COMPENSATION FEDERAL CONFORMITY
- TITLE XLVIII. MAINTENANCE OF EFFORT AND MATCHING FUNDS
- TITLE XLIX. DEPARTMENT OF HEALTH FUNCTIONS CLARIFICATION
- TITLE L. INTERIM DISABILITY ASSISTANCE PILOT PROGRAM
- TITLE LI. EFFECTIVE DATE

To amend Title 47 of the District of Columbia Official Code to make an adjustment to the District of Columbia's reprogramming threshold amounts to reflect the current national cumulative inflation rate (according to the Consumer Price Index for All Urban Consumers as published by the Bureau of Labor Statistics), from 1980 through 2000, to establish the amount of the initial adjustment not later than March 31, 2002, and to implement the initial adjustment no later than September 30, 2001; to establish an annual adjustment based upon the national annual inflation rate (according to the Consumer Price Index for All Urban Consumers as published by the Bureau of Labor Statistics) for calendar year 2001 no later than March 31, 2002 and every respective calendar year thereafter, and to implement the annual adjustment no later than June 30, 2002 and every year thereafter; to authorize the lateral transfer of emergency medical technicians and paramedics employed by the Fire and Emergency Medical Services Department to the Firefighting Division and to allow such transferred employees to elect coverage under the

Police Officers, and Fire Fighters, and Teachers Retirement Benefit Replacement Plan Act of 1998; to amend the Policemen and Firemen’s Retirement and Disability Act to allow prior District of Columbia government service as a paramedic or emergency medical technician to be credited towards retirement; and to amend the District of Columbia Police and Firemen’s Salary Act of 1958 to allow prior District of Columbia government service as a paramedic or emergency medical technician to be credited towards longevity pay; to establish an Office on Asian and Pacific Islander Affairs and a Commission on Asian and Pacific Islander Community Development; to transfer the Office of Postsecondary Education, Research and Assistance and Tuition Assistance Program to the State Education Office; to amend the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998 to increase the weightings for the Per Pupil Funding Formula for summer school students, and to apply these weightings on a pro rata basis for students enrolled in summer school for less than 6 weeks; to transfer funds from the University of the District of Columbia for State Education-Adult Education to the State Education Office; to reorganize the Department of Human Services to remove the Office of Veterans Affairs and to establish an Office of Veterans Affairs in the Executive Office of the Mayor; to reorganize the Department of Consumer and Regulatory Affairs by transferring responsibility for the administration of An Act To regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia, Chapter 46 of Title 28 of the District of Columbia Official Code, and Chapter 1 of Title 16 of the District of Columbia Municipal Regulations to the Department of Banking and Financial Institutions; to amend the District of Columbia Funeral Services Regulatory Act of 1984 to redefine the order of priority for next of kin of deceased persons, and to provide a mechanism for the resolution of disputes among next of kin regarding the disposition of deceased persons; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to authorize the Chief of the Fire and Emergency Medical Services Department to designate up to 11 positions as Excepted Service policy positions, no more than 4 of which may be sworn officers; to amend sections 47-340.21 through 47-340.23 of the District of Columbia Official Code to eliminate the industrial revenue bond program fee sub-account and merge it into the industrial revenue bond special account, to increase the authorized uses of the industrial revenue bond special account for fiscal year 2002, and to clarify that funds not approved for economic development programs and initiatives by the Council under a spending plan shall lapse into the General Fund; to transfer the disability compensation program for District government employees from the Department of Employment Services to the Office of Personnel, with the exception of the disability compensation formal hearing and administrative appeal functions which shall remain in the Department of Employment

Services, to require the Office of Personnel to compensate the Department of Employment Services for the conduct of the disability compensation formal hearing and administrative appeal functions, and to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to set forth the functions of the reorganized disability compensation program and to create a modified work program; to amend the National Capital Revitalization Corporation Act of 1998 to specify the date on which the first annual report of the National Capital Revitalization Corporation shall be required, to eliminate the requirement that the Council hold a hearing and initiate a review process on each annual report of the National Capital Revitalization Corporation, and to require the Mayor to include the budget of the National Capital Revitalization Corporation within the annual budget that the Mayor is required to submit to the Council; to amend the Cable Television Communications Act of 1981 to require the Mayor to include the budget of the Public Access Corporation with the annual budget that the Mayor is required to submit to the Council; to establish the Criminal Justice Coordinating Council as an independent agency within the District of Columbia government, and to authorize it to exercise independent personnel and procurement authority; to amend the Omnibus Sports Consolidation Act of 1994 to require that the District of Columbia Sports and Entertainment Commission submit a detailed long-term analysis of, and proposed timetable of spending for, necessary capital improvements to the Council on or before the date that the Mayor is required to submit the annual budget of the District of Columbia to the Council; to amend the Highway Trust Fund Establishment Act of 1996 to require that excess monies remaining in the fund after District and federal statutory requirements have been met, be deposited in the newly established Local Roads Construction and Maintenance Fund, to be used exclusively for the renovation, repair and maintenance of local streets, alleys and sidewalks that are not eligible for federal aid; to reallocate \$500,000 to the Apprenticeship Council; to expand eligibility for Medicaid in the District of Columbia to cover adults 19-27 years of age, without dependent children and with incomes no greater than 50% of poverty, adults 50-64 years of age, without dependent children and with incomes no greater than 100% of poverty, and persons testing positive for the HIV virus whose incomes are no greater than 100% of poverty and who are not eligible for or enrolled in Medicare or other health insurance plans; to amend Title 47 of the District of Columbia Official Code to authorize the Chief Financial Officer to establish the real property special tax rates by publication, to provide that all real property shall be listed annually on the estimated assessment roll, to provide that real property assessments will occur on an annual basis upon the completion of the real property's first 3-year cycle, to provide that real properties in triennial groups 2 and 3 shall not be reassessed solely as a result of the merger of real property classifications under the Tax Parity Act of 1999, to authorize the Chief Financial Officer to promulgate regulations for Chapter 8, to simplify the assessment notice, to extend the default date for

filing an appeal to the Board of Real Property Assessments and Appeals so that the Chief Financial Officer shall have sufficient time to hear and rule on all first-level appeals, to require that all administrative level petitions and appeals are conducted in good faith, to make technical corrections, including to assure that owners may appeal their real property assessments to the Superior Court, to repeal Chapter 11, and to repeal the sunset of Title I of the Real Property Tax Assessment and Tax Revenue Anticipation Notes Amendment Act of 1997; to amend Title 47 of the District of Columbia Official Code to provide a tax credit for tax year 2002 to certain owner-occupants of residential real property in triennial group 1 to limit the amount of the real property tax to 125% of the real property tax in tax year 2001; to amend the Policemen and Firemen's Retirement and Disability Act to increase the annuity to surviving minor children of deceased police and fire members; to amend the Fiscal Year 2001 Budget Support Act of 2000 to clarify that the changes in survivor benefits mandated by that act shall be retroactive to December 29, 1993; to amend Title 38 of the Fiscal Year 2001 Budget Support Act of 2000 to establish the Adoption Support Fund and to authorize that \$3 million of the \$5 million appropriated by Congress in the District of Columbia Appropriations Act, 2000, for deposit in the fund be used for adoption incentives; to amend the District of Columbia Procurement Practices Act of 1985 to increase the period of Council review of multiyear contracts and contracts in excess of \$1 million; to amend An Act To establish a code of law for the District of Columbia to extend the surcharge on recorded documents at the Recorder of Deeds for an additional 5 years; to amend the Fiscal year 1997 Budget Support Act of 1996 to require the Mayor to provide an annual report to the Council on the number of citations issued to vehicles for hire, and to require the Taxicab Commission to issue quarterly reports to the Council on the number of civil infractions issued by Taxicab Hack Inspectors; to amend the 21st Century Financial Modernization Act of 2000 to clarify that automated teller machines owned or operated by federally-insured national, state, and District of Columbia banks, and federally-insured thrift institutions are not required to be registered under the act; to amend the Insurance Trade Economic Development Amendment Act of 2000 to conform the bases for anti-discrimination provisions to the Human Rights Act of 1977; to amend the Risk Based Capital Act of 1996 to comply with national accreditation standards; to amend the Securities Act of 2000 to clarify the payment structure of filing fees for certain securities; to amend Title 25 of the District of Columbia Official Code to establish the Alcoholic Beverage Regulation Administration Fund, a non-lapsing fund, to fund the expenses of the Alcoholic Beverage Regulation Administration; to amend the Check Cashers Act of 1998 to establish a schedule and fees for examinations of licensees; to amend the Mortgage Lender and Broker Act of 1999 to establish the fees to be paid for the examination, supervision, and regulation of mortgage lenders and mortgage brokers; to amend section 28-4602 of the District of Columbia Official Code to establish the fees to

be paid for registration of consumer credit service organizations that operate in the District of Columbia; to amend subsection 207.2 of Title 29A of the District of Columbia Municipal Regulations to establish the fees to be paid for banking institutions that operate in the District of Columbia; to adopt the Uniform Electronic Transactions Act in the District of Columbia to validate and facilitate the use of electronic records and signatures in commercial transactions and to authorize the Mayor to determine the extent to which District agencies shall utilize and accept electronic records and signatures; to require written consent from natural gas customers to market participants to switch natural gas accounts and service provider, to institute consumer protections for natural gas customers, and to authorize the Public Service Commission to investigate and adjudicate violations; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to prohibit overtime compensation for senior managers in the Metropolitan Police Department and the Fire and Emergency Medical Services Department; to amend the Advisory Commission on Sentencing Establishment Act of 1998 to clarify that the Advisory Commission on Sentencing shall serve as its own personnel authority and to exempt any of its employees hired before the effective date of the Fiscal Year 2002 Budget Support Act of 2001 from the requirement that they be District of Columbia residents; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to authorize the Advisory Commission on Sentencing to appoint 6 persons to the Excepted Service; to require the City Administrator to develop a procedure to determine the cost to the Office of Labor Relations and Collective Bargaining of representing agencies in employee grievance proceedings and to require the Mayor to submit to the Council a proposal for intradistrict charges to be assessed by the Office of Labor Relations and Collective Bargaining to recover its costs for representing agencies in grievance proceedings; to amend Title 47 of the District of Columbia Official Code to make a technical correction to the corporate franchise tax rate; to amend the Choice in Drug Treatment Amendment Act of 2000 to establish the Addiction Recovery Fund as a nonlapsing, revolving fund; to require the Mayor to establish, by contract, a 2-year pilot substance abuse program for youths 16-21 years of age and to require the Addiction Prevention and Recovery Administration to submit a performance report on the program to the Council; to require the Department of Parks and Recreation, in consultation with the Department of Employment Services, to fill vacant positions with qualified TANF recipients; to require Risk Management programs administered by the Mayor, the Department of Mental Health, and the Office of Corporations with respect to its Settlements and Judgments Fund to submit to the Council and Chief Financial Officer a multiyear financial plan detailing the cost of services based on a performance plan for the same fiscal years; to amend Title 47 of the District of Columbia Official Code to require the Mayor, beginning in Fiscal Year 2003, to submit to the Council a program-based budget for the Metropolitan Police



Department, the Department of Health, the Department of Human Services, the Fire and Emergency Medical Services Department, the Department of Motor Vehicles, the District of Columbia Public Schools, and the Department of Public Works, to require the Mayor, beginning with the District of Columbia's Fiscal Year 2004 budget and financial plan, to submit to the Council a program-based budget for all District of Columbia agencies, to allow the Office of Budget and Planning the authority to review all agency program expenditures, including program definitions, activity-based costing of activities and services that comprise programs, estimated direct and indirect program cost allocation assumptions and methodologies, agency performance measures, and agency benchmarks that shall be included in the District of Columbia's budget and financial plan, and to require the determination of the Office of Budget and Planning that an agency budget is a performance-based budget before it is forwarded to the Mayor; to establish the Child Fatality Review Committee to review deaths of children, and to protect the confidentiality of information produced or reviewed by the Child Fatality Review Committee; to amend the District of Columbia Unemployment Compensation Act to conform with the federal requirement to permit the withholding of federal and District income taxes from unemployment compensation benefits at the request of the claimant; to require the Chief Financial Officer to certify to the Council that the Mayor has included in the proposed budget and financial plan the amounts necessary to meet and maintain the local requirements for Maintenance of Effort and Matching funds and that any proposed reprogramming by the Mayor will not affect the amounts necessary to meet and maintain the local requirements for Maintenance of Effort and Matching funds; to clarify the functions transferred from the Department of Consumer and Regulatory Affairs to the Department of Health pursuant to Reorganization Plan No. 4 of 1996 and to establish an agency fund to support the regulatory functions of the Department of Health, to establish the Health Occupations Regulation Fund as a nonlapsing fund to provide funding for the boards established pursuant to the District of Columbia Health Occupations Revision Act to discharge their duties as they relate to the practice of the health professions, to provide the Mayor with the authority to collect fees for services provided by the Public Health Laboratory, and to establish the Public Health Laboratory Fund as a nonlapsing agency fund into which fees collected for services provided by the Public Health Laboratory shall be deposited for the purpose of supporting the laboratory; to amend the Interim Disability Amendment Act of 2000 to require the Mayor to establish a pilot program for Interim Disability Assistance in Fiscal Year 2002, and to require the Mayor to fully fund the Interim Disability Assistance program in Fiscal Year 2003.

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

act may be cited as the "Fiscal Year 2002 Budget Support Act of 2001".

**TITLE I. REPROGRAMMING POLICY**

Sec. 101. Short title.

This title may be cited as the "Reprogramming Policy Act of 2001".

Sec. 102. Section 47-362 of the District of Columbia Official Code is amended by adding a new subsection (e) to read as follows:

"(e)(1) Each of the dollar threshold amounts in § 47-363 shall be adjusted, before October 1, 2001, to reflect the change in the Consumer Price Index for All Urban Consumers, as published by the Bureau of Labor Statistics, from 1980 through 2000. Each amount shall be rounded to the nearest \$10,000."

"(2) Further annual inflation adjustments to the dollar reprogramming threshold amounts shall be computed, based upon the change in the Consumer Price Index for All Urban Consumers, as published by the Bureau of Labor Statistics, using 1980 as a base year, for each calendar year, beginning in 2001, before April 1 of the following calendar year. The annual inflation adjustments shall be rounded to the nearest \$10,000. The annual inflation adjustments computed under this paragraph shall be implemented before July 1 of such following calendar year."

Sec. 103. Fiscal impact statement.

This title does not affect the District of Columbia's budget or financial plan and therefore has no fiscal impact.

**TITLE II. PARAMEDIC AND EMERGENCY MEDICAL TECHNICIAN LATERAL TRANSFER TO FIREFIGHTING**

Sec. 201. Short title.

This title may be cited as the "Paramedic and Emergency Medical Technician Lateral Transfer to Firefighting Amendment Act of 2001".

Sec. 202. (a) Notwithstanding any other law or regulation, the Mayor is authorized to provide for the transfer of Fire and Emergency Medical Services Department personnel holding valid certificates as paramedics or emergency medical technicians to be uniformed firefighters.

(1) Transfer shall be to the firefighter step and class with a rate of pay closest to, but not lower than, the rate of pay earned by the employee prior to transfer.

(2) Transferred employees may elect to participate in the Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Plan Act of 1998, effective September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-901.01 *et seq.*).

(3) Transfer is conditioned on the transferred employee meeting the requirements

for entry-level firefighters, including meeting established medical standards, undergoing a background check, and successfully completing a physical abilities test and the firefighting training program.

(4) Transferred employees are required to meet citizenship requirements set forth by law or regulation.

(5) Maximum age limitations for appointment shall not apply to transferred employees.

(b) The Mayor, pursuant to Title 1 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. 203. Section 12(c) of the Policemen and Firemen's Retirement and Disability Act, approved September 1, 1916 (39 Stat. 718; D.C. Official Code § 5-704), is amended by adding a new paragraph (9) to read as follows:

“(9)(A) Any member who is an officer or member of the District of Columbia Fire and Emergency Medical Services Department who was transferred pursuant to the Paramedic and Emergency Medical Technician Lateral Transfer to Firefighting Amendment Act of 2001, and who elects to, shall be covered by the Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Plan Act of 1998, effective September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-901.01 *et seq.*), and shall receive credit for prior years of service within the District of Columbia Fire and Emergency Medical Services Department as provided in subparagraphs (B), (C), and (D) of this paragraph.

“(B) Solely for the purposes of determining vesting and retirement eligibility, members shall receive credit for prior service with the District of Columbia Fire and Emergency Medical Services Department.

“(C) Members shall be eligible to purchase benefit accrual service for some or all of the time they were employed by the District of Columbia Fire and Emergency Medical Services Department. The member shall deposit to the credit of the District of Columbia Police Officers and Fire Fighters' Retirement Fund an amount that is equal to the dollar increase in the present value of future benefits which results from crediting the prior service. The present value of future benefits shall be calculated on the actuarial assumptions and methods used to calculate the present value of future benefits from section 133(a)(3)(B) of the Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Plan Act of 1998, effective September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-907.03(a)(3)(B)), for the applicable fiscal year. Upon separation from District of Columbia employment for reasons other than retirement, any firefighter who purchased prior service credit shall receive that purchased amount along with any interest credited to the amount. Any firefighter who withdraws the purchased amount and is later reinstated shall not be entitled to this prior service credit until the purchased amount plus interest is again deposited.

“(D) For the purposes of this section, the term "prior service" means any prior service in the District of Columbia Fire and Emergency Medical Services Department, regardless of whether there is a break in service.”.

Sec. 204. Section 401 of the District of Columbia Police and Firemen’s Salary Act of 1958, approved August 1, 1958 (72 Stat. 480; D.C. Official Code § 5-544.01), is amended by adding a new subsection (d) to read as follows:

“(d) For employees transferred pursuant to the Paramedic and Emergency Medical Technician Lateral Transfer to Firefighting Amendment Act of 2001, any continuous prior service with the District of Columbia Fire and Emergency Medical Services Department shall constitute years of continuous service to the District of Columbia for the purposes of this section.”.

Sec. 205. This title shall apply to all persons employed by the District of Columbia Fire and Emergency Medical Services Department holding a valid certificate as a paramedic or emergency medical technician on or after October 1, 2000.

Sec. 206. Fiscal impact statement.

An actuarial study conducted for the Mayor by Milliman & Robertson, Inc., determined the cost of the benefit change to the District of Columbia payment to the District of Columbia Police Officers and Fire Fighters' Retirement Fund to be \$100,000 in Fiscal Year 2002, which is included in the Fiscal Year 2002 budget and financial plan.

### **TITLE III. OFFICE ON ASIAN AND PACIFIC ISLANDER AFFAIRS ESTABLISHMENT**

Sec. 301. Short title.

This title may be cited as the "Office on Asian and Pacific Islander Affairs Establishment Act of 2001".

Sec. 302. The Council finds that:

(1) On September 26, 1995, pursuant to Mayor’s Order 95-119, the District of Columbia Commission on Asian and Pacific Islander Affairs (“Commission”) was established to advise the Mayor and advocate for the interests of the Asian and Pacific Islander communities.

(2) The Commission has worked to:

(A) Improve the delivery of human services;

(B) Increase the number of Asians and Pacific Islanders serving on District of Columbia boards and commissions and working for the District of Columbia government;

(C) Promote positive relations between Asian and Pacific Islanders and

other ethnic groups;

(D) Encourage and support economic development and the historical preservation of Chinatown; and

(E) Provide assistance and support to Asian small businesses.

(3) Since 1986, these communities have grown to include more than 17,000 Asians and Pacific Islanders.

(4) The growth of these communities gives rise to the need for a statutorily established office and commission to:

(A) Advise and assist the District of Columbia government in the development of governmental programs and initiatives to respond to the developing needs of these communities;

(B) Advocate for the needs of these communities;

(C) Serve as an official liaison between the District of Columbia government and these communities; and

(D) Ensure that the residents of these communities have access to necessary public services and facilities.

**Sec. 303. Definitions.**

For the purposes of this act, the term:

(1) "Asian" or "Pacific Islander" means a person whose ancestry is of Asian or Pacific Islander heritage and who resides in the District of Columbia.

(2) "Commission" means the Commission on Asian and Pacific Islander Community Development established by section 305.

(3) "Director" means the Executive Director of the Office on Asian and Pacific Islander Affairs.

(4) "Office" means the Office on Asian and Pacific Islander Affairs established by section 304.

(5) "Services to the Asian and Pacific Islander Communities" means those services designed to provide assistance, including educational programs, health, financial and business assistance, employment and housing programs, public safety, recreational opportunities, community information, transportation services, and referral and counseling services.

**Sec. 304. Establishment of the Office on Asian and Pacific Islander Affairs.**

(a) There is established an Office on Asian and Pacific Islander Affairs ("Office"). The Office shall:

(1) Ensure that a full range of health, education, employment, and social services are available to the Asian and Pacific Islander communities in the District of Columbia; and

(2) Monitor service delivery and make recommendations to the Mayor and the Commission to promote the welfare of the Asian and Pacific Islander communities.

(b) The Office shall be headed by an Executive Director ("Director"), who shall be appointed by the Mayor with the advice and consent of the Council pursuant to section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-632.07(2)(f)). The Director shall be a full-time position, for which annual compensation shall be fixed in accordance with 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.*). The Director shall have such staff as is approved in the District of Columbia appropriations and federal or private grants, and any temporary staff approved by the Office of Budget and Management Systems.

(c) To carry out the purpose of this title, the Director shall:

- (1) Serve as an advocate for the Asian and Pacific Islander communities;
- (2) Assist community organizations and the Commission in developing and submitting grant applications;
- (3) Provide information and technical assistance on programs and services to the Asian and Pacific Islander communities to the Mayor, the Commission, the Council, other District agencies and departments and the community;
- (4) Respond to recommendations and policy statements from the Commission;
- (5) File an annual report on the operation of the Office with the Mayor, the Council, and the Commission;
- (6) Identify areas of need for service or service improvement and bring these areas to the attention of the Mayor and the Commission, with suggestions for meeting these needs, including conducting or funding research and demonstration projects to test the recommendations;
- (7) Carry out the responsibility for assuring necessary control, evaluation, audit, and reporting on programs funded through the Office; and
- (8) Apply for, receive and expend any gifts or grants of money to carry out the duties and responsibilities of the Office in accordance with an act of Congress.

Sec. 305. Establishment of the Commission on Asian and Pacific Islander Community Development.

(a) There is hereby established a Commission on Asian and Pacific Islander Community Development ("Commission") to advise the Mayor, the Council, the Director of the Office on Asian and Pacific Islander Affairs, and the public on the views and needs of the Asian and Pacific Islander communities in the District of Columbia.

(b) The Commission shall consist of 15 public voting members appointed by the Mayor, with the advice and consent of the Council, pursuant to section 2(f) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-632.07(2)(f)). There shall also be 11 *ex-officio* non-voting members, including the following Directors or their designees:

- (1) Department of Employment Services;
- (2) Department of Human Services;
- (3) Department of Health;
- (4) Department of Housing and Community Development;
- (5) Department of Public Works;
- (6) Department of Consumer and Regulatory Affairs;
- (7) Emergency Management Agency;
- (8) Department of Parks and Recreation;
- (9) Superintendent of the Schools of the District of Columbia;
- (10) Chief of the Metropolitan Police Department; and
- (11) Chief of the Fire and Emergency Medical Services Department.

(c) The *ex-officio* members or their designees shall develop and implement policies and programs in their agencies that ensure that the purposes of this act are fulfilled. The *ex-officio* members or their designees shall meet with the Director quarterly, or more as needed, to assist the Director in coordinating plans and policies which are beneficial to the Asian and Pacific Islander communities of the District of Columbia.

(d) Voting members shall be appointed with due consideration for representation from established public, nonprofit, and volunteer community organizations concerned with the Asian and Pacific Islander communities and members of the general public who have given evidence of particular dedication to, and knowledge of the needs of the Asian and Pacific Islander communities.

(e)(1) Voting members of the Commission shall serve terms of 3 years except, that, of the initial members, 5 shall be appointed for a term of 3 years, 5 for a term of 2 years, and 5 for a term of one year. Members may be reappointed but may serve no more than 2 consecutive full terms.

(2) Terms for the initial Commission members shall begin on the date a majority of the members are sworn in, which shall become the anniversary date for all subsequent appointments.

(f) When a vacancy develops on the Commission, the Mayor shall appoint, with the advice and consent of the Council, a successor to fill the unexpired portion of the term, 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 § 1-632.07(2)(f)).

(g) The Mayor shall appoint the chairperson of the Commission.

(h) All members of the Commission shall serve without compensation. Expenses incurred by the Commission or by its individual members, when duly authorized by the Chairperson, shall become an obligation against appropriated District of Columbia and federal funds designated for that purpose.

(i) The Commission shall develop its own rules of procedure.

(j) The Commission shall meet at least every other month. The meetings shall be held in

the District of Columbia and shall be open to the public. A quorum to transact business shall consist of a majority plus one of the voting members.

(k) The Commission shall:

- (1) Serve as an advocate for Asian and Pacific Islander persons in the District of Columbia;
- (2) Review and submit to the Mayor, the Council, the Office on Asian and Pacific Islander Affairs and make available to the public an annual report that includes an analysis of the needs of the Asian and Pacific Islander communities in the District of Columbia;
- (3) Cooperate with federal, state and private agencies concerned with activities pertaining to the Asian and Pacific Islander communities;
- (4) Conduct or participate in public hearings and other forums to determine views of the Asian and Pacific Islander communities and other members of the public on matters affecting health, safety and welfare of the Asian and Pacific Islander communities in the District of Columbia;
- (5) Bring to the attention of the Mayor and the Office cases of neglect, abuse and incidents of bias against members of the Asian and Pacific Islander communities in the administration of the laws of the District of Columbia;
- (6) Review and comment on proposed District and federal legislation, regulations, policies and programs and make policy recommendations on issues affecting the health, safety, and welfare of the Asian and Pacific Islander communities;
- (7) Develop policy and provide continuing review of the planning undertaken by the Office; and
- (8) Make reasonable requests for information necessary to aid the Commission in the discharge of its responsibilities.

Sec. 306. Translations of District publications relating to health, safety and welfare in Chinese, Vietnamese and Korean.

(a) The Mayor shall make available to persons whose primary language of communication is Chinese, Vietnamese, or Korean, a text version translated into these languages of any District of Columbia government published application, informational brochure or pamphlet which is essential to obtain services relating to the health, safety, and welfare of Asian or Pacific Islander residents of the District of Columbia. The Mayor shall by regulation designate, in consultation with the Commission, not later than 60 days after the effective date of this act, the applications, brochures, and pamphlets which shall be translated.

(b) The Mayor shall maintain a statistical record of the distribution and use of the materials that are distributed pursuant to subsection (a) of this section.

(c) The Mayor may issue regulations to implement subsection (a) of this section in accordance with the provisions of 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.*).



Sec. 307. Transition provisions.

(a) The Commission on Asian and Pacific Islander Affairs established pursuant to Mayor's Order 95-119, shall be abolished the later of the date of the:

- (1) Confirmation of the 15<sup>th</sup> public member; or
- (2) Convening of the 2001 Mayor's Town Hall Meeting with the Asian and Pacific Islander communities.

(b) All records, and functions of the Commission on Asian and Pacific Islander Affairs established pursuant to Mayor's Order 95-119, shall be transferred to the Commission on Asian and Pacific Islander Community Development established pursuant to section 305, upon the later of:

- (1) The confirmation of the 15<sup>th</sup> public member; or
- (2) The convening of the 2001 Mayor's Town Hall Meeting with the Asian and Pacific Islander communities.

Sec. 308. Conforming amendment.

Section (2)(f) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-632.07(2)(f)), is amended by adding a new paragraph (12A) to read as follows:

“(12A) The Commission on Asian and Pacific Islander Community Development, established by section 304 of the Office on Asian and Pacific Islander Affairs Establishment Act of 2001.”.

Sec. 309. Fiscal impact statement.

The Fiscal Year 2002 budget and financial plan provides \$206,698 in funding for the Office on Asian and Pacific Islander Affairs.

**TITLE IV. TRANSFER OF THE OFFICE OF POSTSECONDARY EDUCATION, RESEARCH AND ASSISTANCE AND TUITION ASSISTANCE PROGRAM TO THE STATE EDUCATION OFFICE**

Sec. 401. Short title.

This title may be cited as the "State Education Office Act of 2001".

Sec. 402. (a) All positions, personnel, property, records and unexpended balances of appropriations, allocations and other funds available or to be made available to the Office of Postsecondary Education, Research and Assistance and Tuition Assistance Program are hereby transferred to the State Education Office, established by section 2(a) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; 47 DCR 6835), effective July 2000.

(b) All of the functions assigned and authority delegated to the Office of Postsecondary

Education, Research and Assistance and Tuition Assistance Program are hereby transferred to the State Education Office, established by D.C. Law 13-176, effective July 2000.

Sec. 403. Fiscal impact statement.

The transfer of the District of Columbia Tuition Assistance Program from the Office of the Mayor to the State Education Office ("SEO") includes the rollover of \$12 million in remaining FY 2001 funds and the appropriation of \$17 million in new funds in FY 2002. In addition, the transfer of the Office of Postsecondary Education Research and Assistance from the Department of Human Services to the SEO includes the conveyance of \$557,000. Both amounts represent the associated funding for each program. Therefore, there is no negative fiscal impact to the District's overall budget by virtue of this change. In fact, this title has the potential for a positive effect from the consolidation of functions and administrative costs.

**TITLE V. SUMMER SCHOOL WEIGHTED FORMULA**

Sec. 501. Short title.

This title may be cited as the "Summer School Weighting Revision Amendment Act of 2001".

Sec. 502. Section 106 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 § 38-2905), is amended as follows:

(a) The chart in subsection (c) is amended by striking the phrases "+ 0.10" and "\$550" and inserting the phrases "up to +0.17 pro rata" and "up to \$935 pro rata" in their respective places.

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

"(e) The summer school weighting of 0.17 shall apply to DCPS and public charter school students enrolled for at least 6 weeks during the summer following the regular school year. Summer school students enrolled for a lesser period shall be funded for the number of days in that period on a pro rata basis."

Sec. 503. Fiscal impact statement.

The additional funding is included within the FY 2002 proposed Budget. For DCPS, the FY 2002 proposed summer school funding is \$22,093,251, and for Public Charter Schools, the FY 2002 proposed summer school funding is \$2,570,851, which is included in the Fiscal Year 2002 budget and financial plan.

**TITLE VI. TRANSFER OF THE STATE EDUCATION AGENCY-ADULT EDUCATION FUNDING TO THE STATE EDUCATION AGENCY**

Sec. 601. Short title.

This title may be cited as the "State Education Agency-Adult Education Funding Act of 2001".

Sec. 602. All appropriations, allocations, and other funds available or to be made available to the State Education Agency-Adult Education through the University of the District of Columbia shall be transferred to the State Education Agency and used at its discretion for providing educational services for individuals and families in the District.

Sec. 603. The University of the District of Columbia shall designate a distinct funding line item in its budget into which all State Education Agency-Adult Education funding shall be placed.

Sec. 604. Fiscal impact statement.

Because this title institutes an internal policy change that has no material impact on the cost of services provided by the District government, this provision has no fiscal impact.

#### TITLE VII. ESTABLISHMENT OF VETERANS AFFAIRS OFFICE

Sec. 701. Short title.

This title may be cited as the "Office of Veterans Affairs Establishment Act of 2001".

Sec. 702. Definitions.

For the purposes of this title, the term:

(1) "Benefit" means any payment, service, commodity, function, or status, entitlement to which is determined under laws administered by the U.S. Department of Veterans Affairs or by any agency of the District government that affects veterans, their dependents, or their survivors.

(2) "Claim" means an application made pursuant to:

(A) Title 38 of the United States Code, and implementing regulations, for entitlement to U.S. Department of Veterans Affairs benefits, reinstatement, continuation, or increase of benefits, or the defense of a proposed agency adverse action concerning benefits; and

(B) District of Columbia law or regulations for entitlement to benefits, reinstatement, continuation, or increase in benefits, or the defense of proposed agency adverse action concerning benefits.

(3) "Resident of the District" means:

(A) An individual who currently lives in the District of Columbia and has no present intention of moving elsewhere; or

(B) An individual who previously lived in the District, is temporarily absent from the District, and intends to return to live permanently in the District after the

temporary absence.

(4) "Veteran" means any individual who:

(A) Has previously served on active duty in the United States Army, Air Force, Navy, Marine Corps, or Coast Guard, or served as a Merchant Marine between December 7, 1941 and August 15, 1945, has been honorably discharged or relieved from active duty, and has served for a minimum of 2 years, unless:

(i) Earlier release was granted because the individual was wounded or injured in the line of duty and rendered unfit for further service; or

(ii) The individual was released prior to 2 years of active duty for the convenience of the government; and

(B) Is a resident of the District.

Sec. 703. Establishment of the Office of Veterans Affairs; appointment of Director; compensation of Director; organization.

(a) There is established an Office of Veterans Affairs ("Office").

(b) The Mayor shall appoint a Director of the Office with the advice and consent of the Council, pursuant to section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-632.07). The Director shall be responsible for the management and operation of the Office and shall serve at the pleasure of the Mayor.

(c) The Mayor shall fix the compensation of the Director pursuant to Title IX 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 § 1-609.01 *et seq.*).

(d) The Director is authorized to hire staff in the Career Service, consistent with budgetary authorization, as he or she deems necessary to perform the functions of the Office. The Director may engage qualified volunteers in accordance with District law.

(e) The Director shall have authority to delegate to other employees of the Office any of the Director's duties and powers.

Sec. 704. Purposes of the Office of Veterans Affairs.

The primary purpose of the Office is to provide advocacy support, as appropriate, and information services to veterans, their dependents, and their survivors concerning federal and District laws and regulations affecting benefits and claims as defined in this title. The Office shall:

(1) Provide assistance to veterans, their dependents and survivors that augments, and is not be duplicative of, assistance already provided to District residents by other District agencies;

(2) Assist veterans, their dependents and survivors receive all benefits to which they are entitled from the District and federal governments;

(3) In addition to its annual appropriation, endeavor to secure support for its

operations from outside the District government, including the solicitation and receipt of donations, grants, and volunteer services in accordance with District law;

(4) Satisfy the unmet needs of veterans, their dependents and survivors through federal benefits insofar as practicable instead of through District government benefits;

(5) Assist unemployed and under-employed veterans in finding suitable employment;

(6) Partner with federal and state governments, veterans service organizations, community groups, corporations, and other organizations to identify the needs of veterans, their dependents and survivors, and design and implement programs and services to meet these needs;

(7) Educate the public, including District residents and employers, about the rights and needs of veterans, their dependents and survivors;

(8) Obtain recognition of the Office by the U.S. Department of Veterans Affairs as the “State organization” for the District of Columbia;

(9) Employ and train, as needed, individuals who are accredited by the U.S. Department of Veterans Affairs;

(10) Establish a database on veterans, including an archive of DD-214’s and other documents required in the adjudication of veterans’ claims, and linkages with federal databases;

(11) Research the demographics of veterans and analyze their needs and priorities;

(12) Inform and counsel veterans, their dependents and survivors concerning benefits, procedures for filing claims, and status of claims when the Office is assisting in the claims process;

(13) Provide, or assist in securing representation for appeals by veterans, their dependents and survivors to the federal Board of Veterans Appeals;

(14) Liaison with the U.S. Department of Veterans Affairs, other federal agencies, state and local government agencies, community groups, veteran service organizations, other organizations, and individuals to promote veterans issues;

(15) Pursue opportunities through public-private partnerships with veterans service organizations, businesses, labor organizations, religious organizations, private charities, and others to serve veterans more effectively;

(16) In collaboration with the Mayor, initiate, review, and support legislation beneficial to veterans, their dependents, and their survivors;

(17) Propose programs and services that are specific to meet the changing needs of veterans, from all service periods, and their dependents and survivors;

(18) Engage volunteers to assist the Office, including from veterans service organizations and the work-study and work therapy programs of the U.S. Department of Veterans Affairs;

(19) Prepare the Office’s annual budget for use by the Mayor and the District’s

Chief Financial Officer;

(20) Prepare an annual report for the Mayor and the Council on the Office's activities and recommendations;

(21) Monitor and evaluate the quality of services that the District and federal governments furnish to veterans, their dependents and survivors;

(22) In accordance with District law, solicit, receive, and use donations of money and services from individuals and organizations, including funds and services to assist in maintaining and repairing the D.C. Veterans War Memorial and surrounding flora;

(23) Coordinate with and, on request, advise the Mayor and other agencies of the District government concerning veteran-related issues;

(24) At the Mayor's request, represent the District government at veteran-related events and programs; and

(25) Engage in other activities as needed to carry out the purposes of this title.

Sec. 705. Establishment of the Office of Veterans Affairs Fund.

(a) There is established an Office of Veterans Affairs Fund ("Fund") into which monies received from federal payments, grants, donations, and other funds for the Office shall be deposited. The Fund shall be continuing. Revenues deposited into the Fund shall not revert to the General Fund at the end of any fiscal year or at any other time, but shall be continually available to the Office for the purposes and functions described in this title, subject to authorization by Congress in an appropriations act.

(b) The Mayor shall report annually to the Council on the revenues and activities of the Fund.

Sec. 706. Transfers; abolishment.

(a) All positions, property, records, and allocations available or to be made available to the Department of Human Services for the veterans affairs functions set out in Reorganization Plan No. 2 of 1979, effective February 21, 1980, Reorganization Plan No. 3 of 1986, effective January 3, 1987 (part B of subchapter VII of Chapter 15 of Title 1, D.C. Official Code), and Department of Human Services Organization Order No. 169, effective March 2, 1988, are hereby transferred to the Office of Veterans Affairs established by this title.

(b) The Office of Veterans Affairs, established as an organizational component of the Department of Human Services by section IV(a)(2) of Reorganization Plan No. 2 of 1979 (part A of subchapter III of Chapter 15 of Title 1, D.C. Official Code, and Reorganization Plan No. 3 of 1986, is abolished.

Sec. 707. Rulemaking.

In accordance with 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.*), the Mayor is

authorized to promulgate rules and regulations as necessary to implement this title.

Sec. 708. Applicability.

This title shall apply as of October 1, 2001.

Sec. 709. Fiscal impact statement.

The Fiscal Year 2002 proposed operating budget of the Office of Veterans Affairs, as set out in the FY 2002 Proposed Budget and Financial Plan, is \$230,000 in local funds. The Office is newly established and was not operational in FY 2001. The proposed budget supports 3 full-time equivalents (FTEs). Personal services are funded in the amount of \$172,000. Nonpersonal service funds total \$58,000.

TITLE VIII. CONSUMER CREDIT AND MONEY LENDER REORGANIZATION

Sec. 801. Short title.

This title may be cited as the "Consumer Credit and Money Lender Reorganization Act of 2001".

Sec. 802. (a) All positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available to the Department of Consumer and Regulatory Affairs for the operation and implementation of An Act To regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia, approved February 4, 1913 (37 Stat. 657; D.C. Official Code § 26-901 *et seq.*), Chapter 46 of Title 28 of the District of Columbia Official Code, and Chapter 1 of Title 16 of the District of Columbia Municipal Regulations (16 DCMR § 100 *et seq.*), are hereby transferred to the Department of Banking and Financial Institutions, established by section 103 of the 21st Century Financial Modernization Act of 2000, signed by the Mayor on January 26, 2001 (D.C. Act 13-597; 48 DCR 3244).

(b) All of the functions assigned and authority delegated to the Department of Consumer and Regulatory Affairs concerning An Act To regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia, approved February 4, 1913 (37 Stat. 657; D.C. Official Code § 26-901 *et seq.*), Chapter 46 of Title 28 of the District of Columbia Official Code, and Chapter 1 of Title 16 of the District of Columbia Municipal Regulations (16 DCMR § 100 *et seq.*), are hereby transferred to the Department of Banking and Financial Institutions, established by section 103 of the 21st Century Financial Modernization Act of 2000, signed by the Mayor on January 26, 2001 (D.C. Act 13-597; 48 DCR 3244).

Sec. 803. Fiscal impact statement.

Because this title institutes an internal policy change that has no material impact on the cost of services provided by the District government and has no effect on General Fund revenue, this provision has no fiscal impact. There are modest costs that are associated with the transfer of records and personnel, but they will be absorbed in the Fiscal Year 2002 budget and financial plan.

TITLE IX. DECEASED REMAINS PRIORITY CLAIM CLARIFICATION

Sec. 901. Short title.

This title may be cited as the "Funeral Services Regulatory Amendment Act of 2001".

Sec. 902. The District of Columbia Funeral Services Regulatory Act of 1984, effective May 22, 1984 (D.C. Law 5-84; D.C. Official Code § 3-401 *et seq.*), is amended as follows:

(a) Section 14(a) (D.C. Official Code § 3-413(a)) is amended to read as follows:

“(a) Unless other directions have been given by the decedent, the right to control the disposition of the remains of a deceased person, the location and conditions of interment, and arrangements for funeral goods and services shall vest in the following in the order of priority named:

“(1) The competent surviving spouse, or domestic partner, as defined under section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3));

“(2) The sole surviving competent adult child of the decedent, or if there is more than one competent child of the decedent, the majority of the surviving competent adult children; provided, that less than a majority of the surviving competent adult children shall be vested with the rights and duties under this section if they have used reasonable efforts to notify all other surviving competent adult children of their instructions and are not aware of any opposition to those instructions by more than a majority of all surviving competent adult children;

“(3) The surviving competent parent or parents of the decedent; provided, that if one of the surviving competent parents is absent, the remaining competent parent shall be vested with the rights and duties under this section if reasonable efforts to locate the other parent are unsuccessful;

“(4) The surviving competent adult person in the next degrees of kindred; provided, that if there is more than one surviving competent adult person of the same degree of kindred, the rights and duties under this section shall be vested in the majority of those persons; provided further, that less than the majority of surviving competent adult persons of the same degree of kindred shall be vested with the rights and duties of this section if those persons have used reasonable efforts to notify all other surviving competent adult persons of the same degree of kindred of their instructions and are not aware of any opposition to those instructions by more than a majority of all surviving competent adult persons of the same degree of kindred; and



“(5) An adult friend or volunteer.”.

(b) A new section 14a is added to read as follows:

“Sec. 14a. Disputes.

“Disputes concerning the rights to the control or the disposition of the remains of a deceased person shall be resolved by a court of competent jurisdiction. In resolving a dispute, the court shall consider the following factors:

“(1) The reasonableness, practicality, and resources available for payment for the proposed arrangements and final disposition;

“(2) The degree of the personal relationship between the decedent and each of the persons in the same degree of relationship to the decedent;

“(3) The expressed wishes and directions of the decedent and the extent to which the decedent has provided resources for the purpose of carrying out those wishes or directions; and

“(4) The degree to which the arrangements and final disposition will allow for participation by all who wish to pay respect to the decedent.”.

(c) A new section 22a is added to read as follows:

“Sec. 22a. Rules.

“The Mayor may promulgate rules consistent with this act.”.

Sec. 903. Fiscal impact statement.

Because this title institutes an internal policy change that has no material impact on the cost of services provided by the District government and has no effect on General Fund revenue, this provision has no fiscal impact.

## TITLE X. FIRE/EMS EXCEPTED SERVICE DESIGNATION

Sec. 1001. Short title.

This title may be cited as the "Fire/EMS Excepted Service Designation Amendment Act of 2001".

Sec. 1002. Section 903(a)(2) 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 § 1-609.03(a)(2)), is amended as follows:

(a) Strike the semicolon at the end and insert a period in its place.

(b) Add a new sentence at the end to read as follows:

“In addition to the 220 Excepted Service positions, and notwithstanding any other law or regulation, the Chief of the Fire and Emergency Medical Services Department may designate up to 11 positions as Excepted Service policy positions, no more than 4 of which may be filled by sworn members;”.

Sec. 1003. Fiscal impact statement.

The title has no fiscal impact because the funding for the Excepted Service positions is included in the department's Fiscal Year 2002 budget.

TITLE XI. INDUSTRIAL REVENUE BOND SPECIAL ACCOUNT

Sec. 1101. Short title.

This title may be cited as the "Industrial Revenue Bond Special Account Amendment Act of 2001".

Sec. 1102. Sections 47-340.21 through 47-340.23 of the District of Columbia Official Code are amended to read as follows:

"§ 47-340.21. Deposit of proceeds.

"Program fees and the earnings thereon authorized under § 47-340.20 shall be deposited in the industrial revenue bond special account established under § 47-131(c)(4).

"§ 47-340.22. Allocation of funds.

"Funds credited to the industrial revenue bond special account established under § 47-131(c)(4) shall be allocated for each fiscal year to the Office of the Deputy Mayor for Planning and Economic Development or, for Fiscal Year 2002, for economic development programs or initiatives in other District agencies in an amount equal to the program fees paid and the earnings that have accrued, and the program fees expected to be paid and the earnings that are expected to accrue, during the immediately preceding fiscal year, plus any other funds remaining in the account; provided, that funds which are credited to the special account but which are not designated for expenditure under an approved spending plan under § 47-340.23 by the beginning of the fiscal year shall become part of the local funds within the General Fund.

"§ 47-340.23. Use of funds allocated.

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

Sec. 1103. Fiscal impact statement.

This title will have no negative fiscal impact and is consistent with the Fiscal Year 2002 budget and financial plan. The provisions in this section make clarifying and technical changes to the industrial revenue bond special account and do not require actions for which funds are not already allocated.

TITLE XII. DISTRICT OF COLUMBIA GOVERNMENT EMPLOYEES  
DISABILITY COMPENSATION REORGANIZATION

Sec. 1201. Short title.

This title may be cited as the "District of Columbia Government Employees Disability Compensation Reorganization and Amendment Act of 2001".

Sec. 1202. (a) All of the powers, duties and functions authorized by Title XXIII 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 § 1-623.01 *et seq.*), as set forth in Part C, section III of Reorganization Plan No. 3 of 1980, effective January 10, 1981, except for the disability compensation formal hearing and administrative appeal functions which shall remain in the Labor Standards Bureau of the Department of Employment Services, are hereby transferred to the Office of Personnel, established pursuant to Mayor's Order 79-84, effective May 10, 1979.

(b) All property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available to the Department of Employment Services for the administration and operation of the disability compensation program for District government employees authorized by Title XXIII 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 § 1-623.01 *et seq.*), and set forth in Part C, section III of Reorganization Plan No. 3 of 1980, effective January 10, 1981, except for the disability compensation formal hearing and administrative appeal functions, which shall remain in the Labor Standards Bureau of the Department of Employment Services, are hereby transferred to the Office of Personnel, established pursuant to Mayor's Order 79-84, effective May 10, 1979.

(c) The Office of Personnel shall pay the Department of Employment Services for the cost of disability compensation hearing and administrative appeal functions, pursuant to an assessment by the Department of Employment Services.

Sec. 1203. Title XXIII 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 § 1-623.01 *et seq.*), is amended as follows:

(a) Section 2301(t) (D.C. Official Code § 1-623.01(20)) is repealed.

(b) New sections 2302a and 2302b are added to read as follows:

"Sec. 2302a. Administration.

"The Mayor shall administer and decide all questions arising under this act. The Mayor may delegate to the Director of Personnel any of the powers conferred on him or her by this act, except disability compensation hearings and adjudication powers, pursuant to section 2328, which shall be exercised by the Director of the Department of Employment Services.

"Sec. 2302b. Functions – Disability Compensation.

“The functions of the program shall be to:

- “(1) Establish appropriate systems and procedures for the reporting of occupational accidents and illnesses;
  - “(2) Maintain and analyze records of all occupational accidents and illnesses occurring within agencies;
  - “(3) Study safety problems and recommend actions to correct undesirable conditions or unsafe practices;
  - “(4) Monitor and evaluate adequacy and effectiveness of safety procedures and practices of District agencies through inspection;
  - “(5) Make determinations and awards for, or against payment of compensation under this act;
  - “(6) Pay compensation to employees for work related disability or death resulting from personal injury sustained in the performance of their duty, as specified in this section;
  - “(7) Conduct promotional campaigns to stimulate employees’ interest in accident prevention and to train and motivate supervisors in accident prevention concepts, practices and techniques;
  - “(8) Develop and maintain working agreements with designated physicians and other public or private organizations, as required; and
  - “(9) Monitor the adequacy and effectiveness of medical services under this section, and develop guidelines for the determination of disabilities and professional fees.”.
- (c) Section 2304(a) (D.C. Official Code § 1-623.04(a)) is amended by striking the phrase “may direct a permanently” and inserting the phrase “shall direct a permanently or temporarily” in its place.
- (d) Section 2306(b) (D.C. Official Code § 1-623.06(b)) is amended by striking the phrase “may require a partially disabled employee” and inserting the phrase “shall require each employee” in its place.
- (e) Section 2324 (D.C. Official Code § 1-623.24) is amended as follows:
- (1) Subsection (b)(1) is amended as follows:
    - (A) Strike the phrase “before a representative of the Mayor” in the first sentence and insert the phrase “before a Department of Employment Services Disability Compensation Administrative Law Judge” in its place.
    - (B) Strike the phrase “Benefits Administration Office of the Department of Employment Services” in the last sentence and insert the phrase “Office of Personnel” in its place.
  - (2) Subsection (d) is amended as follows:
    - (A) Strike the phrase “Mayor or his or her designee” in the third sentence and insert the phrase “Director of the Department of Employment Services” in its place.
    - (B) Strike the phrase “Benefits Administration Office of the Department

of Employment Services” in the third sentence and insert the phrase “Office of Personnel” in its place.

(f) Section 2328(a) (D.C. Official Code § 1-623.28(a)) is amended as follows:

(1) Add the phrase “of the Department of Employment Services” after the word “Director”.

(2) Strike the phrase “Benefits Administration Office of the Department of Employment Services” and insert the phrase “Office of Personnel” in its place.

(g) Section 2340 (D.C. Official Code § 1-623.40) is repealed.

(h) Section 2344 (D.C. Official Code § 1-623.44) is amended by striking the second sentence.

(i) Section 2345 (D.C. Official Code § 1-623.45) is amended as follows:

(1) Subsection (b)(1) and (2) are amended by striking the phrase “two (2) years” and inserting the phrase “one (1) year” in its place.

(2) Subsection (c) is amended by striking the phrase “less than full-duty status” and inserting the phrase “full-duty or part-time status” in its place.

(j) A new section 2347 is added to read as follows:

"Sec. 2347. Modified work program.

"(a) On a monitored, progressive basis, the Mayor may direct temporarily or partially disabled employees to participate in a modified work program designed to provide consistent and appropriate assistance to employees to return to work quickly and safely.

"(b) Agencies shall provide employees who sustain an injury during the course of their employment with a modified duty assignment, if available.

"(c) The modified duty assignment shall be temporary. The modified duty assignment may have a minimum duration of two (2) basic nonovertime workdays, as that term is defined in section 1201, and a maximum duration of ninety (90) calendar days. For those employees whose basic nonovertime workday may exceed eight (8) hours such as police officers or firefighters, the basic nonovertime workday shall be the shift, or tour of duty, worked on a regularly recurring basis for the three (3) months immediately preceding the injury.

"(d) An employee who is able to perform the duties of his or her pre-injury position during the modified duty assignment period shall be entitled to receive compensation at the same rate of pay as received prior to the injury.

"(e) An employee who is not able to perform the full scope of duties of his or her pre-injury position shall receive a modified rate of compensation closest to the rate prior to the injury, without exceeding it. A partial disability benefit shall be applied if appropriate, at the rate of sixty-six and two-thirds (66 2/3) percent difference between the pre-disability rate and the modified duty rate.

"(f) The pre-injury rate of pay shall not be exceeded during the modified duty assignment.

"(g) The District of Columbia government shall attempt to place injured employees

within their pre-injury agency, or within another agency when modified work assignments are not available within the pre-injury agency.

“(h) Employees shall have the appropriate medical release from their treating physician to perform modified duty. The essential job functions of the modified work assignment shall be clearly described. The medical release shall include any specified restrictions and their anticipated duration.

“(i) Disabled employees who are offered a modified duty assignment and elect not to accept the modified duty assignment shall forfeit any further disability compensation benefits.”.

Sec. 1204. 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.*), shall issue rules to implement the provisions of this title.

Sec. 1205. Fiscal impact statement.

This title transfers the administration and operations of the Disability Compensation program for District government employees from the Department of Employment Services to the District Office of Personnel. Because this title institutes an internal policy change that has no material impact on the cost of services provided by the District of Columbia and has no effect on General Fund revenue, this provision has no fiscal impact. There are modest costs for the physical transfer of records and personnel, but they will be absorbed in the FY 2002 budget.

TITLE XIII. NATIONAL CAPITAL REVITALIZATION CORPORATION

Sec. 1301. Short title.

This title may be cited as the "National Capital Revitalization Corporation Amendment Act of 2001".

Sec. 1302. Section 14 of the National Capital Revitalization Corporation Act of 1998, effective September 11, 1998 (D.C. Law 12-144; D.C. Official Code § 2-1219.13), is amended as follows:

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

(1) Strike the phrase "Not later than April 1st of each year, the Corporation shall submit a report" and insert the phrase "Not later than April 1 of each year, beginning in 2002, the Corporation shall submit an annual report" in its place.

(2) Strike the sentence "The Council Committee on Economic Development shall hold a hearing and initiate a review process of the operations of the Corporation." and insert the sentence "The annual report which shall be submitted by April 1, 2002, shall, for all aspects of the report, report on the period beginning on the date of the initial meeting of the Board and

ending on the last day of the prior fiscal year." in its place.

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

"(d) The Corporation shall submit to the Mayor annually the budget of the Corporation for its next fiscal year, approved by the Board, for inclusion in the annual budget that the Mayor is required to submit to the Council pursuant to section 442 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 898; D.C. Official Code § 1-204.42)."

Sec. 1303. Fiscal impact statement.

This title will have no negative fiscal impact. The provisions amend the timing of certain actions required of the National Capital Revitalization Corporation, and they do not require additional action on the part of the National Capital Revitalization Corporation.

#### TITLE XIV. PUBLIC ACCESS CORPORATION BUDGET REVIEW

Sec. 1401. Short title.

This title may be cited as the "Public Access Corporation Budget Review Amendment Act of 2001".

Sec. 1402. Section 30(d) of the Cable Television Communications Act of 1981, effective October 21, 1983 (D.C. Law 5-36; D.C. Official Code § 34-1229(d)), is amended by adding a new paragraph (4A) to read as follows:

"(4A) The bylaws of the Public Access Corporation shall include a requirement that the Corporation submit to the Mayor the budget of the Public Access Corporation for its next fiscal year, approved by the Board, for inclusion in the annual budget that the Mayor is required to submit to the Council pursuant to section 442 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 898; D.C. Official Code § 1-204.42). The Public Access Corporation shall submit to the Mayor annually the budget of the Public Access Corporation for its next fiscal year, approved by the Board, for inclusion in the annual budget that the Mayor is required to submit to the Council pursuant to section 442 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 898; D.C. Official Code § 1-204.42)."

Sec. 1403. Fiscal impact statement.

This title will have no negative fiscal impact on the District of Columbia. The provisions amend the timing of an action required of the Public Access Corporation, and they do not require additional action on the part of the Public Access Corporation for which funds are not budgeted.

#### TITLE XV. CRIMINAL JUSTICE COORDINATING COUNCIL FOR THE DISTRICT OF COLUMBIA

Sec. 1501. Short title.

This title may be cited as the "Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001".

**Sec. 1502. Definitions.**

For the purposes of this title, the term:

(1) "Criminal Justice Coordinating Council" or "CJCC" means the Criminal Justice Coordinating Council for the District of Columbia that was established by and has been operating pursuant to the Memorandum of Agreement dated May 28, 1998.

(2) "Independent agency" shall have the meaning provided that term 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)).

**Sec. 1503. Establishment of the Criminal Justice Coordinating Council.**

There is established as an independent agency within the District of Columbia government the Criminal Justice Coordinating Council.

**Sec. 1504. Membership.**

(a) The Criminal Justice Coordinating Council shall include the following members:

- (1) Mayor, District of Columbia (Chair);
- (2) Chairman, Council of the District of Columbia;
- (3) Chairperson, Judiciary Committee, Council of the District of Columbia;
- (4) Chief Judge, Superior Court of the District of Columbia;
- (5) Chief, Metropolitan Police Department;
- (6) Director, District of Columbia Department of Corrections;
- (7) Corporation Counsel for the District of Columbia;
- (8) Director, Department of Human Services' Youth Services Administration;
- (9) Director, Public Defender Service;
- (10) Director, Pretrial Services Agency;
- (11) Director, Court Services and Offender Supervision Agency;
- (12) United States Attorney for the District of Columbia;
- (13) District of Columbia Corrections Trustee;
- (14) Director, Federal Bureau of Prisons;
- (15) Chair, United States Parole Commission;
- (16) Chair, District of Columbia Financial Responsibility and Management

Assistance Authority ("Authority"); and

- (17) Board Member for Public Safety, Authority.

(b) Membership of the Authority members shall expire upon the dissolution of the Authority.



Sec. 1505. Duties.

(a) The Criminal Justice Coordinating Council shall:

(1) Make recommendations concerning the coordination of the activities and the mobilization of the resources of the member agencies in improving public safety in, and the criminal justice system of, the District of Columbia;

(2) Cooperate with and support the member agencies in carrying out the purposes of the CJCC;

(3) Define and analyze issues and procedures in the criminal justice system, identify alternative solutions, and make recommendations for improvements and changes in the programs of the criminal justice system;

(4) Receive information from, and give assistance to, other District of Columbia agencies concerned with, or affected by, issues of public safety and the criminal justice system;

(5) Make recommendations regarding systematic operational and infrastructural matters as are believed necessary to improve public safety in District of Columbia and federal criminal justice agencies;

(6) Advise and work collaboratively with the Office of the Deputy Mayor for Public Safety and Justice, Justice Grants Administration in developing justice planning documents and allocating grant funds;

(7) Select ex-officio members to participate in Criminal Justice Coordinating Council planning sessions and subcommittees as necessary to meet the organization's goals;

(8) Establish measurable goals and objectives for reform initiatives; and

(b) The CJCC shall also report, on an annual basis, on the status and progress of the goals and objectives referenced in subsection (a)(8) of this section, including any recommendations made by the CJCC and its subcommittees to the membership of the CJCC, the public, the Mayor, and the Council. The report shall be submitted to the Mayor and the Council within 90 days after the end of each fiscal year and shall be the subject of a public hearing before the Council during the annual budget process. The CJCC's budget and future funding requests shall also be the subject of a hearing before the Council during the annual budget process.

Sec. 1506. Administrative support.

(a) There are authorized such funds as may be necessary to support the CJCC.

(b) The CJCC is authorized to hire staff and to obtain appropriate office space, equipment, materials, and services necessary to carry out its responsibilities.

(c) The CJCC shall serve as the personnel authority for all employees of the CJCC. The CJCC shall exercise this authority consistent with the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1978 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*).

(d) The CJCC may exercise procurement authority to carry out the responsibilities of the CJCC, including contracting and contract oversight. the CJCC shall exercise this authority

consistent with the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*), except with regard to the powers and duties outlined in section 105(a), (b), (c), and (e) of that act (D.C. Official Code § 1-1181.05(a), (b), (c), and (e)).

Sec. 1507. Conforming amendments.

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

(1) Section 406(b)(D.C. Official Code §1-604.06(b)) is amended as follows:

(A) Paragraph (17) is amended by striking the word "and" at the end.

(B) Paragraph (18) is amended by striking the period at the end and inserting the phrase "; and" in its place.

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

"(19) For employees of the Criminal Justice Coordinating Council, the personnel authority is the Criminal Justice Coordinating Council."

(2) Section 903(a) (D.C. Official Code § 1-609.03(a)) is amended by adding a new paragraph (6B) to read as follows:

"(6B) All employees of the Criminal Justice Coordinating Council, who shall report directly to the Executive Director or to the Chairman of the Criminal Justice Coordinating Council."

(b) Section 320 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-303.20), is amended by adding a new subsection (p) to read as follows:

"(p) Notwithstanding section 105(a), (b), (c), and (e), the Criminal Justice Coordinating Council shall exercise procurement authority to carry out its purposes, including contracting and contract oversight, consistent with the other provisions of this act."

Sec. 1508. Fiscal impact statement.

The Fiscal Year 2002 budget provides \$169,000 in local funds to support the Criminal Justice Coordinating Council.

TITLE XVI. SPORTS AND ENTERTAINMENT COMMISSION CAPITAL IMPROVEMENTS

Sec. 1601. Short title.

This title may be cited as the "Sports and Entertainment Commission Capital Improvements Amendment Act of 2001".

Sec. 1602. Section 11 of the Omnibus Sports Consolidation Act of 1994, effective

August 23, 1994 (D.C. Law 10-152; D.C. Official Code § 3-1410), is amended by adding a new subsection (d) to read as follows:

"(d) On or before the date that the Mayor is required to submit the annual budget pursuant to section 442 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 898; D.C. Official Code § 1-204.42), the Sports and Entertainment Commission shall submit to the Council annually a long-term analysis of necessary or useful capital improvements to the facilities operated by the Commission and a detailed long-term plan setting forth a timetable and sources of funding for the capital improvements. The analysis and the plan shall be approved by the Board."

Sec. 1603. Fiscal impact statement.

This title will have no negative fiscal impact on the District of Columbia. Although the requirements contained in the title may entail expenditures of approximately \$50,000 per year by the Sports and Entertainment Commission, the Sports and Entertainment Commission receives no local funding and has sufficient other funds for this purpose.

TITLE XVII. HIGHWAY TRUST FUND

Sec. 1701. Short title.

This title may be cited as the "Highway Trust Fund Amendment Act of 2001".

Sec. 1702. Section 102 of the Highway Trust Fund Establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-184; D.C. Official Code § 9-111.01), is amended as follows:

(a) Subsection (b) is amended by striking the phrase "The monies" and inserting the phrase "Except as provided in subsection (e) of this section, the monies" in its place.

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

"(e) Any excess monies remaining in the Fund after the requirements of section 3 of the Highway Relief Act have been met and remaining balances not necessary for the purposes outlined in Title 23 of the United States Code, based on the 6-year projected trust fund performance, shall be deposited in the Local Roads Construction and Maintenance Fund established by section 102a and used exclusively for the purposes provided therein."

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

"Sec. 102a. Local Roads Construction and Maintenance Fund.

"(a) There is established the Local Roads Construction and Maintenance Fund ("Maintenance Fund"), which shall be separate from the General Fund of the District of Columbia. All revenue derived from the collection of the public rights-of-way user fees, charges, and penalties, established pursuant to section 502 of the Fiscal Year 2001 Budget Support Act of 2000, effective October 19, 2000 (D.C. Law 13-172; 24 DCMR §§ 3302.8 through 3302.10), or any other regulations, all other revenues authorized to be collected by Department of Public Works' Division of Transportation, and all excess monies in the District of Columbia Highway

Trust Fund pursuant to section 102(e) shall be deposited into the Maintenance Fund without regard to fiscal year limitation, pursuant to an act of Congress.

"(b) Fees deposited into the Maintenance Fund shall not revert to the General Fund of the District of Columbia at the end of any fiscal year or at any other time, but shall be continually available exclusively for the renovation, repair, and maintenance of local transportation infrastructure including streets, alleys, sidewalks, curbs, gutters and streetlights that are not eligible for federal aid."

Sec. 1703. Budget submission-- Division of Transportation of the Department of Public Works.

(a) In the budget which the Mayor is required to submit to the Council each year, the Mayor shall provide sufficient revenues or funds for the operation and administration of the Division of Transportation of the Department of Public Works. The budgeted revenues or funds shall not include any funds which have been or will be deposited in the Local Roads Construction and Maintenance Fund pursuant to section 102 of the Highway Trust Fund Establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-184; D.C. Official Code § 9-111.01).

(b) In FY 2002, \$28,580,000 in local appropriations shall be used for the operation and administration expenses of the Division of Transportation of the Department of Public Works.

(c) In FY 2002, not more than \$18 million may be taken from the rights-of way fees to be used for operation and administration expenses for the Division of Transportation of the Department of Public Works with all remaining rights-of-way fees dedicated to section 102a of Highway Trust Fund Establishment Act of 1996, passed on second reading on June 5, 2001 (Enrolled version of Bill 14-144).

Sec. 1704. Reporting requirements.

(a) On November 1st of each year, the Mayor shall submit to the Council a report on all Highway Trust Fund and Local Roads Construction and Maintenance Fund expenditures for the previous fiscal year. The report shall include, but not be limited to, the following:

(1) The number and location of each street, alley, sidewalk, curb, gutter and streetlight renovated, repaired, or maintained during the past fiscal year; and

(2) The amount of the expenditure for each project.

(b) On February 1st of each year, the Mayor shall submit to the Council a plan for the use of all funds in the Highway Trust Fund and Local Roads Construction and Maintenance Fund for the upcoming fiscal year.

Sec. 1705. Fiscal impact statement.

This title will have no fiscal impact on the FY 2002 Budget or Financial Plan. The title creates a Local Roads Construction and Maintenance Fund ("Maintenance Fund") within the

District's existing Highway Trust Fund. It directs that all revenue derived from the collection of public rights-of-way user fees, charges, penalties, regulations, other revenues authorized to be collected and all excess monies in the Highway Trust Fund be deposited into the Maintenance Fund without regard to fiscal year limitation, pursuant to an act of Congress. The title also requires that future budgets submitted for the operations and administration of the District Division of Transportation come from local appropriations.

**TITLE XVIII. APPRENTICESHIP COUNCIL BUDGET REALLOCATION**

Sec. 1801. Short title.

This title may be cited as the "Apprenticeship Council Budget Reallocation Act of 2001".

Sec. 1802. The \$500,000 allocated to the Department of Employment Services for Reverse Commute Transportation Services shall be reallocated to the Apprenticeship Council, which had an original budget of \$430,000, for a total budget of \$930,000. This additional \$500,000 shall be used for transportation and other costs associated with expanding apprenticeship programs for District residents.

Sec. 1803. Fiscal impact statement.

There will be no fiscal impact as a result of this change since it simply specifies a use for \$500,000, which has been allocated to the Department of Employment Services for use in providing transportation opportunities to District residents participating in area apprenticeship programs.

**TITLE XIX. EXPANSION OF ELIGIBILITY FOR MEDICAID**

Sec. 1901. Short title.

This title may be cited as the "Medicaid Eligibility Expansion Act of 2001".

Sec. 1902. Medicaid eligibility expansion.

(a) In Fiscal Year 2002, contingent upon approval of a waiver by the federal Health Care Financing Administration, the Mayor shall establish a program to expand eligibility for Medicaid to cover adults 19-27 years of age, without dependent children and with annual incomes no greater than 50% of the federal poverty level, adults 50-64 years of age, without dependent children and with annual incomes no greater than 100% of the federal poverty level, and persons who test positive for the Human Immunodeficiency Virus ("HIV"), regardless of age, whose annual incomes are no greater than 100% of the federal poverty level and who are not eligible for or enrolled in Medicare or other health insurance plans.

(b) The Mayor shall provide medical assistance to eligible residents described in subsection (a) of this section by contracting with managed care providers and the District of

Columbia Health and Hospitals Public Benefit Corporation, or its successor, on a capitated payment basis.

(c) The funding for this expansion of Medicaid eligibility shall be derived from new local and federal funds by technical corrections to the Disproportionate Share adjustment paid to hospitals.

Sec. 1903. Fiscal impact statement.

The Fiscal Year 2002 budget and financial plan provides \$5.2 million to fund this program. The following table provides a complete break out of the enrollment expansions for Fiscal Year 2002 and the costs and the projected level of enrollees per expansion of coverage.

Age of Expansion Group	% of Poverty	Projected # of Enrollees	District Share	Federal Share	Total Cost
19 -27	< 50%	3,200	\$2,250,000	\$5,250,000	\$7,500,000
50-64	< 50%	1,216	\$1,830,000	\$4,270,000	\$6,100,000
50-64	< 100%	800	\$1,200,000	\$2,800,000	\$4,000,000
<i>Totals</i>		<i>5,216</i>	<i>\$5,280,000*</i>	<i>\$12,320,000</i>	<i>\$17,600,000</i>

\*According to the Department of Health, the \$5.2 million in local funding is comprised of \$3.8 million in local DSH dollars and \$1.4 million in local general fund dollars.

TITLE XX. REAL PROPERTY TAX ASSESSMENT TRANSITION AND OWNER-OCCUPANT RESIDENTIAL TAX CREDIT

SUBTITLE A. REAL PROPERTY TAX ASSESSMENT TRANSITION

Sec. 2001. This subtitle may be cited as the "Real Property Tax Assessment Transition Act of 2001".

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

(a) The table of contents for the title is amended by striking the chapter designation "Chapter 11. Family Dwellings Occupied by Owners." and inserting the chapter designation "Chapter 11. Repealed." in its place.

(b) The table of contents for Chapter 8 is amended by striking the section designation "§ 47-874. Mayor to issue rules; review." and inserting the section designation "§ 47-874. Regulations." in its place.

(c) Section 47-815 is amended by adding a new subsection (b-1) to read as follows:

“(b-1) If the Council establishes the real property tax rates and real property special tax rates as a sum under § 47-812, the Chief Financial Officer shall determine and publish in the District of Columbia Register before September 16th of each preceding tax year the real property special tax rates to be applied, during the tax year, to the classes of real property set forth in § 47-813.”.

(d) Section 47-820 is amended as follows:

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

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

“(1) The assessed value of all real property as of the valuation date shall be listed annually on the estimated assessment roll for real property taxation purposes.”.

(B) Paragraph (2) is repealed.

(C) Paragraph (3) is amended by striking the phrase “January 1st of the year preceding the tax year” and inserting the phrase “the valuation date” in its place.

(2) Subsection (b) is amended by striking the phrase “subsection (b-1)” and inserting the phrase “subsections (b-1) and (b-2)” in its place.

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

(A) Subparagraphs (D), (E), (G), and (H) are amended by striking the word “property” wherever it appears and inserting phrase “real property” in its place.

(B) Subparagraph (F) is amended by striking the phrase “real property” and inserting the phrase “real property, unless the change in classification is in furtherance of § 47-813(c-4) due to the merge of former classes into a single class by operation of law” in its place.

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

“(b-2) Notwithstanding subsection (b-1) of this section, for real property tax year 2002 and for each tax year thereafter, all real property which has completed its first 3-year cycle shall thereafter be revalued annually to determine its assessed value as of the valuation date. The assessed value of the real property revalued under this subsection shall not be phased in and the tax rate shall be applied to the assessed value for purposes of the tax year’s levy.”.

(5) Subsections (c), (d), (e), and (f) are repealed.

(e) Section 47-824(b) is amended as follows:

(1) Paragraph (2)(A) is amended by striking the word “property” and inserting the phrase “real property” in its place.

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

(A) Subparagraph (A) is amended by striking the phrase “use,”.

(B) Subparagraph (B) is amended by striking the phrase “of the land and improvements (shown separately and in total) of the property” and inserting the phrase “of the real property” in its place.

(C) Subparagraph (D) is amended by striking the phrase “The phased-in” and inserting the phrase “Except when revalued under § 47-820(b-2), the phased-in” in its place.

(D) Subparagraphs (E), (G), and (H) are repealed.

(E) Subparagraph (I) is amended to read as follows:

“(I) Unless published on the Internet or made available in writing to anyone who requests it from the Office of Tax and Revenue, an explanation of all special benefits, incentives, or deductions which relate to real property taxes.”.

(3) Paragraph (4) is amended by striking the phrase “before September 2 in lieu of April 2.” and inserting the phrase “within 30 days after the date the delayed notice is mailed in lieu of April 2.” in its place.

(f) Section 47-825.01 is amended as follows:

(1) Subsection (f-1) is amended as follows:

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

“(1A) An owner or new owner of real property revalued under § 47-820(b-2) may petition for an administrative review of, and appeal to the Board, the real property’s proposed assessed value or classification that shall be in effect for the tax year at issue in the same manner and to the same extent as an owner or new owner under paragraph (1) of this subsection. The petition or appeal filed under authority of this paragraph shall be deemed to have been filed under paragraph (1) of this subsection.”.

(B) Paragraph (2) is amended by striking the phrase “October 1” and inserting the phrase “October 1; provided, that if a delayed notice is issued under § 47-824(b)(4), September 2 and October 16 shall be substituted for August 2 and October 1, respectively” in its place.

(C) Paragraph (3) is amended by striking the word “petition” and inserting the phrase “good faith petition” in its place.

(2) Subsection (f-2) is repealed.

(3) Subsection (j-1) is amended as follows:

(A) Strike the phrase “before October 1 of the tax year for which the proposed assessed value or classification is in effect” and insert the phrase “before October 1 of the next succeeding tax year” in its place.

(B) Strike the phrase “(1) the owner shall have first appealed the proposed assessed value or classification to the Board” and insert the phrase “(1) the owner shall have first appealed in good faith the assessed value or classification to the Board immediately preceding the appeal to the Superior Court” in its place.

(C) Strike the phrase “an appeal to the Board, may, before October 1 of the next succeeding tax year in which the proposed assessed value or classification is in effect” and insert the phrase “a good faith appeal to the Board, may, before October 1 of the next 2 succeeding tax years” in its place.

(g) Section 47-830(c-1)(3)(A) is amended by striking the word “between” and inserting the word “between” in its place.

(h) Section 47-874 is amended to read as follows:



“§ 47-874. Regulations.

“The Chief Financial Officer may promulgate regulations to carry out the purpose of this chapter and amend or repeal any existing regulations promulgated to carry out the purpose of this chapter.”

(i) Chapter 11 is repealed.

Sec. 2003. Section 105 of the Real Property Assessment Process and Tax Revenue Anticipation Notes Amendment Act of 1997, effective October 23, 1997 (D.C. Law 12-40; 44 DCR 4895), is repealed.

Sec. 2004. Fiscal impact statement.

The proposed legislation implements the real property tax assessments the real property tax assessment plan upon which the certified revenue estimates for FY 2002 through FY 2005 are based. Therefore, there is no fiscal impact associated with this legislation.

#### SUBTITLE B: OWNER-OCCUPANT RESIDENTIAL TAX CREDIT

Sec. 2011. Short title.

This subtitle may be cited as the "Owner-Occupant Residential Tax Credit Act of 2001".

Sec. 2012. Chapter 8 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents for subchapter III is amended by adding the section designation "§ 47-864. Owner-Occupant Residential Tax Credit." at the end.

(b) A new section § 47-864 is added to read as follows:

"47-864. Owner-Occupant Residential Tax Credit.

"(a) Real property receiving the homestead deduction under § 47-850(c), and valued under § 47-820(b-2), shall receive an owner-occupant residential tax credit for tax year 2002.

"(b) The credit shall be calculated as follows:

"(1) Multiply the prior tax year's taxable assessment by 125%;

"(2) Subtract that amount from the tax year 2002 assessment; and

"(3) If the difference is a positive number, multiply the difference by the applicable real property tax rate for the current year.

"(c) The credit shall not apply if:

"(1) During the prior tax year:

"(A) The real property was transferred for consideration to a new owner;

"(B) The value of the real property was increased due to a change in the zoning classification of the real property initiated or requested by the homeowner or anyone having an interest in the real property; or

"(C) The assessment of the real property was clearly erroneous due to an

error in calculation or measurement of improvements on the real property; or

"(2) During the prior calendar year, the real property was assessed under § 47-829."

Sec. 2013. Fiscal impact statement.

The Fiscal Year 2002 budget allocates \$3 million for the cost of this tax relief for a group of Class I homeowners who would otherwise receive extraordinarily high property tax increases due to the phase-out of the triennial assessment process.

TITLE XXI. POLICE AND FIRE RETIREMENT FUND SURVIVOR ANNUITY INCREASE

Sec. 2101. Short title.

This title may be cited as the "Police and Firefighters' Surviving Children Annuity Increase Amendment Act of 2001".

Sec. 2102. Section 12(k) of the Policemen and Firemen's Retirement and Disability Act, approved September 16, 1916 (39 Stat. 718; D.C. Official Code § 5-716), is amended as follows:

(a) Paragraph (3)(A)(ii) and (iii) (D.C. Official Code § 5-716(c)(1)(B) and (C)) are amended to read as follows:

"(ii) \$2,918.00, to be increased on an annual basis by the cost of living adjustment determined pursuant to subsection (m) of this section; or

"(iii) \$8,754.00, divided by the number of eligible children, to be increased on an annual basis by the cost of living adjustment determined pursuant to subsection (m) of this section, divided by the number of eligible children; and".

(b) Paragraph (4) (D.C. Official Code § 5-716(d)) is amended by striking the phrase "Each child who, on said effective date," and inserting the phrase "Each child who, on the effective date of the Police and Firefighters' Surviving Children Annuity Increase Amendment Act of 2001, passed on 2<sup>nd</sup> reading on June 5, 2001 (Enrolled version of Bill 14-144)," in its place.

(c) Paragraph (5)(E) (D.C. Official Code § 5-716(e)(5)) is amended to read as follows:

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

Sec. 2103. Section 1103 of the Fiscal Year 2001 Budget Support Act of 2000, effective October 19, 2000 (D.C. Law 13-172; 47 DCR 6308), is amended by striking the phrase "section 1102 shall apply beginning October 1, 2000" and inserting the phrase "section 1102(a) shall

apply beginning December 29, 1993" in its place.

Sec. 2104. Applicability.

The change in benefits in section 2102(a) shall apply beginning October 1, 2001.

Sec. 2105. Fiscal impact statement.

An actuarial study, dated February 13, 2001, conducted for the Mayor by Milliman & Robertson, Inc., determined the cost of the benefit change to the District of Columbia payment to the District of Columbia Police Officers and Fire Fighters' Retirement Fund to be \$100,000 in Fiscal Year 2002. The Council budgeted an additional \$100,000 in the Fiscal Year 2002 budget for the District of Columbia Police Officers and Fire Fighters' Retirement Fund to fund this benefit change.

TITLE XXII. ADOPTION SUPPORT FUND

Sec. 2201. Short title.

This title may be cited as the "Adoption Support Fund Establishment Act of 2001".

Sec. 2202. Title 38 of the Fiscal Year 2001 Budget Support Act of 2000, effective October 19, 2000 (D.C. Law 13-172; 47 DCR 6308), is amended by adding a new section 3805a to read as follows:

"Sec. 3805a. Establishment of the Adoption Support Fund.

"(a) There is established the Adoption Support Fund ("Support Fund"). The Support Fund shall be comprised of \$3 million of the \$5 million appropriated in the District of Columbia Appropriations Act, 2000, approved November 29, 1999 (Pub. L. No. 106-113; 113 Stat. 1501), and additional funds in their entirety which Congress may appropriate from time to time for the purpose of providing support incentives for foster parents who adopt District of Columbia children and enhancing recruitment and support of prospective adoptive families.

"(b) Monies in the Support Fund shall be used only for the following purposes:

"(1) \$1 million to establish a scholarship fund to support postsecondary education and training for adopted children;

"(2) \$1 million to create an Adoption Resource Center with post-adoption service capacity; and

"(3) \$1 million to enhance recruitment and support of prospective adoptive families.

"(c) The Child and Family Services Agency shall administer the Support Fund."

Sec. 2203. Fiscal impact statement.

This title will not have a negative fiscal impact. This title establishes an Adoption Support Fund to be comprised of \$3 million of the \$5 million appropriated in the District of

Columbia Appropriations Act, 2000, approved November 29, 1999 (Pub. L. No. 106-113; 113 Stat. 1501), and additional funds in their entirety which Congress may appropriate from time to time for the purpose of providing support incentives for foster parents who adopt District of Columbia children and enhancing recruitment and support of prospective adoptive families.

**TITLE XXIII. COUNCIL CONTRACT REVIEW PERIOD INCREASE**

Sec. 2301. Short title.

This title may be cited as the "Contract Review Period Increase Amendment Act of 2001".

Sec. 2302. Section 105a(j) of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.01a(j)), is amended as follows:

- (a) Strike the phrase "96 hours" and insert the phrase "5 days" in its place.
- (b) Strike the phrase "96 hour" wherever it appears and insert the phrase "5-day" in its place.
- (c) Strike the phrase "5 members" in both places it appears and insert the phrase "3 members" in its place.
- (d) Strike the phrase "10 days" and insert the phrase "15 days" in its place.
- (e) Strike the phrase "10-day" in both places it appears and insert the phrase "15-day" in its place.

Sec. 2303. Fiscal impact statement.

This title has no negative fiscal impact.

**TITLE XXIV. RECORDER OF DEEDS RECORDATION SURCHARGE**

Sec. 2401. Short title.

This title may be cited as the "Recorder of Deeds Recordation Surcharge Amendment Act of 2001".

Sec. 2402. Section 552a(c) of An Act To establish a code of law for the District of Columbia, effective April 12, 1997 (D.C. Law 11-257; D.C. Official Code § 42-1211), is amended to read as follows:

"(c) The \$5 surcharge established under subsection (a) of this section shall remain in effect for a 10-year period beginning on April 12, 1997."

Sec. 2403. Fiscal impact statement.

The surcharge currently generates approximately \$35,000 per month, or \$420,000 per year, in revenue.

TITLE XXV. TAXICAB COMMISSION/METROPOLITAN POLICE DEPARTMENT

Sec. 2501. This title may be cited as the "Taxicab Hack Inspector Enforcement Amendment Act of 2001".

Sec. 2502. Section 505 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-332), is amended to read as follows:

"(a) The Taxicab Commission and the Metropolitan Police Department shall concurrently enforce and issue citations relating to Taxicab requirements.

"(b) On November 1st of each year the Mayor shall provide to the Committee on Public Works and the Environment, or a successor committee with oversight of the Taxicab Commission, a report on the number of civil citations issued pursuant to 31 DCMR § 825 and laws and regulations of the District of Columbia, and a report on any criminal infractions issued during the prior fiscal year.

"(c) On a quarterly basis, beginning in FY 2002, the Taxicab Commission shall issue a report to the Committee on Public Works and the Environment, or a successor committee with oversight of the Taxicab Commission, containing the number of civil infractions issued pursuant to 31 DCMR § 825, by Taxicab Hack Inspectors. This document shall also indicate the number of infractions that were deemed liable through the adjudication process."

Sec. 2503. Fiscal impact statement.

This title will have no fiscal impact on the FY 2002 Budget or Financial Plan. This title merely allows enforcement of Taxicab regulations by both the District of Columbia Taxicab Commission and the Metropolitan Police Department and requires the Taxicab Commission to submit a quarterly report using existing appropriations.

TITLE XXVI. 21ST CENTURY FINANCIAL MODERNIZATION

Sec. 2601. Short title.

This title may be cited as the "21st Century Financial Modernization Amendment Act of 2001".

Sec. 2602. Section 510 of the 21st Century Financial Modernization Act of 2000, signed by the Mayor on January 26, 2001 (D.C. Act 13-597; 48 DCR 3244), is amended to read as follows:

(a) Subsection (a) is amended by striking the phrase "An automated" and inserting the phrase "Except as provided in subsections (d) and (e) of this section, an automated" in its place.

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

"(d) The registration requirement in subsection (a) of this section shall not apply to automated teller machines owned or operated by a depository institution insured by the Federal

Deposit Insurance Corporation.

"(e) The Electronic Fund Transfer Act, approved November 10, 1978 ( 92 Stat. 3728; 15 U.S.C. § 1693 *et seq.*), and any regulations issued or that may be issued under that Act, except for those provisions, amendments, or regulations that establish crimes or provide for nonfinancial penalties, are hereby adopted as part of this act. Compliance with that Act shall be considered to be compliance with this section."

Sec. 2603. Fiscal impact statement.

This title will have no or minimal fiscal impact. The fees associated with automated teller machines ("ATMs") owned or operated by a depository institution insured by the Federal Deposit Insurance Corporation are not included in the Department of Banking and Financial Institution ("DBFI") FY 2002 budget since those ATMs were intended to be exempt from the registration fees. Therefore, the amendment in this title will not have a negative impact on DBFI's budget. However, there could be an adverse impact on DBFI's budget, as well as the District's budget as a whole, if the amendment is not adopted. The current draft of the underlying act could place the District at a disadvantage with other jurisdictions that do not have registration requirements for depository ATMs, resulting in less economic development activity and related reductions in financial institution fees.

#### TITLE XXVII. INSURANCE TRADE ECONOMIC DEVELOPMENT

Sec. 2701. Short title.

This title may be cited as the "Insurance Trade Economic Development Amendment Act of 2001".

Sec. 2702. The Insurance Trade Economic Development Amendment Act of 2000, effective April 3, 2001 (D.C. Law 13-265; 48 DCR 1225), is amended as follows:

(a) Section 111(c) is amended to read as follows:

"No person shall refuse to insure, refuse to continue to insure, or limit the amount of coverage available to an individual because of marital status, race, color, personal appearance, sexual orientation, matriculation, or political affiliation. Nothing in this subsection shall prohibit an insurer from taking marital status into account for the purpose of defining persons eligible for dependent benefits or prohibit or limit the operation of fraternal benefit societies. For the purposes of this subsection, the term "matriculation" shall have the same meaning as in section 102(r) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 1-1401.02(18))."

(b) Section 113(d) is amended to read as follows:

"Notwithstanding any other provision in this section, an insurer shall not make or permit a differential in ratings, premium payments, or dividends based on the marital status, race, color, personal appearance, sexual orientation, matriculation, or political affiliation of an applicant or

policy holder unless there is actuarial justification for the differential. For the purposes of this subsection, the term "matriculation" shall have the same meaning as in section 102(r) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 1-1401.02(18)). Nothing in this section shall limit or otherwise restrict any discount, rating, or credit program filed with the Commissioner."

**Sec. 2703. Fiscal impact statement.**

This title will have no negative fiscal impact. Because the purpose of this title is to be inclusive of language already in the Human Rights Act of 1977 describing the bases for discriminatory actions against individuals and does not change the purpose of the Insurance Trade Economic Development Amendment Act, there will be no budgetary impact. None of these bases will be actuarially significant.

**TITLE XXVIII. RISK BASED CAPITAL**

**Sec. 2801. Short title.**

This title may be cited as the "Risk Based Capital Amendment Act of 2001".

**Sec. 2802.** Section 2(1) of the Risk Based Capital Act of 1996, effective April 9, 1997 (D.C. Law 11-233; D.C. Official Code § 31-2001(1)), is amended by striking the phrase "section 3(c)" and inserting the phrase "section 3(g)" in its place.

**Sec. 2803. Fiscal impact statement.**

This title will have no negative fiscal impact. The title includes a technical correction to a law which is necessary to be in compliance with national accreditation standards for insurance companies.

**TITLE XXIX. SECURITIES**

**Sec. 2901. Short title.**

This title may be cited as the "Securities Amendment Act of 2001".

**Sec. 2902.** Section 308(b) of the Securities Act of 2000 is amended by striking the phrase "for unit investment trusts".

**Sec. 2903. Fiscal impact statement.**

This title will have no negative fiscal impact. Two provisions of the Securities Act of 2000 are potentially inconsistent regarding the structure of the rules to establish filing fees. This change will enable consistency regarding this matter and ensure the proper fees are collected to run the operations of the Department of Insurance and Securities Regulation. Not doing so could interfere with the proper collection of all the fees to be collected under the Securities Act

of 2000.

TITLE XXX. ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
FUND

Sec. 3001. Short title.

This title may be cited as the "Alcoholic Beverage Regulation Administration Fund Act of 2001".

Sec. 3002. Title 25 of the District of Columbia Official Code is amended as follows:

(a) Section 25-101(2) is amended to read as follows:

"(2) "ABRA Fund" means the Alcoholic Beverage Regulation Administration Fund established by § 25-210."

(b) Section 25-210 is amended as follows:

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

"(a) There is established a fund designated as the Alcoholic Beverage Regulation Administration Fund, which shall be separate from the General Fund of the District of Columbia. All funds obtained from alcoholic beverage licensing and permitting fees shall be deposited into the ABRA Fund without regard to fiscal year limitation pursuant to an act of Congress. All fees deposited into the ABRA Fund shall not revert to the General Fund of the District of Columbia at the end of any fiscal year or at any other time, but shall be continually available for the uses and purposes set forth in this subsection, subject to authorization by Congress in an appropriations act. The funds deposited in the ABRA Account shall be used to fund the expenses of ABRA in the discharge of its administrative and regulatory duties. Funds obtained from penalties and fines, as prescribed by Chapter 8, shall be credited to the General Fund of the District of Columbia."

(2) Subsection (b) is amended by striking the phrase "ABRA Account" and inserting the phrase "ABRA Fund" in its place.

Sec. 3003. Applicability.

This title shall apply as of May 3, 2001.

Sec. 3004. Fiscal impact statement.

This amendment will have no negative fiscal impact upon the District. The amendment in this title is necessary to correct a potentially problematic cash flow issue for the newly established Alcoholic Beverage Regulation Administration ("ABRA"). Revenues from alcoholic beverage license and permit fees will flow into the ABRA Fund and have no effect on any other agency.

TITLE XXXI. CHECK CASHERS



Sec. 3101. Short title.

This title may be cited as the "Check Cashers Amendment Act of 2001".

Sec. 3102. The Check Cashers Act of 1998, effective May 12, 1998 (D.C. Law 12-111; D.C. Official Code § 26-301 *et seq.*), is amended by adding a new section 12a to read as follows:

"Sec. 12a. Examinations.

"(a) The Commissioner, or his or her designated agent, shall examine the affairs, business, premises, and records of each licensee at least once in every 3-year period and at any other time that the Commissioner considers necessary or provides by regulation.

"(b) Each licensee shall be assessed an examination fee of \$100 per examination, plus \$20 per hour for each hour or fraction of each hour in excess of 4 hours if an examination of a licensee exceeds 4 hours."

Sec. 3103. Fiscal impact statement.

This title will have no fiscal impact upon the District of Columbia. The Department of Banking and Financial Institutions ("DBFI") is self-funded from the fees it generates under the laws that it regulates. To the extent that fees are new or newly increased, authorization to collect will have a positive fiscal impact upon the DBFI.

## TITLE XXXII. MORTGAGE LENDER AND BROKER AMENDMENT

Sec. 3201. Short title.

This title may be cited as the "Mortgage Lender and Broker Amendment Act of 2001".

Sec. 3202. The Mortgage Lender and Broker Act of 1996, effective September 9, 1996 (D.C. Law 11-155; D.C. Official Code § 26-1101 *et seq.*), is amended as follows:

(a) Section 4(f)(3) (D.C. Official Code § 26-1103(f)(3)) is amended to read as follows:

"(3) A license fee of \$500 for a mortgage broker license, \$600 for a mortgage lender license, or \$700 for a dual mortgage broker and lender license."

(b) Section 8(d) (D.C. Official Code § 26-1103(d)) is amended to read as follows:

"(d) To defray the costs of their examination, supervision, and regulation, every mortgage lender and mortgage broker required to be licensed under this act shall pay an annual renewal fee and examination fee as follows:

"(1) At the time the licensee submits its application for renewal, the licensee shall pay a renewal fee of \$900 for a mortgage broker license, \$1,000 for a mortgage lender license, or \$1,200 for a dual mortgage broker and lender license.

"(2) At the time the licensee is examined, the licensee shall pay an examination fee of \$400, plus \$6.60 per loan brokered in the expiring license period, for a mortgage broker license; \$800, plus \$6.60 per loan made, originated, brokered, or serviced in the expiring license period, for a mortgage lender license; or \$1,200, plus \$6.60 per loan made, originated, brokered,

or serviced in the expiring license period, for a dual mortgage broker and lender license."

Sec. 3203. Fiscal impact statement.

This title will have no fiscal impact upon the District of Columbia. The Department of Banking and Financial Institutions ("DBFI") is self-funded from the fees it generates under the laws that it regulates. To the extent that fees are new or newly increased, authorization to collect will have a positive fiscal impact upon DBFI.

TITLE XXXIII. CONSUMER CREDIT SERVICE ORGANIZATION  
AMENDMENT Sec. 3301. This title may be cited as the "Consumer Credit Service Organization Act of 2001".

Sec. 3302. Section 28-4602(a) of the District of Columbia Official Code is amended to read as follows:

"(a) A consumer credit service organization that operates in the District shall:

"(1) Register with the Mayor by filing, on a form prescribed by the Mayor, a registration statement and paying a registration fee of \$300; and

"(2) Pay an annual fee of \$200 before April 2 of each subsequent year or at any other time established by regulation."

Sec. 3303. Fiscal impact statement.

This title will have no fiscal impact upon the District of Columbia. The Department of Banking and Financial Institutions ("DBFI") is self-funded from the fees it generates under the laws that it regulates. To the extent that fees are new or newly increased, authorization to collect will have a positive fiscal impact upon the DBFI.

TITLE XXXIV. BANKING FEES

Sec. 3401. Short title.

This title may be cited as the "Banking Fees Establishment Amendment Act of 2001".

Sec. 3402. Subsection 207.2 of Title 26A of the District of Columbia Municipal Regulations (35 DCR 6288), is amended to read as follows:

"207.2. Basic fees for applications, with the exception of applications filed for information only, shall be as follows:

Charter	\$3000
Merger	\$3000
Conversion (National to District)	\$3000
Office relocation (headquarters or branch)	\$1000
Branch	\$2000

Branch or agency of a foreign bank	\$2000
Fiduciary or other additional powers	\$1000
Operating subsidiary	\$1000
BHC formation	\$6000
BHC acquisition	\$6000
Non-branch facilities (electronic)	\$ 800
Non-branch facilities (brick and mortar)	\$ 800
Mortgage lender license (establishment or expansion)	\$ 800".

Sec. 3403. Fiscal impact statement.

This title will have no fiscal impact upon the District of Columbia. The Department of Banking and Financial Institutions ("DBFI") is self-funded from the fees it generates under the laws that it regulates. To the extent that fees are new or newly increased, authorization to collect will have a positive fiscal impact upon the DBFI.

TITLE XXXV. UNIFORM ELECTRONIC TRANSACTIONS ACT

Sec. 3501. This title may be cited as the "Uniform Electronic Transactions Act of 2001".

Sec. 3502. Subtitle II of Title 28 of the District of Columbia Official Code is amended as follows:

(a) The table of contents for the subtitle is amended by adding the chapter designation "48. Uniform Electronic Transactions . . ." 28-4801 to 28-4818".

(b) A new Chapter 48 is added to read as follows:

"CHAPTER 48. UNIFORM ELECTRONIC TRANSACTIONS.

"Sec.

"28-4801. Definitions.

"28-4802. Scope.

"28-4803. Prospective application.

"28-4804. Use of electronic records and electronic signatures; variation by agreement.

"28-4805. Construction and application.

"28-4806. Legal recognition of electronic records, electronic signatures, and electronic contracts.

"28-4807. Provision of information in writing; presentation of records.

"28-4808. Attribution and effect of electronic record and electronic signature.

"28-4809. Effect of change or error.

"28-4810. Notarization and acknowledgment.

"28-4811. Retention of electronic records; originals.

"28-4812. Admissibility in evidence.

"28-4813. Automated transaction.

"28-4814. Time and place of sending and receipt.

"28-4815. Transferable records.

"28-4816. Creation and retention of electronic records and conversion of written records by governmental agencies.

"28-4817. Acceptance and distribution of electronic records by governmental agencies.

"28-4818. Interoperability.

"§ 28-4801. Definitions.

"For the purposes of this chapter, the term:

"(1) "Agreement" means the bargain of the parties in fact, as found in their language or inferred from other circumstances and from rules, regulations, and procedures given the effect of agreements under laws otherwise applicable to a particular transaction.

"(2) "Automated transaction" means a transaction conducted or performed, in whole or in part, by electronic means or electronic records, in which the acts or records of one or both parties are not reviewed by an individual in the ordinary course in forming a contract, performing under an existing contract, or fulfilling an obligation required by the transaction.

"(3) "Computer program" means a set of statements or instructions to be used directly or indirectly in an information processing system in order to bring about a certain result.

"(4) "Contract" means the total legal obligation resulting from the parties' agreement as affected by this act and other applicable law.

"(5) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

"(6) "Electronic agent" means a computer program or an electronic or other automated means used independently to initiate an action or respond to electronic records or performances in whole or in part, without review or action by an individual.

"(7) "Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.

"(8) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

"(9) "Governmental agency" means an executive, legislative, or judicial agency, department, board, commission, authority, institution, or instrumentality of the federal government or of a State or of a county, municipality, or other political subdivision of a State.

"(10) "Information" means data, text, images, sounds, codes, computer programs, software, databases, or the like.

"(11) "Information processing system" means an electronic system for creating, generating, sending, receiving, storing, displaying, or processing information.

"(12) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public

corporation, or any other legal or commercial entity.

"(13) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

"(14) "Security procedure" means a procedure employed for the purpose of verifying that an electronic signature, record, or performance is that of a specific person or for detecting changes or errors in the information in an electronic record. The term includes a procedure that requires the use of algorithms or other codes, identifying words or numbers, encryption, or callback or other acknowledgment procedures.

"(15) "State" means a State of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band, or Alaskan native village, which is recognized by federal law or formally acknowledged by a State.

"(16) "Transaction" means an action or set of actions occurring between two or more persons relating to the conduct of business, commercial, or governmental affairs.

"§ 28-4802. Scope.

"(a) Except as otherwise provided in subsection (b) of this section, this chapter applies to electronic records and electronic signatures relating to a transaction.

"(b) This chapter does not apply to a transaction to the extent it is governed by:

"(1) A law governing the creation and execution of wills, codicils, or testamentary trusts; or

"(2) Subtitle I, except for §§ 28:1-107 and 28:1-206 and Articles 2 and 2A.

"(c) This chapter applies to an electronic record or electronic signature otherwise excluded from the application of this chapter under subsection (b) of this section to the extent it is governed by a law other than those specified in subsection (b) of this section.

"(d) A transaction subject to this chapter is also subject to other applicable substantive law.

"§ 28-4803. Prospective application.

"This chapter applies to any electronic record or electronic signature created, generated, sent, communicated, received, or stored on or after the effective date the Fiscal Year 2002 Budget Support Act of 2001.

"§ 28-4804. Use of electronic records and electronic signatures; variation by agreement.

"(a) This chapter does not require a record or signature to be created, generated, sent, communicated, received, stored, or otherwise processed or used by electronic means or in electronic form.

"(b) This chapter applies only to transactions between parties each of which has agreed to conduct transactions by electronic means. Whether the parties agree to conduct a transaction by electronic means is determined from the context and surrounding circumstances, including the parties' conduct.

"(c) A party that agrees to conduct a transaction by electronic means may refuse to

conduct other transactions by electronic means. The right granted by this subsection may not be waived by agreement.

"(d) Except as otherwise provided in this chapter, the effect of any of its provisions may be varied by agreement. The presence in certain provisions of this chapter of the words "unless otherwise agreed", or words of similar import, does not imply that the effect of other provisions may not be varied by agreement.

"(e) Whether an electronic record or electronic signature has legal consequences is determined by this chapter and other applicable law.

"§ 28-4805. Construction and application.

"This chapter must be construed and applied:

"(1) To facilitate electronic transactions consistent with other applicable law;

"(2) To be consistent with reasonable practices concerning electronic transactions and with the continued expansion of those practices; and

"(3) To effectuate its general purpose to make uniform the law with respect to the subject of this act among states enacting it.

"§ 28-4806. Legal recognition of electronic records, electronic signatures, and electronic contracts.

"(a) A record or signature may not be denied legal effect or enforceability solely because it is in electronic form.

"(b) A contract may not be denied legal effect or enforceability solely because an electronic record was used in its formation.

"(c) If a law requires a record to be in writing, an electronic record satisfies the law.

"(d) If a law requires a signature, an electronic signature satisfies the law.

"§ 28-4807. Provision of information in writing; presentation of records.

"(a) If parties have agreed to conduct a transaction by electronic means and a law requires a person to provide, send, or deliver information in writing to another person, the requirement is satisfied if the information is provided, sent, or delivered, as the case may be, in an electronic record capable of retention by the recipient at the time of receipt. An electronic record is not capable of retention by the recipient if the sender or its information processing system inhibits the ability of the recipient to print or store the electronic record.

"(b) If a law other than this chapter requires a record (1) to be posted or displayed in a certain manner, (2) to be sent, communicated, or transmitted by a specified method, or (3) to contain information that is formatted in a certain manner, the following rules apply:

"(A) The record must be posted or displayed in the manner specified in the other law.

"(B) Except as otherwise provided in subsection (d)(2) of this section, the record must be sent, communicated, or transmitted by the method specified in the other law.

"(C) The record must contain the information formatted in the manner specified in the other law.

"(c) If a sender inhibits the ability of a recipient to store or print an electronic record, the electronic record is not enforceable against the recipient.

"(d) The requirements of this section may not be varied by agreement, but:

"(1) To the extent a law other than this chapter requires information to be provided, sent, or delivered in writing but permits that requirement to be varied by agreement, the requirement under subsection (a) of this section that the information be in the form of an electronic record capable of retention may also be varied by agreement; and

"(2) A requirement under a law other than this chapter to send, communicate, or transmit a record by first-class mail, postage prepaid, may be varied by agreement to the extent permitted by the other law.

"§ 28-4808. Attribution and effect of electronic record and electronic signature.

"(a) An electronic record or electronic signature is attributable to a person if it was the act of the person. The act of the person may be shown in any manner, including a showing of the efficacy of any security procedure applied to determine the person to which the electronic record or electronic signature was attributable.

"(b) The effect of an electronic record or electronic signature attributed to a person under subsection (a) of this section is determined from the context and surrounding circumstances at the time of its creation, execution, or adoption, including the parties' agreement, if any, and otherwise as provided by law.

"§ 28-4809. Effect of change or error.

"If a change or error in an electronic record occurs in a transmission between parties to a transaction, the following rules apply:

"(1) If the parties have agreed to use a security procedure to detect changes or errors and one party has conformed to the procedure, but the other party has not, and the nonconforming party would have detected the change or error had that party also conformed, the conforming party may avoid the effect of the changed or erroneous electronic record.

"(2) In an automated transaction involving an individual, the individual may avoid the effect of an electronic record that resulted from an error made by the individual in dealing with the electronic agent of another person if the electronic agent did not provide an opportunity for the prevention or correction of the error and, at the time the individual learns of the error, the individual:

"(A) Promptly notifies the other person of the error and that the individual did not intend to be bound by the electronic record received by the other person;

"(B) Takes reasonable steps, including steps that conform to the other person's reasonable instructions, to return to the other person or, if instructed by the other person, to destroy the consideration received, if any, as a result of the erroneous electronic record; and

"(C) Has not used or received any benefit or value from the consideration, if any, received from the other person.

"(3) If neither paragraph (1) of this subsection nor paragraph (2) of this subsection applies, the change or error has the effect provided by other law, including the law of mistake, and the parties' contract, if any.

"(4) Paragraphs (2) and (3) of this subsection may not be varied by agreement.

"§ 28-4810. Notarization and acknowledgment.

"If a law requires a signature or record to be notarized, acknowledged, verified, or made under oath, the requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by other applicable law, is attached to or logically associated with the signature or record.

"§ 28-4811. Retention of electronic records; originals.

"(a) If a law requires that a record be retained, the requirement is satisfied by retaining an electronic record of the information in the record which:

"(1) Accurately reflects the information set forth in the record after it was first generated in its final form as an electronic record or otherwise; and

"(2) Remains accessible for later reference.

"(b) A requirement to retain a record in accordance with subsection (a) of this section does not apply to any information the sole purpose of which is to enable the record to be sent, communicated, or received.

"(c) A person may satisfy subsection (a) of this section by using the services of another person if the requirements of that subsection are satisfied.

"(d) If a law requires a record to be presented or retained in its original form, or provides consequences if the record is not presented or retained in its original form, that law is satisfied by an electronic record retained in accordance with subsection (a) of this section.

"(e) If a law requires retention of a check, that requirement is satisfied by retention of an electronic record of the information on the front and back of the check in accordance with subsection (a) of this section.

"(f) A record retained as an electronic record in accordance with subsection (a) of this section satisfies a law requiring a person to retain a record for evidentiary, audit, or like purposes, unless a law enacted after the effective date of the Fiscal Year 2002 Budget Support Act of 2001 specifically prohibits the use of an electronic record for the specified purpose.

"(g) This section does not preclude a governmental agency of the District of Columbia from specifying additional requirements for the retention of a record subject to the agency's jurisdiction.

"§ 28-4812. Admissibility in evidence.

"In a proceeding, evidence of a record or signature may not be excluded solely because it is in electronic form.

"§ 28-4813. Automated transaction.

"In an automated transaction, the following rules apply:

"(1) A contract may be formed by the interaction of electronic agents of the



parties, even if no individual was aware of or reviewed the electronic agents' actions or the resulting terms and agreements.

"(2) A contract may be formed by the interaction of an electronic agent and an individual, acting on the individual's own behalf or for another person, including by an interaction in which the individual performs actions that the individual is free to refuse to perform and which the individual knows or has reason to know will cause the electronic agent to complete the transaction or performance.

"(3) The terms of the contract are determined by the substantive law applicable to it.

"§ 28-4814. Time and place of sending and receipt.

"(a) Unless otherwise agreed between the sender and the recipient, an electronic record is sent when it:

"(1) Is addressed properly or otherwise directed properly to an information processing system that the recipient has designated or uses for the purpose of receiving electronic records or information of the type sent and from which the recipient is able to retrieve the electronic record;

"(2) Is in a form capable of being processed by that system; and

"(3) Enters an information processing system outside the control of the sender or of a person that sent the electronic record on behalf of the sender or enters a region of the information processing system designated or used by the recipient which is under the control of the recipient.

"(b) Unless otherwise agreed between a sender and the recipient, an electronic record is received when:

"(1) It enters an information processing system that the recipient has designated or uses for the purpose of receiving electronic records or information of the type sent and from which the recipient is able to retrieve the electronic record; and

"(2) It is in a form capable of being processed by that system.

"(c) Subsection (b) of this section applies even if the place the information processing system is located is different from the place the electronic record is deemed to be received under subsection (d) of this section.

"(d) Unless otherwise expressly provided in the electronic record or agreed between the sender and the recipient, an electronic record is deemed to be sent from the sender's place of business and to be received at the recipient's place of business. For purposes of this subsection, the following rules apply:

"(1) If the sender or recipient has more than one place of business, the place of business of that person is the place having the closest relationship to the underlying transaction.

"(2) If the sender or the recipient does not have a place of business, the place of business is the sender's or recipient's residence, as the case may be.

"(e) An electronic record is received under subsection (b) of this section even if no

individual is aware of its receipt.

"(f) Receipt of an electronic acknowledgment from an information processing system described in subsection (b) of this section establishes that a record was received but, by itself, does not establish that the content sent corresponds to the content received.

"(g) If a person is aware that an electronic record purportedly sent under subsection (a) of this section, or purportedly received under subsection (b) of this section, was not actually sent or received, the legal effect of the sending or receipt is determined by other applicable law. Except to the extent permitted by the other law, the requirements of this subsection may not be varied by agreement.

"§ 28-4815. Transferable records.

"(a) In this section, "transferable record" means an electronic record that:

"(1) Would be a note under Article 3 of Subtitle I or a document under Article 7 of Subtitle I if the electronic record were in writing; and

"(2) The issuer of the electronic record expressly has agreed is a transferable record.

"(b) A person has control of a transferable record if a system employed for evidencing the transfer of interests in the transferable record reliably establishes that person as the person to which the transferable record was issued or transferred.

"(c) A system satisfies subsection (b) of this section, and a person is deemed to have control of a transferable record, if the transferable record is created, stored, and assigned in such a manner that:

"(1) A single authoritative copy of the transferable record exists which is unique, identifiable, and, except as otherwise provided in paragraphs (4), (5), and (6) of this section, unalterable;

"(2) The authoritative copy identifies the person asserting control as:

"(A) The person to which the transferable record was issued; or

"(B) If the authoritative copy indicates that the transferable record has been transferred, the person to which the transferable record was most recently transferred;

"(3) The authoritative copy is communicated to and maintained by the person asserting control or its designated custodian;

"(4) Copies or revisions that add or change an identified assignee of the authoritative copy can be made only with the consent of the person asserting control;

"(5) Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

"(6) Any revision of the authoritative copy is readily identifiable as authorized or unauthorized.

"(d) Except as otherwise agreed, a person having control of a transferable record is the holder, as defined in § 28:1-201(20), of the transferable record and has the same rights and defenses as a holder of an equivalent record or writing under Subtitle I, including, if the

applicable statutory requirements under § 28:3-302(a), § 28:7-501, or § 28:9-308 are satisfied, the rights and defenses of a holder in due course, a holder to which a negotiable document of title has been duly negotiated, or a purchaser, respectively. Delivery, possession, and indorsement are not required to obtain or exercise any of the rights under this subsection.

"(e) Except as otherwise agreed, an obligor under a transferable record has the same rights and defenses as an equivalent obligor under equivalent records or writings under Subtitle I.

"(f) If requested by a person against which enforcement is sought, the person seeking to enforce the transferable record shall provide reasonable proof that the person is in control of the transferable record. Proof may include access to the authoritative copy of the transferable record and related business records sufficient to review the terms of the transferable record and to establish the identity of the person having control of the transferable record.

"§ 28-4816. Creation and retention of electronic records and conversion of written records by governmental agencies.

"The Mayor shall determine whether, and the extent to which, a governmental agency will create and retain electronic records and convert written records to electronic records.

"§ 28-4817. Acceptance and distribution of electronic records by governmental agencies.

"(a) Except as otherwise provided in § 28-4811(f), the Mayor shall determine whether, and the extent to which, a governmental agency will send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures.

"(b) To the extent that a governmental agency uses electronic records and electronic signatures under subsection (a) of this section, the Mayor, giving due consideration to security, may specify:

"(1) The manner and format in which the electronic records must be created, generated, sent, communicated, received, and stored and the systems established for those purposes;

"(2) If electronic records must be signed by electronic means, the type of electronic signature required, the manner and format in which the electronic signature must be affixed to the electronic record, and the identity of, or criteria that must be met by, any third party used by a person filing a document to facilitate the process;

"(3) Control processes and procedures as appropriate to ensure adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records; and

"(4) Any other required attributes for electronic records which are specified for corresponding nonelectronic records or reasonably necessary under the circumstances.

"(c) Except as otherwise provided in § 28-4811(f), this chapter does not require a governmental agency of the District of Columbia to use or permit the use of electronic records or electronic signatures.

"§ 28-4818. Interoperability.

"The Mayor, in adopting standards pursuant to § 28-4817, may encourage and promote consistency and interoperability with similar requirements adopted by other governmental agencies of this and other states and the federal government and nongovernmental persons interacting with governmental agencies of the District of Columbia. If appropriate, those standards may specify differing levels of standards from which governmental agencies of the

District of Columbia may choose in implementing the most appropriate standard for a particular application."

Sec. 3503. Fiscal impact statement.

This title will have no negative fiscal impact upon the District or any of its agencies. The purpose of this title is to allow consenting parties to use electronic signatures when necessary. The title will assist the District's efforts to create more on-line transactions between the District and its residential and business customers.

#### TITLE XXXVI. PREVENTION OF UNAUTHORIZED SWITCHING OF CUSTOMER NATURAL GAS ACCOUNTS

Sec. 3601. Short title.

This title may be cited as the "Prevention of Unauthorized Switching of Customer Natural Gas Accounts Act of 2001".

Sec. 3602. Definitions.

For the purposes of this title, the term:

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

(2) "Customer" means a consumer or purchaser of natural gas for end use in the District of Columbia. The term "customer" shall not include an occupant of a building where the owner, lessee, or manager manages the internal distribution system serving the building and supplies natural gas solely to occupants of the building for use by those occupants.

(3) "Marketer" means a person who purchases and takes title to natural gas as an intermediary for sale to customers.

(4) "Market participant" means a natural gas supplier (including an affiliate of the natural gas company) or a person providing billing services.

(5) "Natural gas supplier" means a person, broker, or marketer who generates natural gas; sells natural gas; or purchases, brokers, arranges or markets natural gas for sale to customers.

Sec. 3603. Role, duties, and powers of the Commission.

(a) The Commission shall adopt regulations and issue appropriate orders to:

(1) Implement the customer protections in section 3604; and  
(2) Establish procedural rules for complaints, investigations, and dispositional hearings under section 3605.

(b) The Commission may adopt any other regulations, or issue any other orders, consistent with the policies enunciated in this title and necessary to ensure the prevention of unauthorized switching of natural gas accounts.

**Sec. 3604. Consumer protections.**

(a)(1) Unless the customer consents in writing, a market participant shall not disclose information that:

- (A) Is about the customer; and
- (B) Was supplied to the market participant by the customer.

(2) This restriction shall not apply to lawful disclosures for bill collection or credit rating reporting purposes.

(b)(1) Unless the customer consents in writing, a market participant shall not use information of the type specified in subsection (a)(1) of this section for any purpose other than the purpose for which the information was originally acquired.

(2) This restriction shall not apply to lawful disclosures for bill collection or credit rating reporting purposes.

(c) Unless a customer consents in writing, a market participant shall not change a customer's natural gas supplier.

(d) Unless a customer consents in writing, a market participant shall not add services or new charges to a customer's existing retail natural gas service options.

(e)(1) A market participant shall not engage in false, misleading, or deceptive marketing or advertising, or unfair trade practices.

(2) A market participant shall provide adequate and accurate information to each customer about the market participant's available services and charges.

(f) A market participant shall post on the Internet information that is readily understandable about its services and rates for all types of customers, including commercial and residential natural gas customers.

(g) A market participant shall not discriminate against any retail natural gas customer based wholly or partly on the race, color, creed, age, national origin, sex, or sexual orientation of the retail gas customer, or for any arbitrary, capricious, or unfairly discriminatory reason.

**Sec. 3605. Investigation of violations and penalties for violations.**

(a) For a violation of any provision of this title or a violation of any regulation or order issued under this title, after notice and a hearing, the Commission may:

- (1) Impose a civil penalty on a market participant;
- (2) Order a refund or credit to a customer;

(3) Cancel a contract or part of a contract between a customer and a market participant; or

(4) Issue a cease and desist order to a market participant.

(b)(1) A civil penalty imposed by the Commission under this section shall not exceed \$10,000 per violation.

(2) The Commission shall determine the amount of the civil penalty after considering:

(A) The number of previous violations by the market participant;

(B) The gravity and duration of the current violation; and

(C) The good faith of the market participant in attempting to achieve compliance after notification of the violation.

(c) The Commission may issue a temporary cease and desist order or take any other appropriate temporary remedial action, pending a final determination after notice and hearing, if the Commission determines that there is reasonable cause to believe that customers or the reliability of natural gas supply in the District of Columbia will be harmed by the actions of a market participant.

(d) A proceeding under this section may be initiated by the Commission, the Office of People's Counsel, the Office of the Corporation Counsel, or any aggrieved party.

(e) In connection with a proceeding under this section, a market participant shall provide to the Commission access to any accounts, books, papers, and documents which the Commission considers necessary to resolve the matter.

(f) Notwithstanding any other provision of this title, an aggrieved party shall not be prohibited from seeking resolution of any dispute in court.

**Sec. 3606. Fiscal impact statement.**

The legislation will have no negative fiscal impact. The Public Service Commission will be responsible for the administration of the law, both for establishing forms and fees for the licensing of natural gas suppliers and market participants as well as for adjudicating consumer complaints of unauthorized switching and other violations. The fees generated should cover and fully fund the operations under the law. The funds collected under the Act will be used solely to fund the daily operations of the Public Service Commission and the Office of the People's Counsel, which are solely funded by Other funds (that is, through assessments of utilities which ultimately are paid by ratepayers, and licensing fees which are paid by entities seeking to enter into the market place as natural gas suppliers).

**TITLE XXXVII. POLICE AND FIRE SENIOR MANAGEMENT OVERTIME**

**Sec. 3701. Short title.**

This title may be cited as the "Police and Fire Senior Management Overtime Amendment Act of 2001".

Sec. 3702. Section 1103 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 § 1-611.03), is amended by adding a new subsection (f) to read as follows:

"(f)(1) Uniformed members of the Metropolitan Police Department at the rank of Inspector and above shall not receive overtime compensation for work performed in excess of a 40-hour administrative workweek, excluding rollcall.

"(2) Uniformed members of the Fire and Emergency Medical Services Department at the rank of Assistant Fire Chief and above shall not receive overtime compensation for work performed in excess of 40 hours in an administrative workweek and in excess of 48 hours in a workweek for those uniformed members of the Fire and Emergency Medical Services Department at the rank of Assistant Fire Chief and above in the Firefighting Division.

"(3) Uniformed members of the Metropolitan Police Department at the rank of Inspector and above and uniformed members of the Fire and Emergency Medical Services Department at the rank of Assistant Fire Chief and above shall not be suspended for disciplinary actions for less than a full pay period."

Sec. 3703. This title shall apply to pre-1980 employees of the Metropolitan Police Department and the Fire and Emergency Medical Services Department upon its enactment by Congress.

Sec. 3704. Fiscal impact statement.

In the Fiscal Year 2002 budget submission for the Metropolitan Police Department the Mayor proposed "ending the practice of paid overtime for senior staff" and assumed savings totaling \$250,000. Subsequently, administration witnesses testified this was to apply to captains and above. Because captains, like lieutenants, have neither the advantage of recent pay increases afforded members of the collective bargaining unit (sergeants and below) nor the manager-level salaries afforded inspectors and above, this title restricts overtime for inspectors and above, and does not impose any restrictions on captains and lieutenants.

Although the Mayor's budget did not specifically address overtime restrictions for senior managers within the Fire and Emergency Medical Services Department, the District's personnel policies generally have been consistent with regard to the 2 major public safety agencies and, therefore, this title also proposes that the restriction apply equally to the 2 departments.

#### **TITLE XXXVIII. ADVISORY COMMISSION ON SENTENCING**

Sec. 3801. Short title.

This title may be cited as the "Advisory Commission on Sentencing Amendment Act of 2001".

Sec. 3802. 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(a) (D.C. Official Code § 3-101(a)) is amended to read as follows:

"(a) The Advisory Commission on Sentencing ("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) Section 8 (D.C. Official Code § 3-107) is amended as follows:

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

"(b) The Commission has the authority to hire staff and to obtain appropriate office space, equipment, materials, and services necessary to carry out its responsibilities. The Commission shall serve as the personnel authority for all employees of the Commission. Except as provided in subsection (d) of this section, the provisions 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 § 1-601.01 *et seq.*)("CMPA"), shall apply to the Commission.

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

"(d) Employees of the Commission who were hired before the effective date of the Fiscal Year 2002 Budget Support Act of 2001, passed on 2<sup>nd</sup> reading on June 5, 2001 (Enrolled version of Bill 14-144), shall be exempt from the requirement that they be residents of the District of Columbia. Any person hired after the effective date of the Fiscal Year 2002 Budget Support Act of 2001 shall be, or shall become with 180 days of hire, a resident of the District of Columbia. The Director of Personnel may waive the residency requirement for any individual appointed to a hard-to-fill position under this section."

Sec. 3803. 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) (D.C. Official Code § 1-604.06(b)) is amended as follows:

(1) Paragraph (18) is amended by striking the word "and" at the end.

(2) Paragraph (19) is amended by striking the period at the end and inserting the phrase "; and" in its place.

(3) A new paragraph (20) is added to read as follows:

"(20) For employees of the Advisory Commission on Sentencing, the personnel authority is the Advisory Commission on Sentencing."

(b) Section 903(a) (D.C. Official Code § 1-609.03(a)) is amended by adding a new paragraph (6C) to read as follows:

"(6C) The Advisory Commission on Sentencing ("Commission") may appoint 6



persons who shall report directly to the Executive Director, or to the Chairman of the Commission."

Sec. 3804. Fiscal impact statement.

This title has no fiscal impact because it is only a clarifying amendment. 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.*), does not clearly designate the Commission as either an independent or subordinate agency. Section 2(a) of that act merely states that "[t]here is established the Advisory Commission on Sentencing." Due to the ambiguity of the act, the Commission did not follow the rules of the CMPA when hiring staff. Therefore, this title designates the Commission as an independent agency, subject to the CMPA, and places the Commission's staff in the Excepted Service. Because the Commission was not aware of the residency requirement for Excepted Service when hiring, this title exempts the current staff from the residency requirement. The Committee on the Judiciary believes this is the equitable decision since the staff was not aware of the residency requirement when accepting the job offer.

**TITLE XXXIX. REQUIREMENT FOR CFO CERTIFICATION OF FUNDS FREED UP FROM THE RESERVE ROLLOVER AND PRIORITY FOR SPENDING SUCH FUNDS**

Sec. 3901. Short title.

This title may be cited as the "Chief Financial Officer Certification of Freed Reserve Rollover Funds for Local Road Construction and Maintenance Act of 2001".

Sec. 3902. \$11,000,000 shall be made available to the Local Roads Construction and Maintenance Fund from the freed-up appropriated funds in FY 2002 from the reserve rollover as set forth in the FY 2002 Budget Request Act if the Chief Financial Officer certifies that the \$11,000,000 is not required to replace funds expended in Fiscal Year 2001 from the Reserve established by section 202(i) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Official Code § 47-392.02(i)), or from additional local revenue where the Chief Financial Officer certifies that additional local revenues are available.

Sec. 3903. Fiscal impact statement.

This title conforms to the approved Fiscal Year 2002 budget and financial plan.

TITLE XL. OFFICE OF LABOR RELATIONS AND COLLECTIVE BARGAINING

Sec. 4001. Short title.

This title may be cited as the "Office of Labor Relations and Collective Bargaining Act of 2001".

Sec. 4002. The City Administrator shall develop a procedure to determine the cost to the Office of Labor Relations and Collective Bargaining, by agency, of representing agencies in employee grievance proceedings. No later than October 1, 2001, the Mayor shall submit to the Council a proposal for intradistrict charges to be assessed by the Office of Labor Relations and Collective Bargaining to recover its costs for representing agencies in grievance proceedings, beginning in Fiscal Year 2003.

Sec. 4003. Fiscal impact statement.

This title has no fiscal impact.

TITLE XLI. TAX PARITY FRANCHISE TAX RATE CLARIFICATION ACT

Sec. 4101. This title may be cited as the Tax Parity Franchise Tax Rate Clarification Act of 2001".

Sec. 4102. Section 47-1807.02(a) of the District of Columbia Official Code is amended as follows:

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

(3A) A surtax at the rate of 2.5% on the tax determined under paragraph (2) of this subsection, as applicable.”.

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

(4) A surtax at the rate of 2.5%, separate from and in addition to, the surtax imposed by paragraph (3A) of this subsection, on the tax determined under paragraph (2) of this subsection, as applicable, for any tax period beginning after September 30, 1994.”.

Sec. 4103. Applicability.

(a) Section 4102(a) shall apply for any tax period beginning after September 30, 1992.

(b) Section 4102(b) shall apply for any tax period beginning after September 30, 1994.

Sec. 4104. Repealer.

Section 47-1807.02(a)(3A) and (4) are repealed effective for all tax periods beginning after December 31, 2002.

Sec. 4105. Fiscal impact statement.

When the Tax Parity Act of 1999 was enacted, both the fiscal impact statement and revenue projections assumed the two surtaxes on the franchise tax would remain. Collections by the Office of Tax and Revenue are coming in under the same assumption. This amendment is necessary to ensure that revenues will be collected as budgeted.

**TITLE XLII. ADDICTION PREVENTION AND RECOVERY ADMINISTRATION  
SUBTITLE A: ADDICTION RECOVERY FUND**

Sec. 4201. Short title.

This subtitle may be cited as the "Choice in Drug Treatment Amendment Act of 2001".

Sec. 4202. Section 5(a) of the Choice in Drug Treatment Act of 2000, effective July 8, 2000 (D.C. Law 13-146; 47 DCR 4350), is amended as follows:

- (a) Designate the existing language as paragraph (1).
- (b) Strike the word "established" and insert the phrase "established as a nonlapsing, revolving fund" in its place.
- (c) A new paragraph (2) is added to read as follows:
  - "(2) All funds shall be deposited into the Fund without regard to fiscal year limitation pursuant to an act of Congress. All funds deposited into the Fund shall not revert to the General Fund of the District of Columbia at the end of any fiscal year or at any other time, but shall be continually available for the purpose of the Drug Treatment Choice Program, subject to authorization by Congress in an appropriations act."

Sec. 4203. Fiscal impact statement.

There is no fiscal impact from establishing the Addiction Recovery Fund as a nonlapsing fund. Any line item appropriations for the fund unused in one fiscal year merely carry over to be used for the same purpose in the following fiscal year. There is no increase in expenditures.

**SUBTITLE B: PILOT SUBSTANCE ABUSE PROGRAM FOR YOUTH**

Sec. 4211. Short title.

This subtitle may be cited as the "Pilot Substance Abuse Program for Youth Act of 2001".

Sec. 4212. The Mayor shall establish, by contract, a 2-year pilot substance abuse program for youths 16 through 21 years of age. The Addiction Prevention and Recovery Administration shall administer the program from its appropriated operating budget.

Sec. 4213. The Addiction Prevention and Recovery Administration shall submit a performance report on the program to the Council no later than 30 days after the program has been in operation for one year. The report shall include documentation of the number of youths

served, the rate of recidivism of youths served, the average cost of services per youth served, and how the program's success rate compares to that of similar programs in other jurisdictions.

Sec. 4214. The Mayor, pursuant to Title 1 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.

Sec. 4215. Fiscal impact statement.

The Fiscal Year 2002 budget and financial plan provides \$2 million to implement this pilot substance abuse program.

**TITLE XLIII. DEPARTMENT OF RECREATION USE OF TANF/DOES ASSISTED PERSONS TO FILL VACANT POSITIONS**

Sec. 4301. Short title.

This title may be cited as the "Department of Parks and Recreation Vacant Positions Act of 2001".

Sec. 4302. The Department of Parks and Recreation ("Department") shall work with the Department of Employment Services Welfare to Work program to fill vacant positions within the Department. These vacant positions shall first be filled with qualified TANF recipients with the assistance of the Department of Employment Services.

Sec. 4303. Fiscal impact statement.

The Fiscal Year 2002 budget and financial plan provides \$1.5 million to implement this program.

**TITLE XLIV. MULTIYEAR BUDGET PLANS FOR SPECIFIC PROGRAMS**

Sec. 4401. Short title.

This title may be cited as the "Multiyear Budget Plan Act of 2000".

Sec. 4402. No later than September 30, 2001, the following agencies and agencies responsible for the following programs, shall submit to the Council of the District of Columbia and to the Chief Financial Officer a multiyear financial plan as required by this title:

- (1) Risk Management programs administered by the Mayor;
- (2) Department of Mental Health; and
- (3) Settlements and Judgments Fund administered by the Corporation Counsel.

Sec. 4403. The multiyear financial plan required by this title shall detail the projected cost of services for that agency or program for fiscal years 2002 through 2005, and shall be

based on a performance plan for the same fiscal years. The multiyear financial plan shall specify reasonable assumptions for inflation, personal service levels, and wage increases, and identify all budgetary assumptions being used. The multiyear financial plan shall calculate and specify the cost per fiscal year to achieve the objectives and goals set forth in the performance plan.

Sec. 4404. (a) For the purposes of this title, "performance plan" is a detailed statement that includes:

- (1) A mission statement -- a broad statement of central purpose;
- (2) Objectives -- less broad statements of desired outcomes resulting from accomplishing the mission; and
- (3) Goals -- target levels of performance expressed in tangible, measurable terms, against which actual achievement of objectives can be compared; a goal may be expressed as a population target, or as a quantitative standard, value, or rate.

(b) The performance plan shall describe the strategy for how the mission (including its objectives and goals) will be accomplished. This description of strategy shall include all of the functions, activities, operations, and projects required for effective implementation of the performance plan. There shall be one or more measures of performance, that address both quantity and quality, for each goal. The performance plan shall state measurable or objective performance goals and objectives for all significant activities of the agency or program. The plan shall identify (describe and quantify) the classes of persons to be served and how (qualitatively and quantitatively) those classes will change as a result of the mission, objectives, and goals.

(c) The performance plan shall also provide national norms, industry standards, typical benchmarks, performance measures from other cities, or other relevant comparative data.

(d) An agency which prepared a performance plan pursuant to Title XLIV of the Fiscal Year 2001 Budget Support Act of 2000, effective October 19, 2000 (D.C. Law 13-172; 47 DCR 6308), in the previous fiscal year shall also provide an analysis of the agency's performance vis-a-vis its performance plan.

Sec. 4405. The multiyear financial plan shall include all funds, including local and federal funds.

Sec. 4406. For each of the agencies specified in section 4402, the performance plan shall detail how the agency or program will provide improved service delivery that:

- (1) Fulfills its mission (including objectives and goals);
- (2) Reduces expenditures, especially from local funds; and
- (3) Creates operational efficiencies to accomplish this.

Sec. 4407. The Chief Financial Officer shall have the authority to require greater specificity in the multiyear plan prior to submission, and to work with agencies to improve their

submission.

Sec. 4408. Fiscal impact statement.

This title is consistent with the FY 2002 budget and financial plan.

#### XLV. PERFORMANCE AND FINANCIAL ACCOUNTABILITY

Sec. 4501. Short title.

This title may be cited as the "Performance and Financial Accountability Act of 2001".

Sec. 4502. Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents for Chapter 3 is amended by adding the section designation "47-308.1. Performance-based budget." after the section designation "47-308. Establishment of budget structure."

(b) A new section 47-308.01 is added to read as follows:

"§ 47-308.01. Performance-based budget.

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

"(1) The program name;

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

"(3) Program goals and objectives;

"(4) Program overview describing the services provided;

"(5) Estimated program direct and indirect costs;

"(6) Agency performance measures; and

"(7) Agency benchmarks providing comparisons with other jurisdictions."

"(b) Beginning with the District of Columbia's Fiscal Year 2003 budget and financial plan, the Mayor shall submit to the Council a performance-based budget for the Metropolitan Police Department, the Department of Health, the Department of Human Services, the Fire and Emergency Medical Services Department, the Department of Motor Vehicles, the District of Columbia Public Schools, and the Department of Public Works.

"(c) Beginning with the District of Columbia's Fiscal Year 2004 budget and financial plan, the budget for all District of Columbia agencies funded by the General Fund within the District of Columbia's budget and financial plan shall be a performance-based budget.

"(d) The Office of Budget and Planning shall review all agency program and activity expenditures, including program definitions, estimated direct and indirect program cost allocation assumptions and methodologies, agency performance measures, and agency benchmarks, which expenditures shall be included in the District of Columbia's budget and financial plan. No agency budget shall be forwarded to the Mayor for approval without the prior Office of Budget and Planning determination that it is an activity-based budget."

Sec. 4503. Fiscal impact statement.

This title does not affect the District of Columbia's budget or financial plan and therefore has no fiscal impact. The Fiscal Year 2002 budget and financial plan includes a \$638,000 increase for the Office of Budget and Planning which will implement this program.

XLVI. CHILD FATALITY REVIEW COMMITTEE

Sec. 4601. Short title.

This act may be cited as the "Child Fatality Review Committee Establishment Act of 2001".

Sec. 4602. Definitions.

For the purposes of this title, the term:

(1) "Child" means an individual who is 18 years of age or younger, or up to 21 years of age if the child is a committed ward of the child welfare, mental retardation and developmental disabilities, or juvenile systems of the District of Columbia.

(2) "Committee" means the Child Fatality Review Committee.

Sec. 4603. Establishment and purpose.

(a) There is established, as part of the District of Columbia government, a Child Fatality Review Committee. Facilities and other administrative support may be provided in a specific department or through the Committee, as determined by the Mayor.

(b) The Committee shall:

(1) Identify and characterize the scope and nature of child deaths in the jurisdiction, particularly those that are violent, accidental, unexpected, or unexplained;

(2) Examine past events and circumstances surrounding child deaths by reviewing the records and other pertinent documents of public and private agencies responsible for serving families and children, investigating deaths, or treating children in an effort to reduce the number of preventable child fatalities and shall give special attention to child deaths that may have been caused by abuse, negligence, or other forms of maltreatment;

(3) Develop and revise as necessary operating rules and procedures for the review of child deaths, including identification of cases to be reviewed, coordination among the agencies and professionals involved, and improvement of the identification, data collection, and record keeping of the causes of child death;

(4) Recommend systemic improvements to promote improved and integrated public and private systems serving families and children;

(5) Recommend components for prevention and education programs; and

(6) Recommend training to improve the investigation of child deaths.

Sec. 4604. Composition of the Child Fatality Review Committee.

(a) The Mayor shall appoint a minimum of one representative from appropriate programs providing services to children within the following public agencies:

- (1) Department of Human Services;
- (2) Department of Health;
- (3) Office of the Chief Medical Examiner;
- (4) Child and Family Services Agency;
- (5) Metropolitan Police Department;
- (6) Fire and Emergency Medical Services Department,
- (7) D.C. Public Schools;
- (8) Department of Housing and Community Development; and
- (9) Office of the Corporation Counsel.

(b) The Mayor shall appoint, or request the designation of, members from federal, judicial, and private agencies and the general public who are knowledgeable in child development, maternal and child health, child abuse and neglect, prevention, intervention, treatment or research, with due consideration given to representation of ethnic or racial minorities and to geographic areas of the District of Columbia. The appointments shall include representatives from the following:

- (1) Superior Court of the District of Columbia;
- (2) Office of the United States Attorney for the District of Columbia;
- (3) District of Columbia hospitals where children are born or treated;
- (4) College or university schools of social work; and
- (5) Mayor's Committee on Child Abuse and Neglect.

(c) The Mayor, with the advice and consent of the Council, shall appoint 8 community representatives, none of whom shall be employees of the District of Columbia.

(d) Governmental appointees shall serve at the will of the Mayor, or of the federal or judicial body designating their availability for appointment. Community representatives shall serve for 3-year terms.

(e) Vacancies in membership shall be filled in the same manner in which the original appointment was made.

(f) The Committee shall select cochairs according to rules set forth by the Committee.

(g) The Committee shall establish quorum and other procedural requirements as it considers necessary.

Sec. 4605. Criteria for case review.

(a) The Committee shall be responsible for reviewing the deaths of children who were residents of the District of Columbia and of such children who, or whose families, at the time of death, or at any point during the 2 years prior to the child's death, were known to the child welfare, juvenile justice, or mental retardation or developmental disabilities systems of the District of Columbia.



(b) The Committee may review the deaths of nonresidents if the death is determined to be accidental or unexpected and occurs within the District.

(c) The Committee shall establish, by regulation, the manner of review of cases, including use of the following approaches:

- (1) Multidisciplinary review of individual fatalities;
- (2) Multidisciplinary review of clusters of fatalities identified by special category or characteristic;
- (3) Statistical reviews of fatalities; or
- (4) Any combination of such approaches.

(d) The Committee shall establish 2 review teams to conduct its review of child fatalities. The Infant Mortality Review Team shall review the deaths of children under the age of one year and the Child Fatality Review Team shall review the deaths of children over the age of one year. Each team may include designated public officials with responsibilities for child and juvenile welfare from each of the agencies and entities listed in section 4604.

(e) Full multidisciplinary/multi-agency reviews shall be conducted, at a minimum, on the following fatalities:

- (1) Those children known to the juvenile justice system;
- (2) Those children who are known to the mental retardation/developmental disabilities system;
- (3) Those children for which there is or has been a report of child abuse or neglect concerning the child's family;
- (4) Those children who were under the jurisdiction of the Superior Court of the District of Columbia (including protective service, foster care, and adoption cases);
- (5) Those children who, for some other reason, were wards of the District; and
- (6) Medical Examiner Office cases.

**Sec. 4606. Access to information.**

(a) Notwithstanding any other provision of law, immediately upon the request of the Committee and as necessary to carry out the Committee's purpose and duties, the Committee shall be provided, without cost and without authorization of the persons to whom the information or records relate, access to:

- (1) All information and records of any District of Columbia agency, or their contractors, including, but not limited to, birth and death certificates, law enforcement investigation data, unexpurgated juvenile and adult arrest records, mental retardation and developmental disabilities records, medical examiner investigation data and autopsy reports, parole and probation information and records, school records, and information records of social services, housing, and health agencies that provided services to the child, the child's family, or an alleged perpetrator of abuse which led to the death of the child.

(2) All information and records (including information on prenatal care) of any private health-care providers located in the District of Columbia, including providers of mental health services who provided services to the deceased child, the deceased child's family, or the alleged perpetrator of abuse which led to the death of the child.

(3) All information and records of any private child welfare agency, educational facility or institution, or child care provider doing business in the District of Columbia who provided services to the deceased child, the deceased child's immediate family, or the alleged perpetrator of abuse or neglect which led to the death of the child.

(4) Information made confidential by section 20 of the Vital Records Act of 1981, effective October 8, 1981 (D.C. Law 4-34; D.C. Official Code § 7-219); section 512 of the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978, effective March 3, 1979 ( D.C. Law 2-137; D.C. Official Code § 7-1305.12); section 302 of the District of Columbia Mental Health Information Act of 1978, effective March 3, 1979 (D.C. Law 2-136; D.C. Official Code § 7-1203.02); section 203 of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1302.03); section 306 of the Prevention of Child Abuse and Neglect Act of 1977, effective October 18, 1979 (D.C. Law 3-29; D.C. Official Code § 4-1303.06); section 28 of the Health Maintenance Organization Act of 1996, effective April 9, 1997 (D.C. Law 11-235; D.C. Official Code § 31-3426); and D.C. Official Code §§ 16-2331, 16-2332, 16-2333, and 16-2335.

(b) The Committee shall have the authority to seek information from entities and agencies outside the District of Columbia by any legal means.

(c) Notwithstanding subsection (a)(1) of this section, information and records concerning a current law enforcement investigation may be withheld, at the discretion of the investigating authority, if disclosure of the information would compromise a criminal investigation.

(d) If information or records are withheld under subsection (c) of this section, a report on the status of the investigation shall be submitted to the Committee every 3 months until the earliest of the following events occurs:

- (1) The investigation is concluded;
- (2) The investigating authority determines that providing the information will no longer compromise the investigation; or
- (3) The information or records are provided to the Committee.

(e) All records and information obtained by the Committee pursuant to subsections (a) and (b) of this section pertaining to the deceased child or any other individual shall be destroyed following the preparation of the final Committee report. All additional information concerning a review, except statistical data, shall be destroyed by the Committee one year after publication of the Committee's annual report.

Sec. 4607. Subpoena power.

(a) When necessary for the discharge of its duties, the Committee shall have the authority to issue subpoenas to compel witnesses to appear and testify and to produce books, papers, correspondence, memoranda, documents, or other relevant records.

(b) Except as provided in subsection (c) of this section, subpoenas shall be served personally upon the witness or his or her designated agent, not less than 5 business days before the date the witness must appear or the documents must be produced, by one of the following methods, which may be attempted concurrently or successively:

(1) By a special process server, at least 18 years of age, designated by the Committee from among the staff of the Committee or any of the offices or organizations represented on the Committee; provided, that the special process server is not directly involved in the investigation; or

(2) By a special process server, at least 18 years of age, engaged by the Committee.

(c) If, after a reasonable attempt, personal service on a witness or witness' agent cannot be obtained, a special process server identified in subsection (b) of this section may serve a subpoena by registered or certified mail not less than 8 business days before the date the witness must appear or the documents must be produced.

(d) If a witness who has been personally summoned neglects or refuses to obey the subpoena issued pursuant to subsection (a) of this section, the Committee may report that fact to the Superior Court of the District of Columbia and the court may compel obedience to the subpoena to the same extent as witnesses may be compelled to obey the subpoenas of the court.

**Sec. 4608. Confidentiality of proceedings.**

(a) Proceedings of the Committee shall be closed to the public and shall not be subject to section 742 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 831; D.C. Official Code § 1-207.42), when the Committee is discussing cases of individual child deaths or where the identity of any person, other than a person who has consented to be identified, can be ascertained. Persons other than Committee members who attend any Committee meeting which, pursuant to this section, is not open to the public, shall not disclose what occurred at the meeting to anyone who was not in attendance, except insofar as disclosure is necessary for that person to comply with a request for information from the Committee. Committee members who attend meetings not open to the public shall not disclose what occurred with anyone who was not in attendance (except other Committee members), except insofar as disclosure is necessary to carry out the duties of the Committee. Any party who discloses information pursuant to this subsection shall take all reasonable steps to ensure that the information disclosed, and the person to whom the information is disclosed, are as limited as possible.

(b) Members of the Committee, persons attending a Committee meeting, and persons who present information to the Committee may not be required to disclose, in any administrative,

civil, or criminal proceeding, information presented at or opinions formed as a result of a Committee meeting, except that nothing in this subsection may be construed as preventing a person from providing information to another review committee specifically authorized to obtain such information in its investigation of a child death, the disclosure of information obtained independently of the Committee, or the disclosure of information which is public information.

(c) Information identifying a deceased child, a member of the child's immediate family, the guardian or caretaker of the child, or an alleged or suspected perpetrator of abuse or neglect upon the child, may not be disclosed publicly.

(d) Information identifying District of Columbia government employees or private health-care providers, social service agencies, and educational, housing, and child-care providers may not be disclosed publicly.

(e) Information and records which are the subject of this section may be disclosed upon a determination made in accordance with rules and procedures established by the Mayor.

Sec. 4609. Confidentiality of information.

(a) All information and records generated by the Committee, including statistical compilations and reports, and all information and records acquired by, and in the possession of, the Committee are confidential.

(b) Except as permitted by this section, information and records of the Committee shall not be disclosed voluntarily, pursuant to a subpoena, in response to a request for discovery in any adjudicative proceeding, or in response to a request made under Title II of the District of Columbia Administrative Procedure Act, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*), nor shall it be introduced into evidence in any administrative, civil, or criminal proceeding.

(c) Committee information and records may be disclosed only as necessary to carry out the Committee's duties and purposes. The information and records may be disclosed by the Committee to another child fatality review committee if the other committee is governed by confidentiality provisions which afford the same or greater protections as those provided in this title.

(d) Information and records presented to a Committee team during a child fatality review shall not be immune from subpoena or discovery, or prohibited from being introduced into evidence, solely because the information and records were presented to a team during a child death review, if the information and records have been obtained through other sources.

(e) Statistical compilations and reports of the Committee that contain information that would reveal the identity of any person, other than a person who has consented to be identified,

are not public records or information, and are subject to the prohibitions contained in subsection (a) of this section.

(f) The Committee shall compile an Annual Report of Findings and Recommendations which shall be made available to the Mayor, the Council, and the public, and shall be presented to the Council at a public hearing.

(g) Findings and recommendations on child fatalities defined in section 4605(e) shall be available to the public on request.

(h) At the direction of the Mayor and for good cause, special findings and recommendations pertaining to other specific child fatalities may be disclosed to the public.

(i) Nothing shall be disclosed in any report of findings and recommendations that would likely endanger the life, safety, or physical or emotional well-being of a child, or the life or safety of any other person, or which may compromise the integrity of a Mayor's investigation, a civil or criminal investigation, or a judicial proceeding.

(j) If the Mayor or the Committee denies access to specific information based on this section, the requesting entity may seek disclosure of the information through the Superior Court of the District of Columbia. The name or any other information identifying the person or entity who referred the child to the Department of Human Services or the Metropolitan Police Department shall not be released to the public.

(k) The Mayor shall promulgate rules implementing the provisions of sections 4607 and 4608. The rules shall require that a subordinate agency director to whom a recommendation is directed by the Committee shall respond in writing within 30 days of the issuance of the report containing the recommendations.

(l) The policy recommendations to a particular agency authorized by this section shall be incorporated into the annual performance plans and reports required by Title XIV-A of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective May 16, 1995 (D.C. Law 11-16; D.C. Official Code § 1-614.11 *et seq.*).

Sec. 4610. Immunity from liability for providing information to Committee.

Any health-care provider or any other person or institution providing information to the Committee pursuant to this act shall have immunity from liability, administrative, civil, or criminal, that might otherwise be incurred or imposed with respect to the disclosure of the information.

Sec. 4611. Unlawful disclosure of information; penalties.

Whoever discloses, receives, makes use of, or knowingly permits the use of information concerning a deceased child or other person in violation of this act shall be subject to a fine of not more than \$1,000. Violations of this act shall be prosecuted by the Corporation Counsel or his or her designee in the name of the District of Columbia. Subject to the availability of an

appropriation for this purpose, any fines collected pursuant to this section shall be used by the Committee to fund its activities.

Sec. 4612. Persons required to make reports; procedure.

(a) Notwithstanding, but in addition to, the provisions of any law, including D.C. Official Code § 14-307 and the District of Columbia Mental Health Information Act of 1978, effective March 3, 1979 (D.C. Law 2-136; D.C. Official Code § 7-1201.01 *et seq.*), any person or official specified in subsection (b) of this section who has knowledge of the death of a child who died in the District of Columbia, or a ward of the District of Columbia who died outside the District of Columbia, shall as soon as practicable but in any event within 5 business days report the death or cause to have a report of the death made to the Registrar of Vital Records.

(b) Persons required to report child deaths pursuant to subsection (a) of this section shall include every physician, psychologist, medical examiner, dentist, chiropractor, qualified mental retardation professional, registered nurse, licensed practical nurse, person involved in the care and treatment of patients, health professional licensed pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), law-enforcement officer, school official, teacher, social service worker, day care worker, mental health professional, funeral director, undertaker, and embalmer. The Mayor shall issue rules and procedures governing the nature and contents of such reports.

(c) Any other person may report a child death to the Registrar of Vital Records.

(d) The Registrar of Vital Records shall accept the report of a death of a child and shall notify the Committee of the death within 5 business days of receiving the report.

(e) Nothing in this section shall affect other reporting requirements under District law.

Sec. 4613. Immunity from liability for making reports.

Any person, hospital, or institution participating in good faith in the making of a report pursuant to this act shall have immunity from liability, administrative, civil, and criminal, that might otherwise be incurred or imposed with respect to the making of the report. The same immunity shall extend to participation in any judicial proceeding involving the report. In all administrative, civil, or criminal proceedings concerning the child or resulting from the report, there shall be a rebuttable presumption that the maker of the report acted in good faith.

Sec. 4614. Failure to make report.

Any person required to make a report under section 4612 who willfully fails to make the report shall be fined not more than \$100 or imprisoned for not more than 30 days, or both. Violations of section 4612 shall be prosecuted by the Corporation Counsel of the District of Columbia, or his or her agent, in the name of the District of Columbia.

Sec. 4615. Section 20 of the Vital Records Act of 1981, effective October 8, 1981 (D.C. Law 4-34; D.C. Official Code § 7-219), is amended by adding a new subsection (d) to read as follows:

"(d) Notwithstanding the provisions of this section, the Registrar shall provide reports of deaths of children 18 years of age or younger who either received or were eligible to receive certificates of live birth, as defined by section 2(9), to the Child Fatality Review Committee pursuant to section 4612 of the Child Fatality Review Committee Establishment Act of 2001, passed on 2nd reading on June 5, 2001 (Enrolled version of Bill 14-144)."

Sec. 4616. Section 302 of the District of Columbia Mental Health Information Act of 1978, effective March 3, 1979 (D.C. Law 2-136; D.C. Official Code § 7-1203.02), is amended by striking the period at the end and inserting the phrase ", including section 4612 of the Child Fatality Review Committee Establishment Act of 2001, passed on 2nd reading on June 5, 2001 (Enrolled version of Bill 14-144)." in its place.

Sec. 4617. Section 203(a) of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1302.03(a)), is amended as follows:

(a) Paragraph (6) is amended by striking the word "and" at the end.

(b) Paragraph (7) is amended by striking the period at the end and inserting the phrase "; and" in its place.

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

"(8) The Child Fatality Review Committee, for the purpose of examining past events and circumstances surrounding child deaths in the District of Columbia and deaths of children who were either residents or wards of the District of Columbia, in an effort to reduce the number of preventable child deaths, especially those deaths attributable to child abuse and neglect and other forms of maltreatment. The Child Fatality Review Committee shall be granted, upon request, access to information contained in the files maintained on any deceased child or on the parent, guardian, custodian, kinship caregiver, day-to-day caregiver, relative/godparent caregiver, or sibling of a deceased child."

Sec. 4618. Section 306(a) of the Prevention of Child Abuse and Neglect Act of 1977, effective October 18, 1979 (D.C. Law 3-29; D.C. Official Code § 4-1203.06(a)), is amended by striking the period at the end and inserting the phrase ", or the investigation or review of child fatalities by representatives of the Child Fatality Review Committee, established pursuant to section 4603 of the Child Fatality Review Committee Establishment Act of 2001, passed on 2nd reading on June 5, 2001 (Enrolled version of Bill 14-144)." in its place.

Sec. 4619. The Fiscal Year 2001 Budget Support Act of 2000, effective October 19, 2000 (D.C. Law 13-172; 47 DCR 6308), is amended as follows:

(a) Section 2905 is amended by adding new subsections (c) and (d) to read as follows:

"(c) The CME shall inform the Registrar of Vital Records of all deaths of children 18 years of age or younger as soon as practicable, but in any event within 5 business days.

"(d) The CME, or his or her designee, shall attend all reviews of child deaths by the Child Fatality Review Committee. The CME shall coordinate with the Child Fatality Review Committee in its investigations of child deaths."

(b) Section 2906(b)(2) is amended by adding the phrase "for infants one year of age and younger" before the semicolon.

(c) Section 2913(b) is amended by striking the word "official" and inserting the phrase "official, and the Child Fatality Review Committee when necessary for the discharge of its official duties" in its place.

Sec. 4620. Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-311 is amended by adding after the phrase "promoted and protected." the sentence "Such records and papers shall, upon written application to the court, be unsealed and provided to the Child Fatality Review Committee for inspection if the adoptee is deceased and inspection of the records and papers is necessary for the discharge of the Committee's official duties."

(b) Section 16-2331(b) is amended as follows:

(1) Paragraph (8) is amended by striking the word "and" at the end.

(2) Paragraph (9) is amended by striking the period and inserting the phrase "; and" in its place.

(3) A new paragraph (10) is added to read as follows:

"(10) The Child Fatality Review Committee for the purposes of examining past events and circumstances surrounding deaths of children in the District of Columbia or of children who are either residents or wards of the District of Columbia, or for the discharge of its official duties."

(c) Section 16-2332(b) is amended as follows:

(1) Paragraph (4) is amended by striking the word "and" at the end.

(2) Paragraph (5) is amended by striking the period at the end and inserting a semicolon in its place.

(3) Paragraph (6) is amended by striking the period at the end and inserting the phrase "; and" in its place.

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

"(7) The Child Fatality Review Committee for the purposes of examining past events and circumstances surrounding deaths of children in the District of Columbia or of



children who are either residents or wards of the District of Columbia, or for the discharge of its official duties."

(d) Section 16-2333(b) is amended as follows:

(1) Paragraph (6) is amended by striking the word "and" at the end.

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

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

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

"(9) The Child Fatality Review Committee when necessary for the discharge of its official duties."

(e) Section 16-2335(d) is amended by adding after the phrase "in the records to" the phrase "the Child Fatality Review Committee, where necessary for the discharge of its official duties, and".

Sec. 4621. Fiscal impact statement.

The Fiscal Year 2002 Budget and Financial Plan provides \$296,000 in local funds to support the Child Fatality Review Committee.

#### TITLE XLVII. UNEMPLOYMENT COMPENSATION AMENDMENT

Sec. 4701. Short title.

This title may be cited as the "Unemployment Compensation Federal Conformity Amendment Act of 2001".

Sec. 4702. Section 18 of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 955; D.C. Official Code § 51-118), is amended by adding a new subsection (d) to read as follows:

"(d)(1) An individual filing a new claim for unemployment compensation benefits shall be advised at the time of filing the claim, that:

"(A) Unemployment compensation is subject to federal, state, and local income taxes;

"(B) Requirements exist pertaining to estimated tax payments;

"(C) The individual may elect to have federal income tax deducted and withheld from the individual's payment of unemployment compensation with respect to benefits paid on or after January 1, 1997, at the amount specified in the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2085; 26 U.S.C. § 1 *et seq.*);

"(D) The individual may elect to have District of Columbia income tax deducted and withheld from the individual's payment of unemployment compensation at the rate of 5% with respect to weeks of benefits paid on or after January 1, 2002; and

"(E) The individual shall be permitted to change a previously elected withholding status on 2 occasions during the individual's benefit year.

"(2) Amounts deducted and withheld from unemployment compensation shall remain in the unemployment fund until transferred to the federal or District taxing authority as a payment of income tax.

"(3) The Director shall follow all procedures specified by the United States Department of Labor, the Internal Revenue Service, and the District of Columbia taxing authority pertaining to the deducting and withholding of income tax.

"(4) Amounts shall be deducted and withheld pursuant to this section only after amounts are deducted and withheld for any benefit overpayment or child support obligations required to be deducted and withheld under this act."

Sec. 4703. Fiscal impact statement.

These amendments conform the District of Columbia Compensation Act, approved August 28, 1935 (49 Stat. 936; D.C. Official Code § 51-101 *et seq.*) ("Unemployment Compensation Act") with the federal requirement to permit the withholding of federal income taxes from unemployment compensation benefits at the request of the claimant. In addition, it permits the withholding of District income taxes from unemployment compensation benefits. The proposed changes will not have a negative effect on the operating or capital budgets of the District for the current and preceding 5 fiscal years. This amendment has the potential of actually increasing local revenues because it allows the District to withhold taxes from unemployment compensation benefits checks as they are being disbursed to the recipients, thereby raising revenues at a faster, guaranteed rate. The Department does not anticipate that the District will incur any expenditures as result of these proposed changes.

No current revenue or other funds are required to implement the proposed changes to the Unemployment Compensation Act. There is no fiscal impact on the current appropriations to finance the implementation of the proposed changes. There will be no additional sources of revenue recommended in the forthcoming fiscal years to implement these proposed changes.

TITLE XLVIII. MAINTENANCE OF EFFORT AND MATCHING FUNDS

Sec. 4801. Short title.

This title may be cited as the "Chief Financial Officer Certifications for Maintenance of Effort and Matching Funds Act of 2001".

Sec. 4802. Beginning with the Fiscal Year 2003 Proposed Budget and Financial Plan, the Chief Financial Officer shall certify to the Council that the Mayor has included in the proposed budget and financial plan the amounts necessary to meet and maintain the local requirements for Maintenance of Effort and Matching funds and the certification shall be included in the proposed budget and financial plan submitted by the Mayor to the Council.

Sec. 4803. Beginning in Fiscal Year 2002, the Chief Financial Officer shall certify that any proposed reprogramming by the Mayor will not affect the amounts necessary to meet and maintain the local requirements for Maintenance of Effort and Matching funds and the certification shall be included in the proposed reprogramming request submitted by the Mayor to the Council.

Sec. 4804. Fiscal impact statement.

There is no negative fiscal impact associated with this title.

**TITLE XLIX. DEPARTMENT OF HEALTH FUNCTIONS CLARIFICATION**

Sec. 4901. Short title.

This title may be cited as the "Department of Health Functions Clarification Act of 2001".

Sec. 4902. (a) Notwithstanding the licensing powers and responsibilities given to other District of Columbia agencies and officials in subchapters I-A and I-B of Chapter 28 of Title 47 of the District of Columbia Official Code, the Department of Health, as established by Reorganization Plan No. 4 of 1996, effective July 17, 1996 (part A of subchapter XIV of Chapter 15 of Title 1, D.C. Official Code), shall be the exclusive agency to:

- (1) Regulate allied health care professionals and social service professionals;
- (2) Regulate occupational and professional conduct and standards for health care and social service professionals, including investigating, licensing, and enforcing applicable laws and regulations;
- (3) Regulate actions that affect the physical environment and ensure compliance with applicable federal and District laws and rules that govern the uses and practices that affect the physical environment, including air resources management, water resources management, stormwater management, soil resources management, hazardous waste, pesticides, lead poison program implementation, asbestos program management, underground storage tank regulation, aquatic and wildlife resources management, medical waste management, low-level radioactive waste control, and toxic chemical control;
- (4) Regulate health care facilities and social service facilities;
- (5) Regulate food service establishments, including, but not limited to, retailers and wholesalers of food and food products, grocery stores, restaurants, food vendors, dairies, patent medicine outlets, ice cream manufacturers, candy manufacturers, bottling establishments, wholesale and retail seafood dealers, delicatessens, and bakeries;
- (6) Regulate pharmacies and pharmacy personnel;
- (7) Determine which drugs and other substances shall be classified as controlled substances, and identify persons and facilities that handle, manage, distribute, dispense, and conduct research with controlled substances;

- (8) Regulate radiological and medical devices;
- (9) Regulate the manufacture, distribution, and dispensing of controlled substances;
- (10) Regulate the operation of barber shops and beauty salons;
- (11) Regulate swimming pools;
- (12) Regulate massage and health spa establishments;
- (13) Regulate animal disease control and rodent control; and
- (14) Perform any other functions expressly described in Reorganization Plan No. 4 of 1996, as construed in light of all documents formally made a part of Reorganization Plan No. 4 of 1996 pursuant to section 6 of the Governmental Reorganization Procedures Act of 1981, effective October 17, 1981 (D.C. Law 4-42; D.C. Official Code § 1-315.05).

(b) For the purpose of this section, the term "regulate" shall include all licensing, certification, investigation, inspection, permitting, registration, and enforcement functions, including the issuance of civil infractions, except that the Department of Consumer and Regulatory Affairs shall continue to issue licenses for businesses engaged in functions as set forth in subsection (a)(3), (a)(5), (a)(10), (a)(11), and (a)(12) of this section.

(c) The Mayor shall establish fees to implement this section. All fines and fees collected pursuant to this section shall be deposited as nonlapsing funds in the Department of Health Regulatory Enforcement Fund to the credit of the administration within the Department of Health responsible for collecting the fees to support the activities of those programs, except that fines and fees collected pursuant to the Rodent Control Act of 2000, effective October 19, 2000 (D.C. Law 13-172; 47 DCR 6308) shall be deposited in the Rodent Control Fund. After September 30, 2002, fines and fees generated through rodent control activities shall be deposited in the Department of Health Regulatory Enforcement Fund.

#### Sec. 4903. Regulatory Enforcement Fund.

(a) There is established the Department of Health Regulatory Enforcement Fund ("Fund") as a nonlapsing, revolving fund, to be administered by the Mayor as an agency fund as defined in section 373(2)(I) of Title 47 of the District of Columbia Official Code, to be used exclusively for the purposes stated in section 4902. Revenues deposited into the Fund shall not revert to the General Fund at the end of any fiscal year or at any other time, but shall be continually available to the Department of Health for the uses and purposes set forth in section 4902, subject to authorization by Congress in an appropriations act.

(b) The Fund shall be financed through fines and fees received from enforcement and regulation of the activities described in section 4902 that are performed by the Department of Health. The Master License Fee collected by the Department of Consumer and Regulatory Affairs for the activities described in section 4902 shall be deposited into the Master Business License Fund established by D.C. Official Code § 47-2851.13, to the credit of the Department of Consumer and Regulatory Affairs.

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

(d) Disbursements from the Fund shall be used to support the regulatory functions of the Department of Health described in section 2, including purchasing supplies and equipment, training, and hiring staff.

Sec. 4904. Health Occupations Regulation Fund.

(a) There is established as a nonlapsing, revolving fund in the Department of Health the Health Occupations Regulation Fund ("Fund"), to be administered by the Mayor as an agency fund as defined in section 373(2)(I) of Title 47 of the District of Columbia Official Code, to which all licensing fees, civil fines, and interest relating to the practice of health occupations in the District of Columbia shall be deposited and credited; except, that the Master License Fee collected by the Department of Consumer and Regulatory Affairs for the activities described in section 4902 shall be deposited into the Master Business License Fund established by D.C. Official Code § 47-2851.13, to the credit of the Department of Consumer and Regulatory Affairs.

(b) Revenues deposited into the Fund shall not revert to the General Fund at the end of any fiscal year or at any other time, but shall be continually available to the Department of Health for the uses and purposes set forth in subsection (c) of this section, subject to authorization by Congress in an appropriations act.

(c) Subject to the applicable laws relating to the appropriation of District of Columbia funds, monies received by and deposited in the Health Occupations Regulation Fund shall be for the sole use of the boards established pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), and from it shall be paid all salaries and all other expenses necessary in carrying out the duties of the boards. The Mayor shall be responsible for the deposit and expenditure of these monies.

(d) The Mayor shall submit to the Council, as a part of the annual budget, a requested appropriation for expenditures from the Health Occupations Regulation Fund. The Mayor's budget request shall be based on an estimated projection of the expenditures necessary to perform the administrative and regulatory functions of the boards established pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*).

Sec. 4905. Public Health Laboratory fees.

The Mayor is authorized to establish a schedule of fees for performing laboratory analysis of biological and environmental samples obtained from humans, animals, or various environmental media for the purpose of identifying environmental contaminants and performing epidemiological surveillance for cases of lead poisoning, tuberculosis, rabies, and sexually transmitted diseases. The schedule of fees may account for the provision of bulk services and

may distinguish between services provided to individuals and organizations. The schedule of fees may be developed on a sliding scale based on a person's or organization's ability to pay for laboratory analysis, or may be waived in cases of extreme need.

Sec. 4906. Public Health Laboratory Fund.

(a) There is established the Public Health Laboratory Fund ("Laboratory Fund") as a nonlapsing, revolving fund, to be administered by the Mayor as an agency fund as defined in section 373(2)(I) of Title 47 of the District of Columbia Official Code, to be used exclusively for the purposes stated in section 4907. Revenues deposited into the Laboratory Fund shall not revert to the General Fund at the end of any fiscal year or at any other time, but shall be continually available to the Public Health Laboratory for the uses and purposes set forth in section 4907, subject to authorization by Congress in an appropriations act.

(b) The Laboratory Fund shall be financed through fees received for services provided by the District government pursuant to section 4905 and rules promulgated by the Mayor.

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

Sec. 4907. Disbursements from the Laboratory Fund.

Disbursements from the Laboratory Fund shall be used to support the functions of the Public Health Laboratory described in section 4905, including hiring staff, purchasing supplies, maintaining equipment, and continuing education for laboratory personnel.

Sec. 4908. Rules.

The Mayor, pursuant to Title 1 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 title.

Sec. 4909. Fiscal impact statement.

There is no negative fiscal impact associated with this title.

TITLE L. INTERIM DISABILITY ASSISTANCE PILOT PROGRAM

Sec. 5001. Short title.

This title may be cited as the "Interim Disability Assistance Pilot Program Amendment Act of 2001".

Sec. 5002. Section 3 of the Interim Disability Amendment Act of 2000, effective April 3, 2001 (D.C. Law 13-252; 48 DCR 673), is amended to read as follows:

"Sec. 3. (a) The Mayor shall establish a pilot program for providing Interim Disability Assistance, beginning no later than February 1, 2002. Eligibility for assistance under the

program shall be based on a minimum appropriation of no less than \$2,150,000, and assistance shall continue to be provided if additional funds in excess of the \$2,150,000 become available. During any period in which eligibility for assistance is capped due to the unavailability of funds, the Mayor shall establish and maintain a waiting list of likely eligible applicants.

"(b) The Department of Human Services, Income Maintenance Administration ("IMA") shall conduct a study to determine the size of the eligible population for assistance. The report shall be completed in time for the IMA to recommend to the Mayor the appropriate funding level for the program in Fiscal Year 2003.

"(c) Based on an analysis of the available data, including the size of the eligible population determined pursuant to subsection (b) of this section, the IMA shall recommend to the Mayor the appropriate funding level to fully fund the Interim Disability Assistance program for Fiscal Year 2003.

"(d) The Mayor shall fully fund the Interim Disability Assistance program for Fiscal Year 2003 by including a line item for that purpose in the Fiscal Year 2003 base budget and operational plan."

Sec. 5003. Fiscal impact statement.

The Fiscal Year 2002 budget and financial plan provides \$2,150,000 in local funds to support the Interim Disability Assistance pilot program.

#### TITLE LI. EFFECTIVE DATE

Sec. 5101. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Official Code § 47-392.03(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. 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