

# ENROLLMENT(S)

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# COUNCIL OF THE DISTRICT OF COLUMBIA

## NOTICE

### D.C. LAW 10- 253

#### **"Multiyear Budget Spending Reduction and Support Temporary Act of 1995".**

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 10-857 on first and second readings, December 21, 1994 and January 3, 1995, respectively. The legislation was deemed approved without the signature of the Mayor on January 27, 1994, pursuant to Section 404(e) of "the Act", and was assigned Act No. 10-401, and published in the February 10, 1995, edition of the D.C. Register (Vol. 42 page 721) and transmitted to Congress on February 7, 1995 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 10-253, effective March 23, 1995.



DAVID A. CLARKE  
Chairman of the Council

#### Dates Counted During the 30-day Congressional Review Period:

Feb. 7,8,9,10,13,14,15,16,21,22,23,24,27,28

Mar. 1,2,3,6,7,8,9,10,13,14,15,16,17,20,21,22

AN ACT

Codification

District of Columbia Code

D.C. ACT 10-401

(1995 Supplement)

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 27, 1995

To amend, on a temporary basis, the Animal Control Act of 1979 to authorize the Mayor to allow veterinarians to collect license fees and issue licenses; to amend An Act of October 3, 1964 to authorize prison industry sales to not-for-profit organizations; to amend the Compulsory/No-Fault Motor Vehicle Insurance Act of 1982 to increase the civil fines imposed for operating a motor vehicle without the required insurance; to amend the Residential Property Tax Relief Act of 1977 to restrict the homestead property tax exemption to owners of real property who have paid, or who are subject to, District income taxes; to amend An Act In relation to taxes and tax sales in the District of Columbia, An Act To provide for enforcing the lien of the District of Columbia upon real estate bid off in its name when offered for sale for arrears of taxes and assessments, and for other purposes, and the District of Columbia Real Property Tax Revision Act of 1974 to authorize amnesty for real property owners from penalty and 50% of the interest accrued on the base tax amount due for real property tax years 1989 to 1994 on property with delinquent taxes for 1989 to 1994; conform the date of the real property tax sale to the real property tax year; reduce the real property tax sale redemption period from 2 years to 6 months and to reduce the period within which to apply for a tax deed from 5 years to 1 year; to authorize the Mayor to establish an amnesty program for delinquent taxpayers; to amend An Act In relation to taxes and tax sales in the District of Columbia to provide that only real property taxes that are delinquent as of October 1, 1993 and remain unpaid at the time of sale shall be sold at the January 1995 annual real property tax sale, and to provide that real property taxes that are delinquent as of October 1, 1994 that remain unpaid at the time of sale shall be sold at a real property tax sale to be held on the third Tuesday in July 1995; to amend the Hotel Occupancy and Surtax on Corporations and Unincorporated Business Tax Act of 1977 to limit the dedication to the Washington Convention Center Enterprise Fund to 52.59%; to amend the District of Columbia Solid Waste Disposal Fee Act of 1982 to require advance payment of solid waste disposal; to reenact the Health Care Provider Tax to provide for the funding of health care services, in a manner designed to generate federal Medicaid matching funds, by certain health care providers granted the privilege of operating or practicing in the District of Columbia; to amend the compensation system for Career and Excepted Service to reduce the government

contribution for optical and dental benefits for employees not covered by collective bargaining; to establish procedures for the furlough of employees of agencies, offices, and instrumentalities of the District of Columbia for 10 days during the fiscal year ending September 30, 1995; to amend An Act To enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program, and for other purposes to provide for reimbursement of primary care providers on a capitated basis; to amend the District of Columbia Public Assistance Act of 1982 to limit the private cause of action for the cost of living adjustment payments, to reduce certain supplemental security income benefits, to eliminate AFDC benefits for pregnant women in the first and second trimester, to exclude individuals 18 to 21 years of age from the Aid to Families with Dependent Children assistance unit, and to eliminate the locally funded complementary Energy Assistance Program; to repeal the Public Assistance and Day Care Policy Temporary Amendment Act of 1994; to amend the Day Care Policy Act of 1979 to authorize the District government to withhold from payments to day care centers the equivalent of \$1.00 per day per child in parent fees to eliminate automatic cost of living adjustments for day care providers; to amend the Emergency Assistance Program Act of 1988 to reduce the amount of emergency assistance available in 1 year, to eliminate emergency food assistance, and to limit the availability of emergency utility assistance to the extent of appropriations; to amend the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978 to eliminate mandatory testing of persons with mental retardation for recreational, speech, and hearing, to establish a sliding fee scale for services based upon a person's ability to pay, to authorize the recovery of costs of maintenance and habilitation services from clients who can afford to pay for the services, and to limit services to District residents; to provide reasonable accommodations for persons with mental retardation or other developmental disabilities with medication needs to participate fully in the community by authorizing trained employees, under the general supervision of registered nurses, to administer medication to program participants under specified circumstances; to allow program participants to self-administer medication under specified circumstances, and to render registered nurses and trained employees immune from civil liability arising from the authorization of medication administration and administration of medication respectively; to establish policy, criteria, and standards for privatizing the fleet management operations of the Metropolitan Police Department; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to reduce the costs of administering the disability compensation program under the Comprehensive Merit Personnel Act in order to improve the administration of the disability compensation program; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to eliminate compensation for most boards and commissions and to limit reimbursement for expenses; to amend the Cable Television Communications Act of 1981 to allow the Public Access Corporation to operate the District's municipal channels and to receive funds from the Office of Cable

Television; to repeal the Health Services Planning Program Act of 1992 to abolish the State Health Planning and Development Office and the certificate of need program; to amend the District of Columbia Uniform Controlled Substances Act of 1981 to allow Drug Interdiction and Demand Reduction Fund proceeds to be allocated to the Alcohol and Drug Abuse Service Administration to support drug education, prevention, and demand programs; to amend the Automobile Consumer Protection Act of 1984 by suspending enforcement of the act by the Department of Consumer and Regulatory Affairs until October 1, 1998; to amend the District of Columbia Consumer Protection Procedures Act to suspend enforcement of the act by the Department of Consumer and Regulatory Affairs until October 1, 1998; to amend the District of Columbia Latino Community Development Act to eliminate the staff person for Commission on Latino Community Development; to amend the District of Columbia Self-Government and Governmental Reorganization Act to modify the funding requirements for Advisory Neighborhood Commissions; to require the Mayor to submit to the Council a report delineating the actions taken by the executive to effect the directives of the Council in this act; to authorize the Board of Education to establish a retirement incentive program; and to require the withholding of within grade increases for employees of the University of the District of Columbia; to amend An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes to authorize the imposition of a fee for special events; and to repeal the Law School Clinical Programs Funding Authorization Act of 1978.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,  
That this act may be cited as the "Multiyear Budget Spending Reduction  
and Support Temporary Act of 1995".

**TITLE I - REVENUE INCREASES**

Sec. 101. Section 5(d) of the Animal Control Act of 1979, effective October 18, 1979 (D.C. Law 3-30; D.C. Code § 6-1004(d)), is amended by adding 2 new sentences at the end to read as follows:

Note,  
Section  
6-1004

"The Mayor shall promulgate regulations to allow veterinarians to collect license fees and issue licenses. The regulations shall permit veterinarians to collect an additional \$2 for each license issued as reimbursement for administrative costs."

Sec. 102. Section 3 of An Act of October 3, 1964, approved October 3, 1964 (P.L. 88-622; D.C. Code § 24-453), is amended as follows:

Note,  
Section  
24-453

- (a) By redesignating the existing text as subsection (a);
- (b) By striking the period at the end of the first sentence and inserting the phrase "or any not-for-profit organization, except as provided in subsection (b) of this section." in its place; and

(c) By adding a new subsection (b) to read as follows:

"(b) Departments or agencies of the District of Columbia shall utilize the products and services produced under this act if the products and services satisfy agency requirements, including price, delivery, and other specifications."

Sec. 103. Section 15(b)(1) of the Compulsory/No-Fault Motor Vehicle Insurance Act of 1982, effective September 18, 1982 (D.C. Law 4-155; D.C. Code § 35-2113(b)(1)), is amended by striking the phrase "\$100 or more than \$300" and inserting the phrase "\$300 or more than \$500" in its place and by striking the phrase "\$300 or more than \$500" and inserting the phrase "\$500 or more than \$1,000" in its place.

Note,  
Section  
35-2113

Sec. 104. The District of Columbia Real Property Tax Revision Act of 1974, approved September 3, 1974 (88 Stat. 1052; D.C. Code § 47-801 *et seq.*), is amended as follows:

(a) A new section 411a is added to read as follows:

"411a. Real property tax amnesty.

"(a) Notwithstanding the provisions of section 411, for the fiscal year beginning October 1, 1994 and ending September 30, 1995, the Mayor may provide amnesty to owners of real property from penalty, if any, imposed and 50% of the interest accrued as of the first day of the amnesty period on the base tax amount due for real property tax years 1989 to 1994 on real property with delinquent taxes for the 1989 to 1994 tax years.

"(b) The amnesty period shall be set by the Mayor.

"(c) To receive amnesty to be applied to a property, the real property owner shall, by the last day of the amnesty period:

"(1)(A) Pay or have paid all of the real property taxes due as of the last day of the amnesty period, plus penalty and interest if the tax payment or payments was made late, for the current real property tax year;

"(B) The Mayor may require a real property owner who seeks amnesty to make any real property tax payment due for the current real property tax year as of the last day of the amnesty period, plus penalty and interest, if applicable, by cashier's check, certified check, money order, or cash; and

"(2)(A) Pay the full amount of the base tax amount due on the property for real property tax years 1989 to 1994 and 50% of the interest accrued as of the first day of the amnesty period on the base tax amount due;

"(B) The amnesty payment shall be made by cashier's check, certified check, money order, or cash and shall be accompanied by a form prescribed by the Mayor.

"(d) If a real property owner receives amnesty under this section, all real property taxes due, penalties imposed, or interest accrued for any period up to and including real property tax year 1994 on the property that is the subject of the amnesty, shall, notwithstanding any other provision of law, be deemed fully paid and satisfied.

"(e) Real property owners shall not be entitled to amnesty under this section for real property that:

"(1) Has been sold at tax sale and has an expired redemption period for which a tax sale certificate may be surrendered for a tax deed;

Note,  
Section  
47-811

"(2) Is the subject of a pending bankruptcy proceeding;

"(3) Belongs to the United States government, including the United States Marshal;

"(4) Is in the Distressed Properties Improvement Program under title VIII of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Code § 45-2581 *et seq.*);

"(5) Is in the Homestead Housing Preservation Program under the Homestead Housing Preservation Act of 1986, effective August 9, 1986 (D.C. Law 6-135; D.C. Code § 45-2701 *et seq.*);

"(6) As of the first day of the amnesty period, is or was the subject of:

"(A) Civil or criminal litigation commenced before the first day of the amnesty period;

"(B) A waiver or other agreement made with the Department of Finance and Revenue; or

"(C) An audit of the property's entitlement to real property tax relief, including but not limited to, a homestead deduction, senior citizen property tax relief, lower income homeownership abatement, or tax incentives for development; or

"(7)(A) After the first day of the amnesty period is determined to have received real property tax relief, including but not limited to, a homestead deduction, senior citizen property tax relief, lower income homeownership abatement, or tax incentives for development to which the property was not entitled;

"(B) Notwithstanding subparagraph (A) of this paragraph, if it is determined by the Mayor that the real property owner was not in any way at fault in the real property receiving the tax relief to which it was not entitled, the owner may receive amnesty: Provided, That the owner pays any additional taxes due as prescribed by the Mayor.

"(f) For purposes of this section, the term "base tax amount due" shall mean:

"(1) For a property that has been sold at tax sale, the amount that the Department of Finance and Revenue's computerized real property tax billing records show as due, into which has been incorporated penalties and interest for delinquent real property taxes due before the tax sale; or

"(2) For a property that has not been sold at tax sale, the amount that the Department of Finance and Revenue's computerized real property tax billing records show as due.

"(g) The Mayor is authorized to issue such rules and regulations as may be necessary to interpret, administer, and enforce the provisions of this section."

(b) Section 437(a) (D.C. Code § 47-847(a)) is amended by striking the phrase "2 years or more" and insertin the phrase "6 months or more" in its place.

Note,  
Section  
47-847

Sec. 105. Amnesty.

(a) For the fiscal year beginning October 1, 1994 and ending September 30, 1995, the Mayor may provide amnesty to a taxpayer liable for the payment of a tax, the specific tax type to be determined by the Mayor, for which a return or report was required to be filed before October 1, 1994. The period of time for which an extension was granted

Note,  
Section  
47-451

for filing the return or report shall not be included in the time used to determine whether the return or report was required to be filed before October 1, 1994.

(b) The amnesty shall be from the imposition of any fine or other civil or criminal penalty and 50% of the accrued interest provided by law for the failure of the taxpayer to file a return or report or pay a tax due for a tax type determined by the Mayor on a return or report that was required to be filed before October 1, 1994.

(c) To receive amnesty, the taxpayer shall file an application for amnesty with the Mayor on a form the Mayor prescribes. The application shall be filed with:

(1) The applicable original return or report that was required to be filed before October 1, 1994, but was not filed, or the applicable amended return or report that corrects a filed false or otherwise incorrect return or report that was required to be filed before October 1, 1994; and

(2) A certified or cashier's check, money order, or cash for the full amount of the tax due for the tax type determined by the Mayor plus 50% of the interest accrued as provided by law for the return or report that was required to be filed before October 1, 1994, but was not filed, or for the tax due for a tax type determined by the Mayor, that was not paid on a return or report that was required to be filed before October 1, 1994.

(d) Except as provided in subsection (a) of this section, amnesty shall be provided for any tax due for a tax type determined by the Mayor, on a return or report required to be filed before October 1, 1994, due to filing a false return, overreporting a deduction or exclusion, underreporting an item subject to taxation, nonreporting a tax liability, nonpayment of tax, failure to file a return or report, or another reason for failure to pay the full amount of tax due and owed for the return or report.

(e) A taxpayer shall not receive amnesty for:

(1) Any tax due that is the subject of a collection or closing agreement executed before October 1, 1994;

(2) Any tax due that is the subject of civil or criminal litigation commenced before October 1, 1994, except for tax due where the litigation is dismissed, with prejudice, before the last day of the amnesty period; or

(3) Any tax due for which the taxpayer fails to file the required form, return, or report pursuant to subsection (c)(1) of this section, fails to pay the full amount of the tax due and interest accrued as required pursuant to subsection (c)(2) of this section, or engages in fraud in filing a form, return, or report pursuant to subsection (c)(1) of this section.

(A) If a taxpayer engages in fraud in filing a return or report, any payment made with the application for amnesty shall be applied to the tax, penalty, and interest due, without regard to amnesty, for the tax type for which amnesty was sought by the taxpayer.

(B) The taxpayer or the return or report shall be subject to the same penalty, interest, assessment, enforcement and other administrative provisions as the tax type for which amnesty was sought by the taxpayer.



(f) The Mayor is hereby authorized, within the Mayor's broad discretion, to implement and administer the program for amnesty under this section.

(1) The Mayor may determine the specific tax types for which amnesty shall be granted, including but not limited to the following tax types:

(A) Income and franchise taxes, including withholding taxes, imposed pursuant to the District of Columbia Income and Franchise Tax Act of 1947, approved July 16, 1947 (61 Stat. 331; D.C. Code § 47-1801.1 *et seq.*);

(B) Sales tax imposed pursuant to the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 112; D.C. Code § 47-2001 *et seq.*);

(C) Use tax imposed pursuant to the District of Columbia Use Tax Act, approved May 27, 1949 (63 Stat. 124; D.C. Code § 47-2201 *et seq.*); and

(D) Personal property tax imposed pursuant to An Act Making appropriations for the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and two, and for other purposes, approved July 1, 1902 (32 Stat. 620; D.C. Code § 47-1508 *et seq.*), and section 3 of the Personal Property Tax Act of 1986, effective February 28, 1987 (D.C. Law 6-212; D.C. Code § 47-1522).

(2) The Mayor may set the period for amnesty.

(3) The Mayor may provide amnesty for up to 100% of the accrued interest as provided by law, may require a taxpayer seeking amnesty to submit such documents or records as the Mayor deems necessary to determine the truthfulness or accuracy of a return or report filed pursuant to this section, may permit the payment of any tax due under this section in installments, or may subject any return or report filed pursuant to this section to the same audit procedures to which a return or report for the tax type is subjected.

(4) The Mayor is authorized to issue such rules and regulations as may be necessary to interpret, administer, and enforce the provisions of this section.

Sec. 106. Section 3(c)(1)(A) of the Residential Property Tax Relief Act of 1977, effective February 28, 1978 (D.C. Law 2-45; D.C. Code § 47-850(c)(1)(A)), is amended to read as follows:

"(A)(i) Is occupied by the owner of the property and the owner of the property has paid District income taxes for the calendar year previous to the year in which deduction available in subsection (c)(1) of this section is sought, or is subject to District income taxes in the year in which deduction available in subsection (c)(1) of this section is sought; or

"(ii) Is unoccupied due to a major fire, flood, or other casualty that occurred during the 12 months preceding the tax year and was not intentionally caused by the owner, and the owner of the property has paid District income taxes for the calendar year previous to the year in which deduction available in subsection (c)(1) of this section is sought, or is subject to District income taxes in the year in which deduction available in subsection (c)(1) of this section is sought;"

Note,  
Section  
47-850

Sec. 107. An Act In relation to taxes and tax sales in the District of Columbia, approved February 28, 1898 (30 Stat. 250; D.C. Code § 47-1301), is amended as follows:

(a) Section 1 (D.C. Code § 47-1301) is amended as follows:

(1) By designating the existing text as subsection (a);

(2) By striking the phrase "; and the Council of the District of Columbia shall fix date of sale." and inserting a period in its place; and

(3) By adding a new subsection (b) to read as follows:

"(b)(1) Notwithstanding the provisions of subsection (a) of this section, only real property taxes delinquent as of October 1, 1993, that remain unpaid at the time of sale, shall be sold at the January 1995 real property tax sale.

"(2) Real property taxes delinquent as of October 1, 1994, that remain unpaid at the time of sale shall be sold at the real property tax sale to be held on the third Tuesday in July 1995.

"(3) Beginning calendar year 1996 and each year thereafter, the annual real property tax sale shall be held on the third Tuesday in July."

(b) Section 3 (D.C. Code § 47-1304) is amended by striking the phrase "2 years" wherever it appears and inserting the phrase "6 months" in its place and by adding new subsections (e), (f), and (g) to read as follows:

"(e) Notwithstanding any provision of law, no deed shall be issued for any property sold at the tax sale conducted in July 1995 and any tax sale thereafter, unless an application by the purchaser for the deed is made within 1 year from the last day of the tax sale.

"(f) If no application for the deed is made within the 1 year period, the property will be sold at the next ensuing tax sale.

"(g) Upon the failure of the purchaser to apply for the deed within 1 year from the last day of the tax sale, any money paid by the tax sale purchaser in exchange for a tax sale certificate shall be forfeited to the District of Columbia."

(c) Section 4(a) (D.C. Code § 47-1306(a)) is amended by striking the phrase "2 years" and inserting the phrase "6 months" in its place.

(d) Section 5(a) (D.C. Code § 47-1307(a)) is amended by striking the phrase "2 years" and inserting the phrase "6 months" in its place.

Sec. 108. (a) Section 1(a) of An Act To provide for enforcing the lien of the District of Columbia upon the real estate bid off in its name when offered for sale for arrears of taxes and assessments, and for other purposes, approved March 2, 1936 (49 Stat. 1153; D.C. Code § 47-1312(a)), is amended by striking the phrase "more than 2 years" and inserting the phrase "more than 6 months" in its place.

(b) Resolution 73-48, effective June 5, 1973 (19 DCR 1183), is repealed.

Sec. 109. Section 106 of the Hotel Occupancy and Surtax on Corporations and Unincorporated Business Tax Act of 1977, effective March 16, 1978 (D.C. Law 2-58; D.C. Code § 47-3206), is amended by adding a new subsection (c) to read as follows:

"(c) Notwithstanding subsection (b) of this section, no more than 52.59% of the hotel occupancy tax revenues shall be dedicated to the

Note,  
Section  
47-1301

Note,  
Section  
47-1304

Note,  
Section  
47-1306  
Note,  
Section  
47-1307  
Note,  
Section  
47-1312

Note,  
Section  
47-3206

Washington Convention Center Enterprise Fund for promotions of conventions and tourism in Fiscal Year 1995, with the balance of the previously dedicated amount for promotions (7.41% of the hotel occupancy tax revenues) to be deposited in the general operating fund of the District government in Fiscal Year 1995."

Sec. 110. Section 8-3: 606(e)(v) of the Solid Waste Regulations, issued June 29, 1971 (Reg 71:21; 21 DCMR 721) is amended as follows:

DCMR

(a) Subparagraph (A) (21 DCMR 721.1) is amended to read as follows:

"721.1 A solid waste collector who disposes of solid waste at a disposal facility owned, operated by, or under contract with the District shall pay its disposal fees in advance by certified check or by establishing an escrow account with a financial institution for monthly drawdowns by the District to pay for the collector's solid waste disposal fees. The escrow account shall maintain a balance equivalent to 60 days of estimated disposal fees. Estimated disposal fees shall be based on the average of the solid waste collector's disposal cost from the preceding 6 month period. If 6 months of preceding disposal cost information is not available, the Mayor shall reasonably determine the balance to be maintained in the escrow account. All escrow accounts shall be reconciled within 5 business days. If the escrow account is not reconciled within 5 business days, the Mayor shall impose a 5% penalty based on the amount due in the escrow account.

"(b) Subparagraph (B) (21 DCMR 721.2) is amended to read as follows:

"721.2. Any solid waste collector who disposes solid waste at a disposal facility owned, operated by, or under contract with the District as of December 21, 1994, who is not delinquent in payment of its solid waste disposal fee, shall be exempt from the requirement of payment of the solid waste disposal fee in advance, provided that the solid waste collector does not become delinquent in payment after December 21, 1994. For the purposes of this section, delinquent means nonpayment of the solid waste disposal fee within 30 days of receipt of bill from the District."

## TITLE II - HEALTH CARE PROVIDER ASSESSMENT

Note,  
Section  
47-1207

Sec. 201. This title may be cited as the "Health Care Provider Assessment Temporary Act of 1994".

Sec. 202. Definitions.

For the purposes of this act, the term:

(1) "Fiscal year" means the 12-month accounting period of the District of Columbia beginning on October 1 and ending on September 30 of each year.

(2) "Gross patient services revenue" means the sum of inpatient service charges, ambulatory service charges, ancillary service charges, and other charges related to the provision of services to patients. Gross patient services revenue does not include any nonpatient services revenue.

(3) "Health care provider" means an individual, corporation, partnership, or other entity subject to an assessment under this act.

(4) "Hospital" means a health care facility as defined in section 2(a)(1) of the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Code § 32-1301(a)(1)), but does not include a health care facility operated by the federal government.

(5) "Intermediate care facility for the mentally retarded" shall have the same meaning as under section 1905(d) of the Social Security Act, approved July 30, 1965 (79 Stat. 351; 42 U.S.C. § 1396d(d)), but does not include a facility operated by the federal government.

(6) "Net Medicaid revenue" means payments received, or to be received, by a health care provider from a medical assistance program pursuant to title XIX of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 *et seq.*), for medical and other health care services provided by the health care provider to eligible individuals during a 12-month accounting period of the health care provider.

(7) "Net patient services revenue" means gross patient services revenue as defined in paragraph (2) of this section, less total deductions from gross patient services revenue, as defined in paragraph (10) of this section.

(8) "Nursing home" means a health care facility as defined in section 2(a)(3) of the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Code § 32-1301(a)(3)), but does not include a health care facility operated by the federal government or operated as part of a continuing care retirement community, as described in the District of Columbia Health Plan, issued December 1989, at pages VII-A-8 and VII-A-9.

(9) "Patient day" means a day in which a patient occupies a bed for purposes of receiving inpatient services, including intermediate care services for persons who are mentally retarded, but shall not include the day of the patient's discharge from a facility. A patient shall be considered to occupy a bed on a day when he is physically absent from a facility, provided that the facility is eligible to receive payment for the day from a medical assistance program or any other payer.

(10) "Total deductions from gross patient services revenue" means deductions from gross patient services revenue resulting from a health care provider's inability to collect full payment of its established charges to patients. The deductions include:

(A) Bad debts;

(B) Contractual adjustments, including the difference between the amount that would be realized at the health care provider's established charges and amounts actually received pursuant to contractual agreements entered into in order to receive Medicare payments, Medicaid payments, Blue Cross/Blue Shield plan payments, or other 3rd-party payments;

(C) Uncompensated or charity care;

(D) Administrative, courtesy, and policy discounts and adjustments; and

(E) Other similar deductions.

## Sec. 203. Assessment on hospitals.

(a) Each hospital operating in the District of Columbia shall pay an assessment equal to 1.5% of the hospital's annual net patient services revenue, excluding net Medicaid revenue.

(b) The assessment shall be paid annually each fiscal year in 2 equal installments. The 1st installment shall be due on May 1, and the 2nd installment shall be due on September 30 of each fiscal year. The assessment shall be based on the hospital's most recently completed 12-month accounting period ending on or before the date the 1st payment in a given fiscal year is due. In the case of a hospital having an accounting period of other than a 12-month period, the Mayor shall determine the accounting period upon which the assessment shall be based.

(c) Each hospital shall report net patient services revenue for the period upon which the assessment is imposed by submitting an audited financial statement and other information, as may be prescribed by the Mayor in the rules issued pursuant to section 213. The report shall be submitted on May 1 of each fiscal year, together with the hospital's 1st installment payment.

(d) If, for reasonable cause shown, an audited financial statement is not available to a hospital at the time it is required to make its 1st payment, the hospital shall report net patient services revenue using an unaudited financial statement and shall base its payment on that statement. The hospital shall submit its audited financial statement with the payment due on September 30 of each fiscal year and shall adjust that payment to reflect the information in its audited financial statement.

## Sec. 204. Assessment on nursing homes.

(a) Each nursing home operating in the District of Columbia shall pay an assessment equal to \$11.88 per patient day subject to the limitations imposed in subsection (f) of this section.

(b) The assessment shall be paid twice each fiscal year. The 1st payment shall be due on May 1 of each fiscal year, and shall be based on the nursing home's total patient days during the immediately preceding 6-month period beginning on October 1 and ending on March 31 of each fiscal year. The 2nd payment shall be due on September 30 of each fiscal year, and shall be based on the nursing home's total patient days during the immediately preceding 6-month period beginning on April 1 and ending on September 30 of each fiscal year.

(c) Each nursing home shall report its total patient days for the period upon which the assessment is imposed on the form and in the manner prescribed by the Mayor in the rules issued pursuant to section 13. The report shall be submitted with each payment by the nursing home.

(d) If, for reasonable cause shown, a nursing home is not able to determine its actual number of patient days by the date a payment is due, it shall submit a report estimating the number of patient days and providing the basis for its estimate. The nursing home shall report the actual number of patient days no later than 30 days after the date the payment is due and adjust its next scheduled payment to reflect that information. Within 30 days following the date the final payment under this section is due, the nursing home shall report the actual number of

patient days for the relevant period and reconcile its final payment, either by tendering the remaining amount due or by claiming a refund.

(e) Pursuant to section 1903(w)(3)(E)(i) of the Social Security Act, approved July 30, 1965 (79 Stat. 349; 42 U.S.C. § 1396b(w)(3)(E)(i)), the Mayor shall submit to the Secretary of the Department of Health and Human Services an application for a waiver of the assessment imposed by this section for nursing homes that provide uncompensated charity care in an amount that exceeds the total amount that the nursing home would be required to pay under this section.

(f) No assessment imposed on a nursing home pursuant to this section on or after October 1, 1994, shall exceed 6% of the gross patient services revenue of the nursing home.

(g) Effective for services provided on and after October 1, 1994, Medicaid rates paid to nursing homes shall be increased to reflect the allowable Medicaid costs. This increase shall be paid as soon as practicable, but no later than the subsequent fiscal year for services provided in the current fiscal year.

Sec. 205. Assessment on intermediate care facilities for the mentally retarded.

(a) Each intermediate care facility for the mentally retarded ("intermediate care facility") operating in the District of Columbia shall pay an assessment equal to \$15.29 per patient day subject to the limitations imposed in subsection (e) of this section.

(b) The assessment shall be paid twice each fiscal year. The 1st payment shall be due on May 1 of each fiscal year, and shall be based on the intermediate care facility's total patient days during the immediately preceding 6-month period beginning on October 1 and ending on March 31 of each fiscal year. The 2nd payment shall be due on September 30 of each fiscal year, and shall be based on the intermediate care facility's total patient days during the immediately preceding 6-month period beginning on April 1 and ending on September 30 of each fiscal year.

(c) Each intermediate care facility shall report its total patient days for the period upon which the assessment is imposed on the form and in the manner prescribed by the Mayor in the rules issued pursuant to section 213. The report shall be submitted with each payment by the intermediate care facility.

(d) If, for reasonable cause shown, an intermediate care facility is not able to determine its actual number of patient days by the date a payment is due, it shall submit a report estimating the number of its patient days and providing the basis for its estimate. The intermediate care facility shall report the actual number of patient days no later than 30 days after the date the payment is due and adjust its next scheduled payment to reflect that information. Within 30 days following the date the final payment under this section is due, the intermediate care facility shall report the actual number of patient days for the relevant period and reconcile its final payment, either by tendering the remaining amount due or by claiming a refund.

(e) No assessment imposed on an intermediate care facility for the mentally retarded pursuant to this section on or after October 1, 1994, shall exceed 6% of the gross patient services revenue of the facility.

(f) Effective for services provided on and after October 1, 1994, Medicaid rates paid to intermediate care facilities for the mentally retarded shall be increased to reflect the allowable Medicaid costs. This increase shall be paid as soon as practicable, but no later than the subsequent fiscal year for services provided in the current fiscal year.

Sec. 206. Interest and penalties.

(a) When a health care provider fails to pay an assessment in the amount or on the date required by this act, interest at the rate of 1.5% per month, or any fraction of a month, shall be added to the unpaid amount of the assessment from the date prescribed for its payment until the date it is paid.

(1) If a health care provider fails to pay all or part of an assessment within 60 days of the date that payment is due, the Mayor may deduct the unpaid balance of the assessment from medical assistance payments otherwise due to the health care provider by the District of Columbia. Any such deduction shall be made only after written notice has been received by the health care provider and shall be taken in reasonable amounts over a reasonable period of time, taking into account the financial condition of the health care provider.

(2) If the Mayor is satisfied that the failure to pay all or part of an assessment was due to reasonable cause, the Mayor may waive all or part of the interest provided for in this subsection. For purposes of this paragraph, a health care provider's good faith inability to obtain an audited financial statement, as described in section 203(d), or to determine its actual number of patient days, as described in section 204(d) or 205(d), by the date a payment is due, shall constitute reasonable cause.

(b) When a health care provider fails to file a report required under this act, there shall be added to the assessment otherwise due under this act an amount equal to 5% of the assessment for each month or any fraction of a month that the failure to file continues, not to exceed 25% of the assessment in the aggregate. If the Mayor is satisfied that the failure to file the report was due to reasonable cause, the Mayor may waive all or part of the penalty provided for in this subsection.

(c) In addition to any other penalty prescribed pursuant to this act, a health care provider who fails to pay all or part of an assessment due under this act with an intent to defraud the District of Columbia shall be subject to a penalty in an amount equal to:

(1) Seventy-five percent of the difference between the amount of the assessment due and the amount of the assessment paid; and

(2) Fifty percent of the interest payable under subsection (a) of this section.

(d) In addition to any other penalty prescribed pursuant to this act or by law, a health care provider who knowingly provides false information in a report required to be filed under this act shall be subject to a penalty in an amount not to exceed \$1,000. For purposes of this subsection, submitting a report that contains unaudited financial information or estimated patient days shall not constitute a knowing filing of false information, provided that the health care provider states that the report contains unaudited or estimated information and reports its audited financial data or actual patient days as provided in sections 203(d), 204(d) or 205(d), whichever applies.

(e) In the case of a health care provider to whom no medical assistance payments are due, or for whom the amount of any assessment, interest, or penalties owed under this act exceeds the amount of the medical assistance payments due to the health care provider, the District of Columbia shall have a lien upon the real and personal property located in the District of Columbia of the health care provider for any assessments, interest, or penalties that are due under this act. The District of Columbia shall have the priority of a secured creditor.

(f) Any action under this section shall be brought in the Superior Court of the District of Columbia by the Corporation Counsel of the District of Columbia in the name of the District of Columbia.

Sec. 207. Payment.

(a) An assessment imposed under this act shall be collected by the Mayor.

(b) The funds generated by the health care provider assessments imposed by this act shall be deposited into an account in the General Fund designated for the support of health care services in the District of Columbia.

(c) The Mayor and the Council of the District of Columbia shall request that an amount equal to the revenues deposited in the account established by subsection (b) of this section shall be appropriated for the support of health care services.

Sec. 208. Confidentiality; audit; determination or redetermination of assessment.

(a) Unless otherwise provided by law, information submitted by a health care provider under this act is confidential and shall not be disclosed by the Mayor, or by a person designated by the Mayor to ascertain the correctness of the information, in a form which reveals the identity of an individual health care provider.

(b) The Mayor, or a person designated by the Mayor to ascertain the correctness of the information reported, may audit the information required to be reported by a health care provider under this act and, based on that audit, may determine or redetermine the amount of the assessment due under this act.

(1) The Mayor may summon any person to appear before the Mayor to give testimony or answer interrogatories or to produce books, records, or other pertinent information relating to matters subject to audit. The summons may be served by a member of the Metropolitan Police Department or by registered mail or certified mail addressed to the person at the person's last dwelling place or principal place of business. A verified return by the person serving the summons, or, in the case of service by registered or certified mail, the return post office receipt signed by the person served, shall be proof of service.

(2) The Mayor may report a person who, having been served pursuant to paragraph (1) of this subsection, neglects or refuses to obey the summons, to the Superior Court of the District of Columbia. The Superior Court may compel obedience to the summons to the same extent as witnesses may be compelled to obey subpoenas of the Superior Court.

(c) If the Mayor determines, as a result of an audit conducted pursuant to subsection (b) of this section, that a health care provider owes additional funds under this act, the health care provider shall be



notified of the amount determined to be owed by registered or certified mail. Payment shall not be due until 30 days after the health care provider receives written notice, as determined by the date of the return post office receipt, of the amount determined to be owed. Any interest and penalties applicable to the payment pursuant to this section shall not accrue until after the 30-day period has expired.

Sec. 209. Periods of limitation on audit and collection.

No audit of information required to be reported under sections 203(c), 204(c), or 205(c) shall be commenced more than 3 years following the date the information is reported, except in the case of false or fraudulent information reported with intent to evade assessment or in the case of a failure to report required information. In such cases, an audit may be commenced at any time.

Sec. 210. Appeals.

(a) A health care provider contesting the amount of an assessment imposed under this act may, within 60 days after the date the assessment is due or the date it receives notice of a determination or redetermination of the amount of the assessment due pursuant to section 208, request a hearing to contest the assessment, determination or redetermination by filing a notice of appeal with the District of Columbia Board of Appeals and Review. The hearing shall be subject to the provisions of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code § 1-1501 *et seq.*), governing adjudication of contested cases and shall be conducted pursuant to the rules of the District of Columbia Board of Appeals and Review in chapter 5 of title 1 of the District of Columbia Municipal Regulations (1 DCMR 500 *et seq.*).

(b) Before filing an appeal pursuant to subsection (a) of this section, the health care provider shall first pay the assessment together with any penalties and interest due on the assessment to the Mayor.

Sec. 211. Certain suits forbidden.

No suit shall be filed to enjoin the assessment and collection by the Mayor of any assessment, interest, or penalty imposed by this act.

Sec. 212. Federal determinations.

(a) In the event that the federal government determines that an assessment imposed on a class of health care providers pursuant to this act does not satisfy the requirements for federal financial participation set forth in section 1903(w) of the Social Security Act, approved July 30, 1965 (79 Stat. 349; 42 U.S.C. § 1396b(w)), or that a payment by the District of Columbia to an individual health care provider for a cost directly resulting from an assessment imposed by this act is not eligible for federal financial participation, the moneys collected pursuant to the assessment shall be refunded to the class of health care providers who paid the assessment and the assessment shall not be enforced with respect to future payments.

(b) An adverse determination with respect to an assessment imposed on a class of health care providers pursuant to this act shall not affect the validity, amount, applicable rate, or any other terms of any other assessment on a class of health care providers imposed by this act. An

adverse determination with respect to all the assessments imposed by this act shall render this act null and void.

(c) Notwithstanding any other provision of this act, in the event that the federal government determines that any exclusions from a class of health care providers specified under this act would prevent an assessment upon that class from qualifying as a broad-based health care related tax, as that term is defined in section 1903(w)(3)(B) of the Social Security Act, approved July 30, 1965 (79 Stat. 349; 42 U.S.C. § 1396b(w)(3)(B)), then the exclusions shall not be made.

Sec. 213. Rules.

The Mayor may, pursuant to title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code § 1-1501 *et seq.*), issue rules to implement the provision of this act.

**TITLE III - OPTICAL AND DENTAL BENEFITS**

Sec. 301. (a) The optical and dental benefits for Career and Excepted Service employees not covered by collective bargaining, approved pursuant to the changes to the Compensation System and to the Pay Schedules for Career Service and Excepted Service Employees Approval Resolution of 1985, effective September 24, 1985 (Res. 6-305; 32 DCR 5571), are reduced to a level that will allow maximum benefits to continue within available appropriations.

(b) The Mayor shall renegotiate the optical and dental benefits contract to implement subsection (a) of this section.

**TITLE IV - FURLOUGHS**

Note,  
Section  
1-625.1

Sec. 401. Definitions.

For the purpose of this title:

(1) The term "agency" means any agency, office, or instrumentality of the District of Columbia government, including, but not limited to, independent agencies as defined in section 301(13) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 ("Merit Personnel Act"), effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-603.1(13)), subordinate agencies as defined in section 301(17) of the Merit Personnel Act, (D.C. Code § 1-603.1(17)), the District of Columbia Housing Finance Agency, the Public Defender Service, the Pretrial Services Agency, the Washington Convention Center, D.C. General Hospital, and the National Guard of the District of Columbia.

(2) The term "agency head" means the highest ranking executive official of an agency.

(3) The term "personnel authority" means an individual with the authority to administer all or part of a personnel management program as provided in sections 301(14) and 406 of the Merit Personnel Act, (D.C. Code §§ 1-603.1(14) and 1-604.6), the Executive Director of the District

of Columbia Housing Finance Agency, the Director of the Public Defender Service, the Director of the Pretrial Services Agency, the individual authorized to serve as personnel authority for civilian employees of the National Guard of the District of Columbia, the General Manager of the Washington Convention Center, the D.C. General Hospital Commission, and the entity or individual authorized to serve as personnel authority for the District of Columbia court system.

Sec. 402. Furloughs during Fiscal Year 1995.

(a) Notwithstanding any other provision of law or regulation, and except as provided in subsection (b) of this section, each agency shall furlough each employee of the respective agency 10 days during the fiscal year ending September 30, 1995 with not more than 1 furlough day during any 1 pay period, unless the agency head determines that another rate is necessary to minimize the impact of the furlough on agency services: Provided, that the public schools shall not implement a furlough plan that reduces the number of instructional days.

(b) The following employees shall be exempt from the furlough requirements of this section:

- (1) Officers and Members (uniformed) of the Metropolitan Police Department;
- (2) Police Communications Operators, DS-392 series, grades 4-11;
- (3) Officers and Members (uniformed) of the Fire Department;
- (4) Fire Communication Operators, DS-081 series, Fire Department only;
- (5) Emergency Medical Technicians (EMT's), Intermediate Paramedics, and Paramedics subject to the Special Rate Schedule, Fire Department only;
- (6) Correctional Officers, DS-007 series only; and
- (7) Positions in the 24-hour facilities in the Department of Human Services ("DHS") and D.C. General Hospital, the incumbents of which have the primary responsibility of detention, security, or direct patient or custodial care. These positions shall be designated by the Director of DHS and shall be approved by the Mayor.

(c) Each agency head shall schedule each covered employee for furlough in full-day increments of no more than 8 hours per day. An employee with a daily tour of duty in excess of 8 hours shall be furloughed for a maximum of 8 hours a day. The remaining hours of the employee's tour of duty shall be duty hours or, at the employee's request, approved leave. An employee whose tour of duty is less than 8 hours a day and 40 hours per week shall have his or her furlough hours prorated based on the employee's tour of duty as provided in the employee's official personnel records. If an employee's tour of duty is officially changed by a personnel action, the employee's furlough schedule shall be adjusted accordingly.

(d) Agency heads shall schedule furlough days to ensure the minimum impact on agency functions and services. To the extent practical, agency heads shall schedule furlough days on paid holidays and around weekends or other non-work days.

(e) The effect of a furlough under this section is to place an employee temporarily and involuntarily in a non-pay and non-duty status. No employee may be required or permitted to work and may not be

required or permitted to earn overtime pay or compensatory time while in a furlough status.

(f) An agency head shall not increase the work hours of an employee who is employed in a when-actually-employed ("WAE") or other intermittent basis in order to cover absences due to employee furloughs.

(g) Notwithstanding any other law or regulation, an agency head shall provide each employee written notice of a specific furlough date no later than 15 days prior to the furlough date.

(h) Each agency head, with the approval of the personnel authority, shall:

- (1) Designate the pay periods for employee furloughs;
- (2) Schedule each covered employee for furlough in the designated pay periods;
- (3) Prepare a furlough notice for each employee which shall indicate specific furlough dates and hours;
- (4) Serve each furlough notice; and
- (5) Ensure that each employee is furloughed on the designated furlough dates.

Sec. 403. Rules.

To the extent authorized by the Merit Personnel Act or other applicable law or regulation, each personnel authority may issue regulations to implement this title.

**TITLE V - HUMAN SERVICES AMENDMENTS**

Sec. 501. Section 1(d)(2)(A)(ii) of An Act To enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Code § 1-359(d)(2)(A)(ii)), is amended to read as follows:

Note,  
Section  
1-359

"(ii) A primary care provider, who shall be reimbursed on a capitated basis;"

Sec. 502. General public assistance program.

The District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code § 3-201.1 *et seq.*), is amended as follows:

- (a) Section 406 (D.C. Code § 3-204.6) is amended as follows:
  - (1) Subsection (a) is amended by striking the phrase "\$15 per month supplemental payment from District revenues." and inserting the phrase "per month supplemental payment from District revenues not to exceed the minimum required by federal regulation." in its place.
  - (2) Subsection (b) is amended by striking the figure "\$15".
- (b) Subsection (a) shall apply on the later of:
  - (1) Date of written notice to the appropriate federal agencies that the District intends to reduce this category of SSI supplementation;
  - (2) 30 days after the date of advance written notice to the affected SSI recipients; or
  - (3) On January 1, 1995.
- (c) Section 515(a)(3) (D.C. Code § 3-205.15(1)(C)) is repealed.

Note,  
Section  
3-204.6

Note,  
Section  
3-204.6

Note,  
Section  
3-205.15

(d) Section 543(b) (D.C. Code § 3-205.43(b)) is amended by amending the first sentence to read as follows:

Note,  
Section  
3-205.43

"(b) A pregnant woman may be eligible for AFDC benefits for herself if the pregnancy has been medically certified, the pregnancy is in the 3rd trimester, and other eligibility requirements are met."

(e) Section 552 (D.C. Code § 3-205.52) is amended as follows:

Note,  
Section  
3-205.52

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

"(c) The standards of assistance are set forth in the following table and include basic costs of food, clothing, shelter, household and personal items, and certain transportation costs, and life insurance when paid by the Mayor."

STANDARDS OF ASSISTANCE

Family Size	Standard of Assistance	Payment Level
1	\$ 450.00	\$ 265.00
2	560.00	330.00
3	712.00	420.00
4	870.00	513.00
5	1,002.00	591.00
6	1,178.00	695.00
7	1,352.00	797.00
8	1,494.00	881.00
9	1,642.00	968.00
10	1,786.00	1,053.00
11	1,884.00	1,111.00
12	2,024.00	1,104.00
13	2,116.00	1,248.00
14	2,232.00	1,316.00
15	2,316.00	1,366.00
16	2,432.00	1,434.00
17	2,668.00	1,574.00
18	2,730.00	1,610.00
19	2,786.00	1,643.00

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

"(d) The table set forth in subsection (c) of this section shall apply to payments made beginning December 1, 1994. The level of public assistance payments for assistance units and the standards of assistance in subsection (c) of this section may be adjusted by the Mayor through promulgation of a rule in accordance with the rulemaking provisions of title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code § 1-1501 *et seq.*). Pursuant to the District of Columbia Right to Overnight Shelter Act of 1984, effective March 14, 1985 (D.C. Law 5-146; D.C. Code § 3-601 *et seq.*), the Mayor shall adjust the payment level for families in emergency shelters to take into consideration the reasonable costs of shelter being provided by the District pursuant to section 603(e)."

(3) By adding new subsections (e) and (f) to read as follows:

"(e) A recipient of public assistance may not make a claim for any cost-of-living adjustment in assistance payments, which have not been

paid prior to the effective date of the Multiyear Budget Spending Reductions and Support Emergency Act of 1994, effective December 29, 1994 (D.C. Act 10-389; \_\_\_ DCR \_\_\_), and would have been paid but for the enactment of the Public Assistance Act of 1982 Budget Conformity Amendment Act of 1991, effective August 17, 1991 (D.C. Law 9-27; 38 DCR 5794).

"(f) A recipient of public assistance may not make a claim for any adjustment in assistance payments, which have not been paid prior to the effective date of the Multiyear Budget Spending Reduction and Support Emergency Act of 1994, effective December 29, 1994 (D.C. Act 10-389; \_\_\_ DCR \_\_\_), and would have been paid but for the enactment of the Public Assistance Act of 1982 Budget Conformity Amendment Act of 1991, effective August 17, 1991 (D.C. Law 9-27; 38 DCR 5794)."

(f) Title VII (D.C. Code § 3-207.1, 3-207.2, and 3-207.4) is repealed.

Note,  
Sections  
3-207.1,  
207.2,  
207.4

Sec. 503. Day care rates.

The Day Care Policy Act of 1979, effective September 19, 1979 (D.C. Law 3-16; D.C. Code § 3-301 *et seq.*), is amended as follows:

(a) Section 10 (D.C. Code § 3-309) is amended as follows:

(1) Subsection (g) is amended by striking the period and inserting the phrase "; except that the Department shall retain from payments made to child development centers pursuant to subsection (a) of this section the equivalent of \$1.00 per child per day in parent fees." in its place.

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

"(h) The rates established pursuant to subsection (a) of this section may be adjusted by the Mayor through promulgation of a rule in accordance with the rulemaking provisions of the District of Columbia Administrative Procedures Act, approved October 2, 1968 (82 Stat. 1204; D.C. Code § 1-1501 *et seq.*)."

(b) Section 11(b) (D.C. Code § 3-310(b)) is amended to read as follows:

"(b) The rates established pursuant to subsection (a) of this section may be adjusted by the Mayor through promulgation of a rule in accordance with the rulemaking provisions of the District of Columbia Administrative Procedures Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code § 1-1501 *et seq.*)."

Note,  
Section  
3-309

Note,  
Section  
3-310

Sec. 504. The Emergency Assistance Program Act of 1988, effective March 16, 1989 (D.C. Law 7-221; D.C. Code § 3-1001 *et seq.*), is amended as follows:

(a) Section 3(b) (D.C. Code § 3-1002(b)) is amended as follows:

(1) Paragraph (3) is amended by striking the phrase "sections 6 through 29" and inserting the phrase "the Emergency and Public Assistance Amendment Act of 1994" in its place.

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

"(4) Demonstrate that the provision of a category of emergency assistance would alleviate the emergency."

(b) Section 10(4) (D.C. Code § 3-1009(4)) is amended by inserting a period immediately after the phrase "on behalf of the applicant" and striking the rest of the sentence.

(c) Section 16 (D.C. Code § 3-1015) is repealed.

Note,  
Section  
3-1002

Note,  
Section  
3-1009

Note,  
Section  
3-1015

- (d) Section 15(b) (D.C. Code § 3-1014(b)) is amended to read as follows:  
 Note, Section 3-1014
- "(b) If emergency assistance will substantially, if not entirely, alleviate the emergency during the 30-day period immediately following the initial authorization of payment resulting from an application."
- (e) Section 17 (D.C. Code § 3-1016) is repealed. Note, Section 3-1016
- (f) Section 18 (D.C. Code § 3-1017) is repealed. Note, Section 3-1017
- (g) Section 19(c) (D.C. Code § 3-1018(c)) is amended to read as follows:  
 Note, Section 3-1018
- "(c) Repair or replacement of any of the following appliances may be authorized at actual cost up to a maximum payment of \$250: stove, refrigerator, washing machine, or air conditioner."  
 Note, Section 3-1018
- (h) Section 20 (D.C. Code § 3-1019) is amended as follows:  
 Note, Section 3-1019
- (1) Subsection (a)(2) is amended to read as follows:  
 Note, Section 3-1019
- "(2) If the furniture is for an active child welfare case pending in the Department of Human Services."  
 Note, Section 3-1019
- (2) Subsection (b) is amended by striking the number "\$400" and inserting the number "\$500" in its place.
- (i) Section 21 (D.C. Code § 3-1020) is amended as follows:  
 Note, Section 3-1020
- (1) Subsection (b) is amended as follows:  
 Note, Section 3-1020
- (A) By striking the phrase "\$450 per month" and inserting the number "\$1500" in its place; and
- (B) By striking the last sentence.
- (2) Subsection (c) is amended to read as follows:
- "(c) Emergency assistance for the first month's rent may be granted up to \$500."
- (j) Section 22(b) (D.C. Code § 3-1021(b)) is amended to read as follows:  
 Note, Section 3-1021
- "(b) Emergency assistance payments shall be limited to the actual cost of the mortgage arrearage up to a maximum of \$1500."
- (k) Section 23(d) (D.C. Code § 3-1022(d)) is amended by striking the number "\$1000" and inserting the number "\$250" in its place.  
 Note, Section 3-1022
- (l) Section 24 (D.C. Code § 3-1023) is repealed. Note, Section 3-1023
- (m) Section 25(c) (D.C. Code § 3-1024(c)) is amended by striking the period at the end of the second sentence and inserting the phrase ", up to a maximum payment of \$500." in its place. Note, Section 3-1024
- (n) Section 26 (D.C. Code § 3-1025) is repealed. Note, Section 3-1025
- (o) Section 27(a) (D.C. Code § 3-1026(a)) is amended by adding a new subsection (d) to read as follows:  
 Note, Section 3-1026
- "(d) Notwithstanding subsections (a) through (c) of this section, nothing in this section shall be construed to create an entitlement to any person to emergency assistance for utilities."  
 Note, Section 3-1026
- (p) Section 28 (D.C. Code § 3-1027) is repealed. Note, Section 3-1027
- (q) Section 29 (D.C. Code § 3-1028) is amended by inserting the phrase ", up to a maximum of \$450," after the word "assistance". Note, Section 3-1028
- (r) Section 31 (D.C. Code § 3-1030) is repealed. Note, Section 3-1030
- Sec. 505. The Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978, effective March 3, 1979 (D.C. Law 2-137; D.C. Code § 6-1901 *et seq.*), is amended as follows:  
 Note, Section 6-1901
- (a) Section 102(a) (D.C. Code § 6-1901(a)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase "mentally retarded persons" and inserting the phrase "residents of the District of Columbia with mental retardation".

(2) Paragraph (2) is amended by striking the phrase "person who may be mentally retarded" and inserting the phrase "resident of the District of Columbia with mental retardation" in its place.

(b) Section 103 (D.C. Code § 6-1902) is amended as follows:

(1) Subsection (c) is amended by striking the word "residents" and inserting the word "customers" in its place.

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

"(e-1) "competent" means to have the mental capacity to appreciate the nature and implications of a decision to enter a facility, choose between or among alternatives presented, and communicate the choice in an unambiguous manner."

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

"(6) "comprehensive evaluation" means an assessment of a person with mental retardation by persons with special training and experience in the diagnosis and habilitation of persons with mental retardation, which includes a sequence of observations and examinations intended to determine the person's strengths, developmental needs and need for services. The initial comprehensive evaluation shall include, but not be limited to, a physical examination that includes the person's medical history; an educational evaluation, vocational evaluation, or both; a psychological evaluation, including an evaluation of cognitive and adaptive functioning levels; a social evaluation; and a dental examination."

(4) A new subsection (f-1) is added to read as follows:

"(f-1) "customer" means a person admitted to or committed a facility pursuant to title III of this act for habilitation or care."

(5) Subsection (v) is amended to read as follows:

"(v) "resident of the District of Columbia" means a person who maintains his or her principal place of abode in the District of Columbia, including a person with mental retardation who would be a resident of the District of Columbia if the person had not been placed in an out-of-state facility by the District. A person with mental retardation who is under the age of 21 years shall be deemed to be a resident of the District of Columbia if the custodial parent of the person with mental retardation is a District resident."

(6) A new subsection (x-1) is added to read as follows:

"(x-1) "screening" means an assessment of a person with mental retardation in accordance with standards issued by the Accreditation Council for Services for People with Developmental Disabilities, which is designed to determine if a further evaluation of the person with mental retardation or other interventions are indicated."

(c) Section 201 (D.C. Code § 6-1911) is repealed.

(d) Section 302(b)(1) (D.C. Code § 6-1922(b)(1)) is amended as follows:

(1) By striking the phrase "3 days" and inserting the phrase "10 days" in its place; and

(2) By striking the phrase "10 days" and inserting the phrase "30 days" in its place.

Note,  
Section  
6-1902

Note,  
Section  
6-1911  
Note,  
Section  
6-1922



**ENROLLED ORIGINAL**

(e) Section 304(a) (D.C. Code § 6-1924(b)(1)) is amended by striking the phrase "6 months" and inserting the phrase "1 year" in its place.

Note,  
Section  
6-1924

(f) Section 306(a) (D.C. Code § 6-1926(a)(1)) is amended by striking the phrase "6 months" and inserting the phrase "1 year" in its place.

Note,  
Section  
6-1926

(g) Section 308 (D.C. Code § 6-1928) is amended by striking the word "resident" wherever it appears and inserting the word "customer" in its place.

Note,  
Section  
6-1928

(h) Section 309 (D.C. Code § 6-1929) is amended by striking the word "resident" wherever it appears and inserting the word "customer" in its place.

Note,  
Section  
6-1929

(i) Section 309(a) (D.C. Code § 6-1929(a)) is amended as follows:

Note,  
Section  
6-1929

(1) By striking the phrase "Director of a facility" and inserting the phrase "Department of Human Services" in its place; and

(2) By striking the word "Director" and inserting the phrase "Department of Human Services" in its place.

(j) Section 311 (D.C. Code § 6-1931) is amended to read as follows:

Note,  
Section  
6-1931

"Sec. 311. (a) Any person with mental retardation who receives habilitation, care, or both from the District shall pay to the District the costs of the services if the person with mental retardation has the financial means to pay for the services.

"(b) If the person with mental retardation does not pay the costs of habilitation, care, or both received by the person, the court shall issue to the person and the legal representative of the person a citation to show cause why the person should not be adjudged to pay a portion or all of the expenses of habilitation, care, or both of the person with mental retardation. The citation shall be served at least 10 days before the show cause hearing. If, upon the hearing, it appears to the court that the person with mental retardation has sufficient resources to pay the full costs of habilitation, care, or both received by the person with mental retardation, the court may order the payment of the full costs. If upon the hearing it appears to the court that the person with mental retardation does not have sufficient resources to pay the full costs of habilitation, care, or both received by the person with mental retardation, the court may order the payment of a reasonable amount of the costs of services received based on the person's resources. The court may order the person with mental retardation to make payments quarterly, monthly, or at any other interval deemed appropriate by the court. The order may be enforced against any property of the person with mental retardation as if the order were an order for temporary alimony in a divorce case.

"(c) The executor of the estate of a person with mental retardation who receives habilitation, care, or both from the District shall pay to the District the costs of the services from the estate of the person with mental retardation if there are sufficient funds to pay for the services. The Mayor may examine the executor, under oath, to determine whether the estate is sufficient to pay the costs.

"(d) If the executor does not pay the costs of habilitation, care, or both received by the person with mental retardation, the court shall issue to the executor a citation to show cause why the executor should not be adjudged to pay, from the estate of the person with mental retardation, a portion or all of the expenses of habilitation, care, or both

of the person with mental retardation. The citation shall be served at least 10 days before the show cause hearing. If, upon the hearing, it appears to the court that the estate of the person with mental retardation is sufficient to pay the full costs of habilitation, care, or both received by the person with mental retardation the court may order the payment of the full costs from the estate. If, upon the hearing, it appears to the court that the estate of the person with mental retardation is not sufficient to pay the full costs of habilitation, care, or both received by the person with mental retardation, the court may order the payment of a reasonable amount of the costs of services received based on the value of the estate. The court may order the executor of the estate to make payments quarterly, monthly, or at any other interval deemed appropriate by the court. The order may be enforced against any property of the person with mental retardation as if the order were an order for temporary alimony in a divorce case.

"(e) Notwithstanding subsections (a) or (b) of this section, no person with mental retardation who is a resident of the District of Columbia shall be denied habilitation or care by any facility owned or operated by the District, or by any community-based organization that has a contract with the District to provide habilitation or care to persons with mental retardation because the person with mental retardation does not have the financial means to pay for habilitation or care.

"(f) Nothing in this act shall be construed to require a person with mental retardation or the executor of the estate of a person with mental retardation to reimburse the District for services received before the effective date of this act.

"(g) Nothing in this act shall be construed to create an entitlement to services at District expense for a person with mental retardation who is not a resident of the District of Columbia."

(k) Section 409(a) (D.C. Code § 6-1949(a)) is amended as follows:

(1) Paragraph (1) is amended by striking the word "or".

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

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

"(3) the respondent is not a resident of the District of Columbia."

(l) Section 411(a) (D.C. Code § 6-1951(a)) is amended as follows:

(1) By striking the phrase "every six months for two years, and once a year thereafter" and inserting the word "annually" in its place.

(2) By striking the word "and" at the end of paragraph (1).

(3) By striking the period at the end of paragraph (2) and inserting the phrase "; and" in its place; and

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

"(3) The person with mental retardation is a resident of the District of Columbia."

(m) Section 501 (D.C. Code § 6-1961) is amended as follows:

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

"(a) Each person with mental retardation who is a resident of the District of Columbia has a right to habilitation and care suited to the resident's needs, regardless of age, degree of retardation, or disabling condition."

Note,  
Section  
6-1949

Note,  
Section  
6-1951

Note,  
Section  
6-1961

(2) Subsection (b) is amended by striking the word "resident" and inserting the word "customer" in its place.

(n) Section 502 (D.C. Code § 6-1962) is amended by striking the word "resident" wherever it appears and inserting the word "customer" in its place.

(o) Section 503 (D.C. Code § 6-1963) is amended by striking the word "resident" wherever it appears and inserting the word "customer" in its place.

(p) Section 504 (D.C. Code § 6-1964) is amended as follows:

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

"(a) Prior to each customer's commitment pursuant to section 403, the customer shall receive a comprehensive evaluation or screening and an individual habilitation plan. Within 30 days of a customer's admission pursuant to section 302, the customer shall have a comprehensive evaluation or screening and an individual habilitation plan. Annual reevaluations or screenings of the customer shall be provided as determined by the customer's interdisciplinary team in accordance with Accreditation Council for Services for People with Developmental Disabilities Standards.

"(b) Within 10 days of a customer's commitment pursuant to section 403 or within 30 days of admission pursuant to section 302, the facility, the facility's sponsoring agency, or the Department of Human Services shall:

"(1) Designate each professional or staff member who is responsible for implementing or overseeing the implementation of a customer's individual habilitation plan;

"(2) Designate each District agency, private agency, or service responsible for providing the habilitation included in the plan; and

"(3) Specify the role and objectives of each District agency, private agency, or service with respect to the plan."

(2) Subsection (c) is amended by striking the word "resident" wherever it appears and inserting the word "customer" in its place.

(q) Section 505 (D.C. Code § 6-1965) is amended by striking the word "resident" wherever it appears and inserting the word "customer" in its place.

(r) Section 507 (D.C. Code § 6-1967) is amended by striking the word "resident" wherever it appears and inserting the word "customer" in its place.

(s) Section 508 (D.C. Code § 6-1968) is amended by striking the word "resident" wherever it appears and inserting the word "customer" in its place.

(t) Section 509 (D.C. Code § 6-1969) is amended by striking the word "resident" wherever it appears and inserting the word "customer" in its place.

(u) Section 510 (D.C. Code § 6-1970) is amended by striking the word "resident" wherever it appears and inserting the word "customer" in its place.

(v) Section 511 (D.C. Code § 6-1971) is amended by striking the word "resident" wherever it appears and inserting the word "customer" in its place.

Note,  
Section  
6-1962  
Note,  
Section  
6-1963  
Note,  
Section  
6-1964

Note,  
Section  
6-1965  
Note,  
Section  
6-1967  
Note,  
Section  
6-1968

Note,  
Section  
6-1969  
Note,  
Section  
6-1970

Note,  
Section  
6-1971

(w) Section 512 (D.C. Code § 6-1972) is amended by striking the word "resident" wherever it appears and inserting the word "customer" in its place.

Note,  
Section  
6-1972  
Note,  
Section  
6-1973

(x) Section 513 (D.C. Code § 6-1973) is amended by striking the word "resident" wherever it appears and inserting the word "customer" in its place.

Sec. 506. The Public Assistance and Day Care Policy Temporary Amendment Act of 1994, enacted November 22, 1994 (D.C. Act 10-346; 41 DCR 7719) is repealed.

## TITLE VI - ADMINISTRATION OF MEDICATION

Note,  
Section  
21-592

Sec. 601. This title may be cited as the "Use of Trained Employees to Administer Medication to Persons with Mental Retardation or Other Disabilities Temporary Act of 1994".

Sec. 602. Definitions.

For the purposes of this act, the term:

(1) "Administer" means:

(A) The direct application of medication to the human body whether by ingestion, inhalation, insertion or topical means; or

(B) An injection of epipen, or equivalent ejection system for emergency purposes only.

(2) "Consent" means permission voluntarily given in writing with sufficient knowledge and comprehension of the subject matter involved, to enable the person giving permission to make an informed and enlightened decision, without any element of force, fraud, deceit, duress or other form of constraint or coercion.

(3) "Developmental disability" means a severe chronic disability of a person 5 years of age or older which:

(A) Is attributable to a mental or physical impairment or a combination of mental and physical impairments:

(B) Is manifested before the person attains 22 years of age;

(C) Is likely to continue indefinitely;

(D) Results in substantial functional limitations in 3 or more of the following major life activities:

(i) Self care;

(ii) Receptive and expressive language;

(iii) Learning;

(iv) Mobility;

(v) Self-direction;

(vi) Capacity for independent living;

(vii) Economic self-sufficiency; and

(E) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned, and coordinated; except that such term, when applied to infants and young children means individuals from birth to 5 years of age, inclusive, who have substantial developmental delay or

specific congenital or acquired conditions with a high probability of resulting developmental disability if services are not provided.

(4) "General supervision" means:

(A) A registered nurse shall be available for verbal or on-site consultation to the trained employee or licensed practical nurse.

(B) A registered nurse shall review and document the trained employee's ability to administer medication correctly to program participants every 3 months for the first year and every 6 months thereafter.

(5) "Licensed practitioner" means a medical doctor, dentist, or advanced registered nurse.

(6) "Medication" means a controlled (excluding Classes I and II) or non-controlled substance or treatment regarded as effective in bringing about recovery, restoration of health, alleviation of pain or symptoms of an illness, or the normal functioning of the body.

(7) "Mental retardation" means a substantial limitation in mental capacity that manifests before 18 years of age, characterized by significantly subaverage intellectual functioning, existing concurrently with related limitations in 2 or more of the following applicable, adaptive skill areas: communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure, and work.

(8) "Monitor" means:

(A) A registered nurse shall, at a minimum, annually review the program participant's ability to self-administer medication correctly as prescribed.

(B) A registered nurse shall document in the program participant's records an assessment of the program participant's ability to continue self-administering the program participant's medication.

(C) A trained employee shall, at a minimum, review quarterly and document the program participant's ability to self-administer medication as prescribed.

(9) "Prescription" means an order for medication signed by a licensed practitioner or transmitted by the licensed practitioner to a pharmacist, registered nurse, or licensed practical nurse by word of mouth, telephone, telegraph, or other means of communication, and recorded in writing by the pharmacist, registered nurse, or licensed practical nurse.

(10) "Program" means an agency licensed, certified, or approved by the District government as a child care facility, private school, day program, community based residence, or other agency providing residential services, education, habilitation, vocational, or employment training services to individuals with mental retardation or other developmental disability.

(11) "Program participant" means an individual with mental retardation or other development disability who is enrolled in or attending a public or private program.

(12) "Self-administration of medication" means that the program participant has the ability to identify, pour, and administer medication without assistance.

(13) "Trained employee" means an individual employed to work in a program and who has successfully completed a training program

approved by the District of Columbia Board of Nursing and is certified to administer medication to program participants.

Sec. 603. Self-administration of medication by program participants.

A program participant may self-administer medication provided that:

- (1) The program participant has been assessed by a registered nurse to have the ability to self-administer medication;
- (2) The self-administration of medication is monitored; and
- (3) The program participant's self-administration skills include, but are not limited to: orientation to time, knowledge of quantities and proper storage, and understanding of possible medication reactions.

Sec. 604. Administration of medication to program participants by trained employees.

(a) Notwithstanding any other law, rule, or regulation, a program employee who has been trained in accordance with section 606(b) may administer prescription or non-prescription medication to a program participant in compliance with the signed, written instructions of a licensed practitioner if:

- (1) The program participant, guardian, or parent has consented to the administration of medication in writing;
- (2) The trained employee is under the general supervision of a registered nurse pursuant to rules and regulations promulgated by the District of Columbia Board of Nursing under section 606(a); and
- (3) The program participant is incapable of self-administration of medication.

(b) Program employees who are trained to administer medication in accordance with this act shall be immune from civil liability arising from a wrongful act or omission in administering medication, except that they shall not be immune from civil liability if the wrongful act or omission in administering medication is intentional or manifests a willful or wanton disregard for the health or safety of the program participant to whom the medication is administered. Neither the District government nor the program shall be liable in circumstances where program employee is immune under this section, unless the conduct of the employee is gross negligence.

(c) Registered nurses who authorize or monitor the administration of medication, or provide training in accordance with this act shall be immune from civil liability arising from a wrongful act or omission in authorizing or monitoring the administration of medication or providing training except that they shall not be immune from civil liability if the wrongful act or omission in authorizing or monitoring the administration of medication or providing training is intentional or manifests a willful or wanton disregard for the health or safety of the program participant to whom the medication is administered. Neither the District government nor the program shall be liable in circumstances where program employee is immune under this section, unless the conduct of the employee is gross negligence.

Sec. 605. Requirements of medication orders.

(a) The written instructions of the licensed practitioner shall state the name of the program participant who is to receive medication, the

name of the medication, name and telephone number of the licensed practitioner, the time of administration, dosage, method of administration, and duration of medication.

(b) The medication shall be labeled so as to state the name of the program participant, the name of the medication, name of the licensed practitioner, the name and telephone number of the pharmacy, the date dispensed, the amount and expiration date, the time of administration, duration of medication, dosage and method of administration.

(c) The medication shall be accompanied by a medical order form which shall state the name of the program participant, the name of the medication, name and telephone number of the licensed practitioner, the date dispensed, the time of administration, duration of medication, dosage and method of administration, and any potential major side effects.

Sec. 606. Rules and regulations for implementation of the act.

(a) Within 90 days of the effective date of this act, the District of Columbia Board of Nursing shall issue proposed rules and regulations to implement this act. The rules and regulations issued shall include procedures for:

(1) Obtaining and filing written instructions and consent required by this act;

(2) Periodic review of written instructions;

(3) Storage of medication;

(4) Record keeping;

(5) Initial and ongoing training for certification and recertification for all program employees to administer medication;

(6) The administration of medication in emergency or life-threatening circumstances;

(7) The provision of general supervision by registered nurses of trained employees;

(8) The provision for the successful completion of training for program employees pursuant to this act;

(9) The monitoring of trained employees who may administer medication to program participants; and

(10) The development of assessment tools.

(b) Training programs for all program employees who may be authorized to administer medication in accordance with this act shall be approved by the District of Columbia Board of Nursing and developed and provided in collaboration with the District of Columbia Department of Human Services and the District of Columbia Department of Consumer and Regulatory Affairs. Training may be provided by a registered nurse or through agreements of reciprocity with jurisdictions that meet the minimum training requirements.

## TITLE VII - PRIVATIZATION

Sec. 701. Privatization of Fleet Management Services in the Metropolitan Police Department.

(a) Notwithstanding any other provision of law, the Mayor, in accordance with the provisions of this act, is hereby authorized to

Note,  
Section  
1-1181.5b

contract for the provision of services for the fleet management services for the Metropolitan Police Department.

(b) The fleet management services contract referred to in subsection (a) of this section shall be based on a written determination and findings by the Mayor that the contract will meet the following criteria:

(1) The cost savings to the District government or improved quality or quantity of service at the same or lower cost, will result for the duration of the contract, including all options;

(2) There may be increased economic development for the District in terms of entrepreneurial opportunities for District businesses or employment opportunities for District residents;

(3) There may be strengthening of 1 or more existing District businesses, creation of 1 or more new businesses, in the District or relocation of 1 or more businesses from outside to inside the District;

(4) That performance criteria for the services contract can be specified with reasonable exactness;

(5) That cost, efficiency of operation, and quality and quantity can be measured with reasonable accuracy; and

(6) That contracting-out of the program will not adversely affect District residents.

(c) The Mayor shall base the determination and findings required by subsection (b) of this section on written cost/benefit analysis prepared by the Metropolitan Police Department. At a minimum, these analyses shall include comparisons of:

(1) The current total cost to the District government versus the projected total cost to the District government after the contracting-out, if quality and quantity of service remain substantially the same; and

(2) The current quality and quantity versus projected quality and quantity of service after the contracting-out, if current total cost to the District government remains substantially the same.

(d) The Mayor may issue rules which set forth standards for making the written cost and performance analyses described in subsection (c) of this section, including rules that address the following:

(1) Cost factors to be considered in evaluating the total cost to the District government of operating the program if the service continues to be provided by the government, such as the costs of equipment, facilities, maintenance, personnel and utilities;

(2) The cost factors to be considered in evaluating the total cost to the District government of contracting-out the program such as the additional cost of improving any capital assets to be transferred to a contractor, the additional cost of any one-time severance of District employees, the additional cost of contract administration, the value of any improvement to District government programs resulting from privatizing the program, any income to the District government from the lease or sale of District government assets resulting from contracting-out the program, and any tax revenue to the District based on income earned by a contractor who performs the fleet management operations; and

(3) Methods to be used to identify and measure quality and quantity of service so that accurate cost comparisons can be made between District government and private sector performance.



(e) A contract for privatizing the fleet management services referred to in subsection (a) of this section shall include a provision requiring that at least 51% of all new hires to perform the contract are bona fide District residents unless the Mayor certifies that qualified District residents are unavailable to fill the new positions.

(f) If not already required by a collective bargaining agreement, the Mayor shall make reasonable efforts to consult with union representatives concerning affected District government employees.

(g) Nothing in this section may be construed to create a private right enforceable by any person.

TITLE VIII - GENERAL PROVISIONS

Sec. 801. Section 1108 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-612.8), is amended by adding 2 new subsections (c) and (d) to read as follows:

Note,  
Section  
1-612.8

"(c) Notwithstanding subsections (a) and (b) of this section, or any other provision of law, members of boards and commissions shall not be compensated for time expended in the performance of official duties; except that members of the following boards and commission shall be entitled to compensation as currently authorized by law:

- "(1) Public Service Commission;
- "(2) Contract Appeals Board;
- "(3) Rental Housing Commission;
- "(4) Board of Parole;
- "(5) The Chairperson of the Taxicab Commission; and
- "(6) The District of Columbia Retirement Board.

"(d) Notwithstanding subsections (a) and (b) of this section, or any other provision of law, members of boards or commissions shall not be entitled to reimbursement for expenses; except that transportation, parking, or mileage expenses incurred in the performance of official duties may be reimbursed, not to exceed \$15 per meeting or currently authorized amounts, whichever is less."

Sec. 802. The Cable Television Communications Act of 1981, effective August 21, 1982 (D.C. Law 4-142; D.C. Code § 43-1801 *et seq.*), is amended as follows:

(a) Section 7(d)(2) (D.C. Code § 43-1806(d)(2)) is repealed.

(b) Section 30 (D.C. Code § 43-1829) is amended as follows:

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

"(e-1) The Corporation shall coordinate and manage the use of the District's municipal channels including, but not limited to, providing technical support for operating the municipal channels, scheduling and maintaining the municipal studio, facilities, and equipment, providing technical production support services for telecasting and taping hearings and other programs of the Council of the District of Columbia, developing program logs, and telecasting the signal on the municipal channels."

(2) Subsection (f) is amended by adding a new paragraph (2A) to read as follows:

Note,  
Section  
43-1806

Note,  
Section  
43-1829

"(2A) All funds available, or to be made available, relating to coordinating and managing the use of the District's municipal channels as described in subsection (e-1) of this section, are transferred to the Corporation."

Sec. 803. The Health Services Planning Program Act of 1992, effective March 16, 1993 (D.C. Law 9-197; D.C. Code § 32-321 *et seq.*) is repealed.

Note,  
Section  
32-321

Sec. 804. The District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Code § 33-501 *et seq.*), is amended as follows:

(a) Section 702(2) (D.C. Code § 33-472(2)) is amended to read as follows:

Note,  
Section  
33-472

"(2) To fund substance abuse education, prevention, and treatment activities of the Alcohol and Drug Abuse Administration."

(b) Section 703 (D.C. Code § 33-573) is repealed.

Note,  
Section  
33-573

Sec. 805. 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. Code § 1-624.1 *et seq.*), is amended as follows:

(a) Section 2301 (D.C. Code § 1-624.1) is amended by repealing subsections (n) and (o).

Note,  
Section  
1-624.1

(b) Section 2303 (D.C. Code § 1-624.3) is amended by repealing subsection (c).

Note,  
Section  
1-624.3

(c) Section 2309 (D.C. Code § 1-624.9) is amended as follows:

(1) Subsection (b) is amended by inserting a period after the phrase "section 2307" and striking the phrase "even if at the time of death the individual was entitled to the augmented rate specified by section 2310 of this title.

Note,  
Section  
1-624.9

(d) Section 2310 (D.C. Code § 1-624.10) is amended as follows:

Note,  
Section  
1-624.10

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

"(a) For the purposes of this section "dependent" means the natural issue of the employee or minor legally adopted by the employee prior to the injury; who is:

"(1) under the age of 18 years and dependent upon the employee for support; or

"(2) over the age of 18 years and incapable of self-support because of physical or mental disability."

(2) Subsection (b)(1) is amended by striking the phrase "if that compensation is payable under sections 2305 or 2307(a) of this title" and inserting the phrase "if his or her salary is equivalent to DS-2, Step 1 through DS-6, Step 5 in the collective bargaining unit" in its place.

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

"(2) At the rate of 6 1/3 percent of his or her monthly pay if his or her salary is equivalent to a DS-7, Step 1 through DS-12, Step 10 in the collective bargaining unit."

(e) Section 2312 (D.C. Code § 1-624.12) is amended as follows:

Note,  
Section  
1-624.12

(1) By striking from the first sentence the phrase "seventy-five percent (75%)" and inserting the phrase "seventy-three percent (73%)" in its place, by striking the phrase "GS-15" and inserting the phrase "DS-12, Step 10." in its place, and by striking the phrase

"as provided in section 5332 of Title 5 of the U.S. Code or its equivalent as provided in title XI of this act".

(2) By striking from the second sentence the phrase "GS-2" and inserting the phrase "DS-2, Step 1" in its place and striking the phrase "as provided in section 5332 of Title 5 of the U.S. Code or its equivalent as provided in title XI of this act,".

(f) Section 2314 (D.C. Code § 1-624.14) is amended as follows:

(1) Subsection (d)(4) is amended by striking the phrase "GS-15" and inserting the phrase "DS-12, Step 10 or its equivalent in the collective bargaining unit" in its place.

(g) Section 2316(a) (D.C. Code § 1-624.16(a)) is amended by inserting the phrase "Federal Government" between the words "from" and "the District of Columbia".

(h) Section 2318 (D.C. Code § 1-624.18) is amended as follows:

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

"(b)(2) For a period not to exceed 45 days, except that effective 24 months after the effective date of the Disability Compensation Cost Improvement Amendments Act of 1994, the period shall not exceed 21 days."

(i) Section 2333 (D.C. Code § 1-624.33) is amended as follows:

(1) Subsection (e)(2) is amended by striking the phrase "seventy-five (75)" and inserting the phrase "seventy-three" in its place and by striking the phrase "GS-15" and inserting the phrase "DS-12, Step 10" in its place.

(j) Section 2340 (D.C. Code § 1-624.40) is amended as follows:

(1) Paragraph (2) is amended by striking the phrase "Office of Personnel" and inserting the phrase "Department of Employment Services" in its place.

(k) Section 2345 (D.C. Code § 1-624.45) is amended as follows:

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

"(c) Nothing in this provision shall exclude the responsibility of the employing agency to re-employ an individual in a less than full duty status."

Sec. 806. Section 2301(a)(1) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-624.1(1)(A)), is amended by adding a new paragraph (1A) to read as follows:

"(1A) On and after the effective date of the Multiyear Budget Spending Reduction Emergency Act of 1994, the term "employee" means an individual who would otherwise be an employee for purposes of Title XXIII as defined by paragraph (1)(A) through (C) of this subsection whose date of hire was before January 1 1980 or whose claim for compensation for disability or death arose before such effective date, but only with respect to that claim."

Sec. 807. The Automobile Consumer Protection Act of 1984, effective March 14, 1985 (D.C. Law 5-162; D.C. Code § 40-1301 *et seq.*), is amended by adding a new section 11a to read as follows:

"Sec. 11a. Suspension of enforcement.

"Notwithstanding any other provision of District law, enforcement of this act by the Department of Consumer and Regulatory Affairs is suspended until October 1, 1998."

Note,  
Section  
1-624.14

Note,  
Section  
1-624.16

Note,  
Section  
1-624.18

Note,  
Section  
1-624.33

Note,  
Section  
1-624.40

Note,  
Section  
1-624.45

Note,  
Section  
1-624.1

Note,  
Section  
40-1309

Sec. 808. Section 3 of the District of Columbia Consumer Protection Procedures Act, effective July 22, 1976 (D.C. Law 1-76; D.C. Code § 28-3902), is amended by adding a new subsection (h) to read as follows:

"(h) Notwithstanding any other provision of District law, enforcement of this act by the Department of Consumer and Regulatory Affairs is suspended until October 1, 1998."

Note,  
Section  
28-3902

Sec. 809. Section 409 of the District of Columbia Latino Community Development Act, effective September 29, 1976 (D.C. Law 1-86; D.C. Code § 1-2329), is repealed.

Note,  
Section  
1-2329

Sec. 810. Section 738(e) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 824; D.C. Code § 1-251(e)), is amended by inserting a period after the phrase "revenues in the District" and striking the remainder of the sentence.

Note,  
Section  
1-251

Sec. 811. Within 120 days of the effective date of the Multiyear Budget Spending Reduction and Support Act of 1995, the Mayor shall submit to the Council a report delineating the actions taken by the executive to effect the directives of the Council in the Multiyear Budget Spending Reduction and Support Act of 1995, including:

- (1) negotiations with representatives of collective bargaining units to reduce employee compensation;
- (2) actions to restructure existing long-term city debt;
- (3) actions to apportion the spending reductions anticipated by the directives of this act to the executive for unallocated reductions; and
- (4) a list of any position that is backfilled including description, title, and salary of this position.

**TITLE IX - PUBLIC EDUCATION**

Sec. 901. (a) The Board of Education is authorized to establish a retirement incentive program ("program") which shall apply to eligible employees under the personnel authority of the Board of Education. This authorization is conditioned on the requirement that no District employee who receives an incentive payment under the early out retirement program shall be reemployed with the District government, including the Board of Education, for 5 years or hired or retained as a sole source personal services contractor for 5 years from the date of retirement.

Note,  
Section  
31-1221

(b) The Board of Education may exclude or limit positions from the program based on the needs of the Board.

(c) This program shall be effective from December 21, 1994 to September 30, 1995.

(d) This program shall be limited to employees retiring under the early out retirement provisions of 5 USC 8336(d)(2), employees who become eligible to retire on or before June 15, 1995 under the optional retirement provisions of 5 USC 8336(a), (b), or (f), and teachers who are eligible to retire under section 3(f) of An Act For the retirement of public-school teachers in the District of Columbia, approved August 7, 1946 (60 Stat. 875; D.C. Code § 31-1221(f)).

(e) The program shall offer a retirement incentive of 50% of an employee's annual rate of basic pay paid from the employee's salary or pay schedule which was in effect on the employee's date of retirement, not to exceed \$24,000, to be paid in 24 equal installments.

(f) Retirement incentive payments shall be prorated in the case of a part-time employee.

(g) Retirement incentive payments shall not be considered basic pay for computing retirement entitlement, insurance entitlement, any category of premium pay entitlement, lump-sum leave, or any other entitlement that is computed on basic pay.

(h) No incentive payments shall be paid to:

(1) An employee retiring under the law enforcement provisions of 5 USC 8336(c), the discontinued service/involuntary retirement provisions of 5 USC 8336(d)(1), or the disability retirement provision of 5 USC 8337; or

(2) An employee who is a reemployed annuitant under the provisions of 5 USC 8334.

Sec. 902. Section 3 of An Act For the retirement of public-school teachers in the District of Columbia, approved August 7, 1946 (60 Stat. 875; D.C. Code § 31-1221), is amended by adding a new subsection (f) to read as follows:

"(f)(1) In the event of a major reorganization, a major reduction in force, or a major transfer of functions in which a significant percentage of Board of Education employees will be separated or subject to an immediate reduction in the rate of basic pay or a furlough, the Board of Education is authorized to offer voluntary retirement to the following eligible teachers:

"(A) Teachers who have completed 25 years of service; and

"(B) Teachers who have reached 50 years of age and completed 20 years of service.

"(2) Teachers who accept voluntary retirement under paragraph (1) of this subsection:

"(A) Shall receive an annuity reduced by 1/6 of 1% for each full month such teacher is under the age of 55 years at the date of his or her separation from the service; and

"(B) Shall be eligible for the early out retirement incentive program established by section 901 of the Multiyear Budget Spending Reduction and Support Emergency Act of 1994."

#### TITLE X - UNIVERSITY WITHIN GRADE INCREASE FREEZE

Sec. 1001. (a) Notwithstanding any other provision of law or regulation, no employee of the University of the District of Columbia shall receive a within-grade salary increase in the time period beginning on the effective date of the Fiscal Year 1995 Supplemental Budget and Rescissions of Authority Request Act of 1994 and ending 1 year after that effective date.

(b) Time in a pay status during the period beginning on the effective date of the Fiscal Year 1995 Supplemental Budget and

Note,  
Section  
1-609.1

Rescissions of Authority Request Act of 1994 and ending 1 year after that effective date, shall not be considered creditable service for the purposes of computing an employee's length of service for a within-grade salary increase.

(c) Time in non-pay status as a result of a furlough conducted pursuant to section 402 of this act shall not affect an employee's waiting period for a within-grade salary increase under title XI of the Merit Personnel Act or other applicable law or regulation.

(d) Time in a non-pay status which is not the result of a furlough conducted pursuant to section 402 of this act shall be included in computing an employee's waiting period for a within-grade salary increase under title XI of the Merit Personnel Act or other applicable law or regulation.

**TITLE XI - APPLICABILITY**

Sec. 1101. Section 102 shall apply upon the enactment by Congress of an amendment to 18 USC 1761(b) to authorize prison industry sales to not-for-profit organizations.

Note,  
Section  
24-453

Sec. 1102. The provisions of sections 104(b), 107(c), (d) and (e), and 108(a) and (b) shall apply to the real property tax sale conducted July, 1995 and for each sale conducted thereafter.

Note,  
Sections  
47-811,  
47-1301,  
47-1312

**TITLE XII - MISCELLANEOUS PROVISIONS**

Sec. 1201. Special events.

(a) Paragraph 26 of section 7 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes, approved July 1, 1902 (47 Stat. 554; D.C. Code § 47-2826), is amended as follows:

Note,  
Section  
47-2826

(1) By designating the existing text as subsection (a); and

(2) By adding a new subsection (b) to read as follows:

"(b) The Mayor may adjust the license fee set forth in subsection (a) of this section to cover the costs to the District of providing police, fire, and other public services that are necessary to protect public health and safety."

(b) The Mayor shall establish, by rule, a schedule of license fees for special events held on public space to cover the costs to the District of providing police, fire, and other public services that are necessary to protect public health and safety.

Sec. 1202. Law school clinical program repeal.

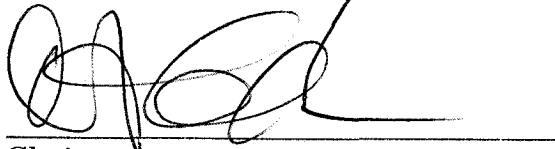
The Law School Clinical Programs Funding Authorization Act of 1978, effective March 3, 1979 (D.c. Law 2-143; D.C. Code § 31-1901 *et seq.*), is repealed.

Note,  
Section  
31-1901

TITLE XIII - EFFECTIVE DATE

Sec. 1301. (a) This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.

(b) This act shall expire on the 225th day of its having taken effect or upon the effective date of the Multiyear Budget Spending Reduction and Support Act of 1995, whichever occurs first.



Chairman  
Council of the District of Columbia

DEEMED APPROVED WITHOUT SIGNATURE  
UPON EXPIRATION OF THE 10-DAY MAYORAL  
REVIEW PERIOD.

NOT SIGNED

\_\_\_\_\_  
Mayor  
District of Columbia

January 27, 1995



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD ELEVEN

RECORD OF OFFICIAL COUNCIL VOTE

B10-857

Docket No.

( ) ITEM ON CONSENT CALENDAR

(X) ACTION & DATE Adopted First Reading, 12-21-94

(X) VOICE VOTE Approved

RECORDED VOTE ON REQUEST all present

ABSENT

( ) ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
CHMN. CLARKE					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					NATHANSON									

X - Indicates Vote AB - Absent NV - Present not voting

CERTIFICATION RECORD

*[Signature]*  
Secretary to the Council

*January 10, 1995*  
Date

( ) ITEM ON CONSENT CALENDAR

(X) ACTION & DATE Adopted Final Reading, 1-3-95

(X) VOICE VOTE Approved

RECORDED VOTE ON REQUEST all present

ABSENT

( ) ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
CHMN. CLARKE					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					PATTERSON									
EVANS					RAY									

X - Indicates Vote AB - Absent NV - Present not voting

CERTIFICATION RECORD

*[Signature]*  
Secretary to the Council

*January 10, 1995*  
Date

( ) ITEM ON CONSENT CALENDAR

( ) ACTION & DATE

( ) VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

( ) ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
CHMN. CLARKE					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					PATTERSON									
EVANS					RAY									

X - Indicates Vote AB - Absent NV - Present not voting

CERTIFICATION RECORD

Secretary to the Council

Date