

104th Congress, 1st Session - - - - - House Document 104-89

DISTRICT OF COLUMBIA'S PROPOSED FY 1995 SEC-
OND SUPPLEMENTAL BUDGET AND RESCISSIONS
OF AUTHORITY REQUEST ACT AND PROPOSED FY
1996 BUDGET REQUEST

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

THE DISTRICT OF COLUMBIA'S PROPOSED FISCAL YEAR 1995 SEC-
OND SUPPLEMENTAL BUDGET AND RESCISSIONS OF AUTHORITY
REQUEST ACT AND THE PROPOSED FISCAL YEAR 1996 BUDGET
REQUEST ACT PURSUANT TO SECTION 446 OF THE DISTRICT OF
COLUMBIA SELF-GOVERNMENT AND GOVERNMENTAL REORGA-
NIZATION ACT.



JUNE 29, 1995.—Message and accompanying papers referred to the
Committee on Appropriations and ordered to be printed

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WASHINGTON : 1995

To the Congress of the United States:

In accordance with section 446 of the District of Columbia Self-Government and Governmental Reorganization Act, I am transmitting the District of Columbia's Proposed FY 1995 Second Supplemental Budget and Rescissions of Authority Request Act and the Proposed FY 1996 Budget Request Act.

The Proposed FY 1996 Budget has not been reviewed or approved by the District of Columbia Financial Responsibility and Management Assistance Authority, created by Public Law 104-8, the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (the "Act"). It will be subject to such review and approval pursuant to section 208 of the Act.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 29, 1995.*



THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20001

MARION BARRY JR.
MAYOR

MAY 17 1995

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

Pursuant to Section 446 of the District of Columbia Self-Government and Government Reorganization Act, I am today transmitting the adopted FY 1996 Budget Request Act and the FY 1995 Second Supplemental Budget and Rescissions of Authority Request Act of 1995. The supporting materials and budget justification schedules will be forwarded separately. The budgets were adopted by the District Council on April 19, 1995. After careful consideration, I signed the bills, however I exercised my line item veto authority regarding certain items and provisions to which I objected. The Council overrode my vetoes on May 2, 1995. I remain strongly opposed to certain actions taken by the Council in both budgets. My interpretation of the impact of certain Council actions has interrupted the process of preparing the budget justification documents. It is my hope that further review and consideration of particular Council actions to which I object can be modified prior to final Congressional review and enactment of the city's budget.

The Appropriations Acts which I am submitting to you today are consistent with the Appropriations Acts adopted by the Council, despite my objections. The FY 1996 general fund operating budget was approved at \$3,389,364,000. This amount exceeds the general fund revenue estimate of \$3,381,847,000, and therefore the budget is out of balance by \$7,517,000. The FY 1995 supplemental general fund operating budget was approved at \$3,393,429,000. This amount exceeds the general fund revenue estimate of \$3,371,059,000, and therefore this budget is out of balance by \$22,370,000.

The FY 1996 general fund budget request does represent a slight decrease to the FY 1995 approved budget, however it exceeds the Congressional spending baseline of \$3,254,904,000 by \$134,460,000. The FY 1995 supplemental general fund budget represents a decrease of \$1,475,000 to the FY 1995 approved budget; however it exceeds the Congressional baseline by \$138,525,000. These budgets reflect our continuing effort to reduce appropriated full-time

equivalent employment (FTEs). There is a reduction of 3,529 FTE appropriated positions from the FY 1995 approved budget to the level funded in the FY 1996 request.

This budget aimed at staying within the Congressional ceiling of \$3,254,904,000. However, in the face of staggering human needs such as medicaid, pension costs, public safety pressures including police protection, and correction costs, there was no way for this government to stay within that ceiling.

As I indicated, in considering the Council's action in adopting the FY 1996 budget and the FY 1995 supplemental budget, I determined that it was necessary for me to veto certain items and provisions approved by the Council because of the serious negative impact the Council's actions would have on the government. And while I remain committed to our cooperative relationship, I believe strongly that certain actions taken by the Council demand corrective action if the city can realistically even attempt to balance its budget in FY 1995 and begin to make more substantial progress towards balancing the budget in FY 1996. Therefore, I am requesting that the proposed budget for FY 1995 be reviewed in accordance with procedures established in Section 208 of the "District of Columbia Financial Responsibility and Management Assistance Act of 1995" so that recommendations for modifications to the spending plans can be made.

The details of those items which I am recommending be given further review and consideration are included as a separate enclosure provided with this letter.

I want to thank you for your continuing support and I look forward to working with your office and the Congress as we move forward.

Sincerely,



Marion Barry Jr.
Mayor

Enclosures



THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20001

MARION BARRY, JR.
MAYOR

APR 28 1995

The Honorable David Clarke
Chairman, Council of the District of Columbia
The Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Dear Chairman Clarke:

After careful review and consideration of the Council's actions on the FY 1995 Second Supplemental Budget and Rescissions of Authority Request Act and the FY 1996 Budget Request Act, I have determined that I must exercise my line item veto authority to disapprove selected items adopted by the Council. I am taking this action in accordance with Section 404(f) of the Home Rule Charter, because of the serious impact that particular actions taken by the Council will have on the government. I greatly appreciated the hard work by the Council on these budget requests, and I strongly support our continued cooperative relationship and our co-equal leadership roles. I pledge my continued support of your hard work and commitment. However, my objections, by appropriation title, are as follows:

Governmental Direction and Support (FY 1995 / FY 1996)

The Council approved reductions to budget requests for the Department of Administrative Services (DAS) of \$17.9 million in both FY 1995 and FY 1996. These cuts would reduce the department's budgets in FY 1995 and FY 1996 by 63 percent, from \$28.6 million to \$10.7 million, making it impossible for the District government to pay rent and utilities for its key facilities.

The original FY 1995 budget, approved by Congress in 1994, severely under budgeted the Department of Administrative Services' space rental and energy costs. After arriving at a realistic spending plan for the department in January 1995, I submitted a revised budget to the Council on March 8, 1995, adding funds for these costs. The Council budget reductions would eliminate all funding (\$7.8 million) in the DAS budget for utilities expense for 38 government buildings, including the John Wilson Building and One Judiciary Square. Further, it would eliminate all funding (\$8.8 million) to pay the lease cost for One Judiciary Square and for 5 other government buildings.

My understanding is that the Committee on Governmental Operations recommended these cuts based on the premise that the respective agencies housed in these facilities should pay for rent and utilities from their own budgets. The fact is, however, that most of the agencies housed in these facilities have never had rent and utility monies in their budgets, and the few which have had money in some past year cut it out of their budgets when they left rented facilities. For FY 1995, there is no space rental and utility monies in the budgets of agencies housed in the aforementioned facilities. Funding has been included in DAS's revised budget for this purpose which the Council has now voted to rescind. The District government cannot function without paying its utilities and rent costs. Consequently, I am forced to veto the Governmental Direction and Support Appropriation Title in both the FY 1995 Second Supplemental Budget Request Act and the FY 1996 Budget Request Act.

Economic Development and Regulation (FY 1995)

The Council has approved a reduction in the request for the Department of Consumer and Regulatory Affairs of \$500,000 in FY 1995. The reduction was made as part of an effort to identify savings to support an offsetting increase in budget authority for the public schools. Although that is a worthy objective, this reduction was arbitrarily decided without regard to the impact upon the department. The DCRA cannot absorb an additional half million dollars other than by making additional staff reductions. To achieve \$500,000 in savings in less than six months, the department would be required to reduce 30 additional positions.

The department recently eliminated 84 positions by reductions-in-force, early-outs, and the voluntary incentive program. This action has required the department to re-examine its mission and operations within this resource constraint. The department has reduced nonpersonal services funds by nearly seventy-five percent over the last 6 - 7 years, and can no longer absorb reductions in this category.

A reduction of \$500,000 would require a RIF of 30 employees, or an extended furlough of employees. Such action would eliminate zoning inspections, and complaint in-take and civil investigations. It would negatively impact all counter operations, and the department's ability to enforce the laws and regulations under its purview. It would also jeopardize efforts to raise revenue. Therefore, I am vetoing this appropriation title in the FY 1995 Second Supplemental Budget Request Act.

Public Safety and Justice (FY 1995 / FY 1996)

The Council approved reductions in the Department of Corrections' budget requests of \$5.212 million in FY 1995 and \$12.093 million in FY 1996 (excluding salary rollbacks in both years). The individual reductions approved, as shown in the Judiciary Committee report, adopted by Council, and discussed below, total \$6.029 million in FY 1995 and \$15.166 million in FY 1996.

Overtime: FY 1995: -\$4.719 million FY 1996: -\$2.676 million

Current overtime projections for Corrections are over \$16 million for FY 1995. This projection includes actions the department has taken, and will continue to take, to reduce overtime utilization, including the closing of its Modular Facility. The Department has exhausted alternative methods of reducing overtime usage as suggested by the Council. The Department needs the full \$14.719 million requested in the FY 1995 Second Revised Budget request to meet its operational needs.

For FY 1996 the Council recommended that the Department reduce overtime by hiring 100 additional correctional officers. The Council, however, failed to provide additional position authorization and adequate funding to support the additional officers in FY 1996.

Halfway House Contracts: FY 1995: -\$1.120 million FY 1996: -\$6.3 million

The Department of Corrections plans to close its Modular Facility and move its staff to other facilities to reduce overtime usage. My budget requests provided for increased funding of halfway houses to support these additional inmates. By reducing halfway house funding, the Council has not provided funding for approximately 290 inmates in FY 1995 and 420 inmates in FY 1996.

Federal Bureau of Prisons: FY 1996: -\$6 million

In FY 1996, the elimination of \$6 million for the FBP effectively eliminates funding support for 450 inmates that will be housed in the federal system. These inmates cannot simply be brought back to our system since the rest of the budget is based upon the premise that the Modular Facility will be closed and that staff redeployed to other institutions in the department's efforts to reduce overtime usage.

The Council increased the budgets of the Court of Appeals, Superior Court, and the D.C. Court System in FY 1996 by \$12.1 million, or 11%. The Council approved these increases for FY 1996 while reducing the budgets of over 40 other agencies. At a time when we are asking our employees, union and non-union alike, to take reductions in pay, asking the public to sacrifice services, and cutting back on contracts, it is unfair and inequitable to not only exempt the courts from cuts, but generously add money to their budgets. The Courts have not required a reduction in pay or furloughs for their employees in FY 1995 like the rest of the government. If they have sufficient resources to avoid these kind of reductions, particularly after increasing their spending by 45% in the last five years while other public safety agencies have only increased spending an average of 15%, why should they be rewarded with budget increases in FY 1996?

The Council reduced the Civilian Complaint and Review Board's budget request by \$529,000 from \$1,029 million to \$500,000. The board has indicated in a letter to Chairman Clarke dated April 17, 1995, that any savings realized from the closing of the agency would be less than \$200,000. Based on discussions with the board, we estimate that total spending through June 30, 1995, plus annual leave costs, severance pay, and miscellaneous closeout costs will total \$866,000. Therefore, the budget approved by the Council of \$500,000 is inadequate. For these reasons I am vetoing this appropriation title in both the FY 1995 Second Supplemental Budget Request Act and the FY 1996 Budget Request Act.

Human Support Services (FY 1995 / FY 1996)

The Council has reduced the Unemployment Compensation Fund by \$1 million in the FY 1995 budget and by \$2.4 million in FY 1996 budget. These reductions place the Unemployment Compensation Fund in serious jeopardy. The curtailment or suspension of benefit payments, will place the city in violation of federal law and the subsequent loss of administrative grant funding for the program. In FY 1996, the \$2.4 million reduction will mean insufficient budget authority for the program because the city's budget assumes forced reductions in staffing levels and thus a greater demand on the fund. Therefore, I am vetoing these items in the FY 1995 Second Supplemental Budget Request Act and the FY 1996 Budget Request Act.

Rainy Day Fund (FY 1995)

The Council eliminated the budget request of \$22.508 million for the Rainy Day Fund. This action eliminates funding authority for pre-construction costs for the arena and the convention center, pending approval by the Congress of a Charter amendment which would allow these respective entities to use tax revenues collected on their behalf without appropriation. Council Resolution 10-453 approved \$10 million of Funds for preconstruction costs for the Convention Center and \$7 million for the Arena. Council Resolution 11-42 modified this action by reducing the allocation of funds for the Convention Center to \$5.7 million, but expanding its uses to cover operating costs of the Center.

The District was prepared, based on the recent Council action, to immediately begin transferring cash based on Rainy Day Fund authority to the Convention Center, to enable it to continue operations while awaiting congressional approval of the Charter amendment. The Council elimination of the Rainy Day Fund budget would prohibit this action. Further, the Arena project is still dependent on Rainy Day Funds until such time as the Congress passes the Charter amendment. Finally, the Rainy Day Fund is the only source available, we believe, to fund any contingencies for the remainder of the fiscal year. The District has been requested by the Chairs of the House and Senate Appropriations Committees to conduct in conjunction with the U.S. General Accounting Office an interim closing of the District's books. It is anticipated that contracting costs for this activity could approach \$2.0 million. We would anticipate other costs relating to the operation of the District of Columbia Financial Responsibility and Management Assistance Authority and the appointment of an Independent Chief Financial Officer and Inspector General which are not now budgeted. The Rainy Day Fund offers a means within a very

restrictive budget for the Mayor and the Council to address unexpected expenditures of this type. It should, therefore, not be eliminated. Thus, I am vetoing this item in the FY 1995 Second Supplemental Budget Request Act.

General Provisions (FY 1995 / FY 1996) Position Vacancies

Finally, I am vetoing Section 101 of the FY 1995 budget and Section 146 of the FY 1996 budget. These provisions requires the Mayor to submit a proposed resolution of intent to the Council before filling any position (including independent agency positions) funded by the appropriation and allows the Council 30 days to act on the request. These provisions violate the principle of separation of powers currently contained in the Charter. Section 422(3), D.C. Code § 1-242(3), delegates to the Mayor the authority to "administer the personnel functions of the District covering employees of all departments, boards, commissions, offices and agencies....." Personnel authority encompasses the power to appoint, promote and discipline employees. In fact this authority is the very essence of executive power, and is distinguished from legislative power, which is the power to establish policy through legislation.

In addition, Section 431 of the Charter, D.C. Code §1-242, grants to the Council limited authority to approve or disapprove by resolution proposed actions of the Mayor, which are "of a kind historically or traditionally transmitted by the Mayor ... to the Council ...". The D.C. Court of Appeals in *Wilson v. Kelly*, 615 A. 2d 229 (D.C., App. 1992) declined to expand the sweep of this provision beyond those acts which "operate in a significantly analogous way in the same discrete field" as those acts which historically had authorized the use of a Council resolution to approve or disapprove proposed actions by the Mayor. The Council's confirmation of Executive Branch policy positions is not analogous to approval or disapproval of the filling by the Executive Branch of every vacant position in the government, the majority of which are not policy positions.

As a practical matter, the implementation of these provisions would severely complicate the administration of an already cumbersome personnel system.

Therefore, as a matter of policy, I strongly object to indirectly amending the Self-Government Act to redefine the role of the legislative and executive branches of the District government, in administering the personnel function now vested in the Mayor.

In closing, I ask that the Council take corrective action on the above concerns. My staff is available if you have any questions or need assistance. I look forward to your favorable response.

Sincerely yours,


Marion Barry, Jr.
Mayor

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Codification

AN ACT

District of Columbia Code

11-44

1996 Supplement:

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 28, 1995

amend, on an emergency basis, the District of Columbia Real Property Tax Revision Act of 1974 to rollback the 1995 real property tax rates to the rates in effect in 1994; 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 by assessing each hospital operating in the District of Columbia 0.45% to be paid in 2 installments due on September 30, 1995, and March 31, 1996; to amend An Act To regulate the erection, hanging, placing, painting, display, and maintenance of outdoor signs and other forms of exterior advertising within 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 allow for the biannual renewal of licenses for signs, solicitors, auto rentals, barber shops, barber chairs, beauty shops, beauty booths, candy manufacturers, laundries and dry cleaners, mattress sales, mattress storage, and motion picture theaters; to amend the Day Care Policy Act of 1979 to authorize the District government to retain all parent fees for eligible children collected from parents for day care services; 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 District of Columbia Fire Department Operations Act of 1976 to approve the closing of certain operations of the Fire and Emergency Medical Services Department and to authorize the Fire and Emergency Medical Services Department to rotate fire companies on a daily basis; to repeal the District of Columbia Civilian Complaint Review Board Act of 1980; to amend the D.C. Solid Waste Management and Multi-Material Recycling Act of 1988 to condition the operation of the recycling program on the availability of appropriations; to amend section 11-2604(a) of the District of Columbia Code to decrease attorney's fees under the Criminal Justice Act and the Neglect Representation Equity Act; to amend the Cable Television Communications Act of 1981 to allow the Office of Cable Television to enter into contractual or other agreements to operate the District's municipal channels; to amend the Policemen and Firemen's Retirement and Disability Act, the District of Columbia Retirement Reform Act, and the Act entitled "An Act for the retirement of public-school teachers in the District of Columbia" to eliminate one of the two annual

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cost of living payments for District retirees; to amend the Multiyear Budget Spending Reduction and Support Temporary Act of 1995 to eliminate the repealer of the provision authorizing a staff person for the Commission on Latino Community Development; to require that the Mayor allocate funds for neighborhood police patrols; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to reduce the costs of administering the disability compensation program for employees hired after December 31, 1979; to amend the School Transit Subsidy Act of 1978 to increase the fare paid by students for use on the Metrobus and Metrorail Transit systems from 1/3 to 1/2 and to clarify that students are not subject to any transfer fee; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to modify the Board of Education reduction-in-force procedures to prohibit non-school based personnel from being assigned to the same competitive level as classroom teachers; to amend the District of Columbia Public Education Reorganization Act to authorize the merger of the University of the District of Columbia and the District of Columbia School of Law; to amend the Budget Implementation Emergency Act of 1995 and the Budget Implementation Temporary Act of 1995 to clarify the eligibility of employees continuously employed with the District since June 30, 1993, for the voluntary severance program; to amend the Budget Implementation Emergency Act of 1995 and the Budget Implementation Temporary Act of 1995 to exempt employees in Compensation Units 1, 2, 3, 12, 13, 15, 19, 20, 21, 22, 23, and 29 and the Metropolitan Police Department Crossing Guards from the 12% reduction of base compensation and to require that agency heads give employees 15 days notice of any furlough conducted pursuant to any compensation agreement; to approve compensation changes for Compensation Units 1 and 2 incorporated in a Memorandum of Understanding to reduce the base pay of employees by 6% (3% annualized) in Fiscal Year 1995 for the period beginning April 30, 1995, through September 30, 1995, and the Fiscal Year 1995 pre-reduction base pay reduced by 3% in Fiscal Year 1996, to furlough all employees, except certain Police Communications Operators, certain Fire Communication Operators, Emergency Medical Technicians, intermediate paramedics, paramedics subject to the Special Rate Schedule, certain correctional officers, certain positions in the 24-hour facilities, parking control aides, and certain employees at the Water and Sewer Utility Administration, for 6 days in Fiscal Year 1995 and for 6 days in Fiscal Year 1996, to modify the overtime provision of the collective bargaining agreement governing Compensation Units 1 and 2; to approve compensation changes for Compensation Units 12 and 29 incorporated in a Memorandum of Understanding to forego the professional allowance payments of \$1000 which were due to each employee but were not paid in December 1993, May 1994, and December 1994; to approve compensation changes for Compensation Unit 13 incorporated in a Memorandum of Understanding to reduce the base pay of employees by 7.75% (3.875% annualized) in Fiscal Year 1995 for the period beginning April 30, 1995, through September 30, 1995, and the Fiscal Year 1995 pre-reduction base pay reduced by 3.5% in Fiscal Year 1996, to furlough all employees, except certain employees in the 24-hour facilities in the Department of Human Services and D.C. General Hospital, for 6 days in Fiscal Year 1995 and for 8 days in Fiscal Year 1996; to approve compensation changes

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for Compensation Unit 15 incorporated in a Memorandum of Understanding to reduce the base pay of employees by 6% (3% annualized) in Fiscal Year 1995 for the period beginning April 30, 1995, through September 30, 1995, and the Fiscal Year 1995 pre-reduction base pay reduced by 3% in Fiscal Year 1996, to furlough employees for 6 days in Fiscal Year 1995 and for 6 days in Fiscal Year 1996; to approve compensation changes for Compensation Unit 19 incorporated in a Memorandum of Understanding to reduce the base pay of employees by 9.25% (4.625% annualized) in Fiscal Year 1995 for the period beginning April 30, 1995, through September 30, 1995, and the Fiscal Year 1995 pre-reduction base pay reduced by 5% in Fiscal Year 1996; to approve compensation changes for Compensation Units 20 and 21 incorporated in a Memorandum of Understanding to reduce the base pay of employees by 3.5% (1.75% annualized) in Fiscal Year 1995 for the period beginning April 30, 1995, through September 30, 1995, and the Fiscal Year 1995 pre-reduction base pay reduced by 0.5% in Fiscal Year 1996, to furlough all employees, except certain employees in 24-hour facilities at D.C. General Hospital, for 6 days in Fiscal Year 1995 and for 6 days in Fiscal Year 1996; to approve compensation changes for Compensation Unit 22 incorporated in a Memorandum of Understanding to reduce the base pay of employees by 5.75% (2.875% annualized) in Fiscal Year 1995 for the period beginning April 30, 1995, through September 30, 1995, and the Fiscal Year 1995 pre-reduction base pay reduced by 2.4% in Fiscal Year 1996, to furlough employees for 3 days in Fiscal Year 1995 and for 3 days in Fiscal Year 1996, to deny uniform allowances in Fiscal Years 1995 and 1996, and to modify the overtime provision for holiday pay contained in the collective bargaining agreement governing Compensation Unit 22 for Fiscal Year 1995 for the period beginning April 30, 1995, through September 30, 1995, and in Fiscal Year 1996; to approve compensation changes for Compensation Unit 23 incorporated in a Memorandum of Understanding to reduce the base pay of employees by 5.75% (2.875% annualized) in Fiscal Year 1995 for the period beginning April 30, 1995, through September 30, 1995, and the Fiscal Year 1995 pre-reduction base pay reduced by 2.4% in Fiscal Year 1996, to furlough employees for 3 days in Fiscal Year 1995, and to modify the overtime provision for holiday pay contained in the collective bargaining agreement governing Compensation Unit 23 for Fiscal Year 1995 for the period beginning April 30, 1995, through September 30, 1995, and in Fiscal Year 1996; and to make compensation changes to Compensation Unit 3.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this Act may be cited as the "Omnibus Budget Support Emergency Act of 1995".

TITLE I - REVENUE INCREASES

Sec. 101. Sections 412 and 437(a) of the District of Columbia Real Property Tax Revision Act of 1974, approved September 3, 1974 (88 Stat. 1052; D.C. Code §§ 47-812 and 47-847(a)), are amended as follows:

(a) Section 412 (D.C. Code § 47-812) is amended by adding a new subsection (a-1) to read as follows:

"(a-1) Notwithstanding the provisions of subsection (a) of this section, the real property

Note,
Section
47-812

ENROLLED ORIGINAL

tax rates for taxable real property in the District of Columbia for the tax year beginning October 1, 1994, and ending September 30, 1995, shall be the same rates in effect for the tax year beginning October 1, 1993, and ending September 30, 1994."

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

Note
Sec. 40:
47-847

TITLE II - HEALTH CARE PROVIDER ASSESSMENT

Sec. 201. This title may be cited as the "Health Care Provider Assessment Act of 1995".

Note
Sec. 40:
47-120

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

ENROLLED ORIGINAL

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 0.45% of the hospital's annual net patient services revenue, excluding net Medicaid revenue.
- (b) The assessment shall be paid in 2 equal installments. The 1st installment shall be due on September 30, 1995, and the 2nd installment shall be due on March 31, 1996. The assessment shall be based on the hospital's most recently completed 12-month accounting period ending on or before the 1st payment is due. In the case of a hospital having an accounting period 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 in 2 equal installments. The 1st installment shall be due on September 30, 1995, 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 September 30. The 2nd installment shall be due on March 31, 1996, and shall be based on the nursing home's total patient days during the 6-month period beginning on October 1 and ending March 31.

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(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 in 2 equal installments. The 1st installment shall be due on September 30, 1995, 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 September 30. The 2nd installment shall be due on March 31, 1996, and shall be based on the intermediate care facility's total patient days during the 6-month period beginning on October 1 and ending March 31.

(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

ENROLLED ORIGINAL

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

ENROLLED ORIGINAL

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.

ENROLLED ORIGINAL

(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.

ENROLLED ORIGINAL

(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 provisions of this act.

TITLE III - BIENNIAL RENEWAL OF LICENSES

Sec. 301. An Act To regulate the erection, hanging, placing, painting, display, and maintenance of outdoor signs and other forms of exterior advertising within the District of Columbia, approved March 3, 1931 (46 Stat. 1486; D.C. Code § 1-326), is amended by striking in the first sentence, the phrase "Provided, that no license shall issue without the prepayment of \$14 to the Collector of Taxes of the District of Columbia, and an annual fee of \$14 thereafter for each succeeding year" and inserting the phrase "Provided, that no license shall issue without the prepayment of \$14 to the District of Columbia Treasurer, and an annual fee of \$28, paid biannually" in its place.

Note
Section
1-326

Sec. 302. 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, 1932 (42 Stat. 550; D.C. Code § 47-2801), is amended as follows:

(a) Paragraph 10 (D.C. Code § 47-2809) is amended by striking the phrase "of \$30 per annum", wherever it occurs, and inserting the phrase "of \$60 biannually" in its place.

Note
Section
47-2809

(b) Paragraph 17 (D.C. Code § 47-2817) is amended to read as follows:

Note
Section
47-2817

"(a) Owners or managers of laundries operated other than by hand power shall pay a license fee of \$188 biannually.

"(b) Owners or managers of laundries operated by hand power shall pay a license fee of \$60 biannually.

"(c) Owners or managers of dry cleaning or dyeing establishments shall pay a license fee of \$222 biannually."

(c) Paragraph 18 (D.C. Code § 47-2818) is amended to read as follows:

Note
Section
47-2818

"(a) Persons engaged in the business of manufacturing or renovating mattresses shall pay a license fee of \$476 biannually.

"(b) Owners or managers of establishments where mattresses are stored, sold, or

ENROLLED ORIGINAL

kept for sale shall pay a license fee of \$34 biannually.

(c) Within the meaning of this section, the term "mattress" shall include any quilt, comforter, pad, pillow, cushion, or bag stuffed with hair, down, feathers, wool, cotton, excelsior, jute, or any other soft material and designed for use for sleeping or reclining purposes.

(d) Paragraph 20(a) (D.C. Code § 47-2820(a)) is amended by striking the phrase "of \$415 per annum" and inserting the phrase "of \$930 biannually" in its place.

(e) Paragraph 27(b) (D.C. Code § 47-2827(b)) is amended by striking the phrase "of \$111 per annum" and inserting in its place the phrase "of \$222 biannually".

(f) Paragraph 32 (D.C. Code § 47-2830) is amended by striking the phrase "of \$300 per annum for each such establishment" inserting the phrase "of \$600 biannually for each such establishment" in its place.

(g) Paragraph 37 (32 Stat. 627; D.C. Code § 47-2836) is amended by striking the phrase "of \$158 per annum" and inserting the phrase "of \$316 biannually" in its place.

Note,
Section
47-2820

Note,
Section
47-2827

Note,
Section
47-2830

Note,
Section
47-2836

TITLE IV - HUMAN SERVICES AMENDMENTS

Sec. 401. Day-care rates.

Section 10(g) of the Day Care Policy Act of 1979, effective September 19, 1979 (D.C. Law 3-16; D.C. Code § 3-309(7)), is amended to read as follows:

"(g) The Department shall retain all fees collected from parents of eligible children pursuant to subsection (a) of this section as specified by the fee scale set forth in section 6."

Note,
Section
3-309

Sec. 402. 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:

(a) Section 308 (D.C. Code § 6-1928) is amended by striking the word "resident", "residents", or "resident's" wherever it appears and inserting the word "customer", "customers", or "customer's" respectively in its place.

(b) Section 411(a) (D.C. Code § 6-1951(a)) is amended by adding a new paragraph (4) to read as follows:

"(4) The person no longer meets the requirements for commitment in sections 304(b) and 306(a)."

(c) Section 503 (D.C. Code § 6-1963) is amended as follows:

(1) By striking the word "resident", "residents", or "resident's" wherever it appears and inserting the word "customer", "customers" or "customer's" respectively in its place; and

(2) By amending the first sentence by inserting the phrase "and available" after the word "necessary".

(d) Section 504(c) (D.C. Code § 6-1964(c)) is amended by striking the word "resident" or "residents" wherever it appears and inserting the word "customer" or "customers" respectively in its place.

(e) Section 505 (D.C. Code § 6-1965) is amended by striking the word "resident", "residents", or "resident's" wherever it appears and inserting the word "customer", "customers", or "customer's" respectively in its place.

Note,
Section
6-1928

Note,
Section
6-1951

Note,
Section
6-1963

Note,
Section
6-1964

Note,
Section
6-1965

ENROLLED ORIGINAL

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

Note,
§ 6-1967

(g) Section 509 (D.C. Code § 6-1969) is amended by striking the word "resident", "residents", or "resident's" wherever it appears and inserting the word "customer", "customers", or "customer's" respectively in its place.

Note,
§ 6-1969

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

Note,
§ 6-1970

(i) Section 511 (D.C. Code § 6-1971) is amended by striking the word "resident", "residents", or "resident's" wherever it appears and inserting the word "customer", "customers", or "customer's" respectively in its place.

Note,
§ 6-1971

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

Note,
§ 6-1972

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

Note,
§ 6-1973

TITLE V - GENERAL PROVISIONS

Sec. 501. 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 new subsections (c) and (d) to read as follows:

Note,
§ 1-612.1

"(c)(1) 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:

- "(A) Public Service Commission;
- "(B) Contract Appeals Board;
- "(C) Rental Housing Commission;
- "(D) Board of Parole;
- "(E) The Chairperson of the Taxicab Commission; and
- "(F) The District of Columbia Retirement Board.

"(2) Beginning April 1, 1995, members of the following boards and commissions shall be entitled to compensation as follows:

"(A) Board of Zoning Adjustment shall be entitled to compensation at the hourly rate of \$25 per meeting, not to exceed \$3,000 for each board member per year.

"(B) Office of Employee Appeals shall be entitled to compensation at the hourly rate of \$25 per meeting, not to exceed \$3,000 for each member per year.

"(C) Police and Firefighters' Retirement Board shall be entitled to compensation at the hourly rate of \$25 per meeting, not to exceed \$8,000 for each board member per year.

"(D) Public Employee Relations Board shall be entitled to compensation

ENROLLED ORIGINAL

at the hourly rate of \$25 per meeting, not to exceed \$3,000 for each board member per year.

"(E) Real Property Assessments and Appeals shall be entitled to compensation at the hourly rate of \$25 per meeting, not to exceed \$10,000 for each board member per year.

"(F) Redevelopment Land Agency shall be entitled to compensation at the hourly rate of \$25 per meeting, not to exceed \$1,200 for each member per year.

"(G) Zoning Commission shall be entitled to compensation at the hourly rate of \$25 per meeting, not to exceed \$3,000 for each commission member per year.

"(H) Historic Preservation Review Board shall be entitled to compensation at the hourly rate of \$25 per meeting, not to exceed \$1,800 for each board member per year.

"(I) Alcoholic Beverage Control Board shall be entitled to compensation at the hourly rate of \$25 per meeting, not to exceed \$2,500 per year for each board member per year.

"(J) The Chairpersons of the boards and commissions specified in this paragraph who are public members shall be entitled to an additional compensation of 20% above the annual maximum.

"(d) Notwithstanding subsections (a), (b), and (c) 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. 502. Pursuant to the District of Columbia Fire Department Operations Act of 1976, effective April 6, 1977 (D.C. Law 1-111; D.C. Code § 4-301), the Council approves the following changes in Fire and Emergency Services Department:

Note,
Section:
4-301

(1) The Fire and Emergency Medical Services Department may permanently close Rescue Squad 4, located at 4930 Connecticut Avenue, N.W., and Truck Company 1, located at 500 F Street, N.W.; and

(2) The Fire and Emergency Medical Services Department may rotate the closing of no more than 5 companies on a daily basis.

Sec. 503. (a) The District of Columbia Civilian Complaint Review Board Act of 1980, effective March 5, 1981 (D.C. Law 3-158; D.C. Code § 4-901 *et seq.*), is repealed on the effective date of the Omnibus Budget Support Act of 1995.

Note,
Section:
4-901-
4-910

(b) All cases pending with the Civilian Complaint Review Board on the effective date of the Omnibus Budget Support Act of 1995 shall be transferred to the Internal Affairs Division of the Metropolitan Police Department.

Sec. 504. The D.C. Solid Waste Management and Multi-Material Recycling Act of 1988, effective March 16, 1989 (D.C. Law 7-226; D.C. Code § 6-3401 *et seq.*), is amended by adding a new section 18a to read as follows:

"Sec. 18a. The provisions of this act shall only apply to the extent of funds available

Note,
Section:
6-3417

ENROLLED ORIGINAL

through the recycling surcharge in section 16 or appropriated monies allocated for solid waste management activities .".

Sec. 505. Section 11-2604(a) of the District of Columbia Code is amended by striking the figure "\$50" and inserting the figure "\$48" in its place.

Note
Section
4-2604

Sec. 506. 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).
- (b) Section 2303 (D.C. Code § 1-624.3) is amended by repealing subsection (c).
- (c) Section 2309(b) (D.C. Code § 1-624.9(b)) is amended to read as follows:

Note
Section
1-624.1
Note
Section
1-624.1
Note
Section
1-624.1

"(b)(1) Except as provided in paragraph (2) of this subsection, payments under subsection (a) of this section, except for an amount payable for a period preceding the death of the employee, are at the basic rate of compensation for permanent disability specified by section 2307.

"(2) For an employee who would otherwise be an employee for purposes of Title XXIII whose date of hire was before January 1, 1980, or whose claim for compensation for disability or death was pending before the effective date of the Multiyear Budget Spending Reduction and Support Emergency Act of 1994, effective December 29, 1994 (D.C. Act 10-389; 42 DCR 197), payments under subsection (a) of this section, except for an amount payable for a period preceding the death of the employee, are at the basic rate of compensation for permanent disability specified by section 2307, even if at the time of death the employee was entitled to the augmented rate specified by section 2310."

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

Note
Section
1-624.1

(1) Subsection (a) is amended by inserting the phrase "and except as provided in subsection (a-1) of this section," after the phrase "For the purpose of this section,".

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

"(a-1) For employees hired after December 31, 1979, who make a claim for compensation for disability or death after the Multiyear Budget Spending Reduction and Support Emergency Act of 1994, effective December 29, 1994 (D.C. Act 10-389; 42 DCR 197), the term "dependent" means the natural issue of the employee or minor legally adopted by the employee prior to the injury who is:

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

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

(3) Subsection (b) is amended by striking the phrase "A disabled employee" and inserting the phrase "Except as provided in subsection (b-1) of this section, a disabled employee" in its place.

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

"(b-1) For employees hired after December 31, 1979, who make a claim for compensation for disability or death after the effective date of the Multiyear Budget Spending Reduction and Support Emergency Act of 1994, effective December 29, 1994 (D.C. Act 10-389;

ENROLLED ORIGINAL

42 DCR 197), a disabled employee with 1 or more dependents is entitled to have his or her basic compensation for disability augmented:

"(1) At the rate of 8½ percent of his or her monthly pay if his or her salary is equivalent to DS-2, Step 1 through DS-6, Step 5 in the collective bargaining unit; or

"(2) At the rate of 6½ percent of his or her monthly pay if his or her salary is equivalent to 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:

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

(2) The newly designated subsection (a) is amended by inserting the phrase "and except as provided in subsection (b) of this section," before the phrase "the monthly rate of compensation".

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

"(b) For employees hired after December 31, 1979, who make a claim for compensation for disability or death after the effective date of the Multiyear Budget Spending Reduction and Support Emergency Act of 1994, effective December 29, 1994 (D.C. Act 10-389; 42 DCR 197), except as provided in Section 2338, the monthly rate of compensation for disability, including augmented compensation under section 2310, but not including additional compensation under section 2311, may not be more than 73 percent of the monthly pay of the maximum rate of basic pay for DS-12, Step 10. In the case of total disability the monthly rate of compensation may not be less than 75 percent of the monthly pay of the minimum rate of basic pay for DS-2, Step 1, or the amount of the monthly pay of the employee, whichever is less."

(f) Section 2314(d)(4) (D.C. Code 1-624.14(d)(4)) is amended by inserting the phrase " provided that the average earnings of the employee may not exceed the minimum rate of basic pay for DS-12, Step 10, or its equivalent in the collective bargaining unit for those employees hired after December 31, 1979, who make a claim for compensation for disability after the effective date of the Multiyear Budget Spending Reduction and Support Emergency Act of 1994, effective December 29, 1994 (D.C. Act 10-389; 42 DCR 197)," after the phrase "as provided in title XI of this act".

(g) Section 2318(b)(2) (D.C. Code § 1-624.18(b)(2)) is amended by inserting the phrase "for employees hired before January 1, 1980, or for employees who have a claim for compensation for disability pending on the effective date of the Multiyear Budget Spending Reduction and Support Emergency Act of 1994, effective December 29, 1994 (D.C. Act 10-389; 42 DCR 197), provided that the period of continuation of pay shall not exceed 21 days for all other employees, beginning 2 years after the effective date of the Multiyear Budget Spending Reduction and Support Emergency Act of 1994, effective December 29, 1994 (D.C. Act 10-389; 42 DCR 197)," after the phrase "For a period not to exceed 45 days".

(h) Section 2333(e)(2) (D.C. Code § 1-624.33(e)(2)) is amended by inserting the phrase "for employees hired before January 1, 1980, or for employees who have a claim for compensation for disability pending on the effective date of the Multiyear Budget Spending Reduction and Support Emergency Act of 1994, effective December 29, 1994 (D.C. Act 10-389; 42 DCR 197), or seventy-three percent of the maximum monthly rate of basic pay for DS-12, Step 10 for employees hired after December 31, 1979, who make a claim for compensation for disability after the effective date of the Multiyear Budget Spending Reduction and Support

Note,
Section
1-624.

Note,
Section
1-624.

Note,
Section
1-624.

Note,
Section
1-624.

ENROLLED ORIGINAL

Emergency Act of 1994, effective December 29, 1994 (D.C. Act 10-389; 42 DCR 197)," after the phrase "as provided in title XI of this act".

(i) Section 2340(2) (D.C. Code § 1-624.40(2)) is amended by striking the phrase "Office of Personnel" and inserting the phrase "Department of Employment Services" in its place.

Note,
Section
1-624.40

(j) Section 2345 (D.C. Code § 1-624.45) is amended by adding a new subsection (c) to read as follows:

Note,
Section
1-624.45

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

Sec. 507. 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. 508. Section 2(a) of the School Transit Subsidy Act of 1978, effective March 3, 1979 (D.C. Law 2-152; D.C. Code § 44-217(a)), is amended as follows:

Note,
Section
44-217

(a) Paragraphs (1) and (2) are amended by striking the phrase "one third" and inserting the figure "1/2" in its place.

(b) Paragraph (4) is amended by adding at the end, the phrase ", but without any additional charge for the transfer."

Sec. 509. Section 7 of the Cable Television Communications Act of 1981, effective August 21, 1982 (D.C. Law 4-142; D.C. Code § 43-1806), is amended by adding a new subsection (f) to read as follows:

Note,
Section
43-1806

"(f) The Office of Cable Television ("OCT") shall sign a cooperative agreement with the Public Access Corporation, or contract for services with an existing corporation or with recently terminated OCT employees, to produce shows for municipal channels 13 and 16."

Sec. 510. Section 802(b) of the Multiyear Budget Spending Reduction and Support Temporary Act of 1995, effective March 23, 1995 (D.C. Law 10-253; 42 DCR 721), is amended to read as follows:

Note,
Section
43-1806

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

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

"(f) The Office of Cable Television ("OCT") shall sign a cooperative agreement with the Public Access Corporation or contract for services with an existing corporation or with recently terminated OCT employees to produce shows for municipal channels 13 and 16."

Sec. 511. Section 209(a)(1) of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; D.C. Code § 4-624), is amended as follows:

Note,
Section
4-624

(a) Paragraph (2) is amended by striking "the Mayor shall" and all that follows and inserting the following: "on January 1 of each year, or within a reasonable time thereafter, the Mayor shall determine the per centum change in the price index for the preceding year by determining the difference between the index published for December of the preceding year and

ENROLLED ORIGINAL

the index published for December of the second preceding year."; and

(b) Paragraph (3) is amended to read as follows:

"(3)(A) If, in accordance with paragraph (2) of this subsection, the Mayor determines in a year, beginning with 1997, that the per centum change in the price index for the preceding year indicates a rise in the price index, each annuity having a commencing date on or before March 1 of the year shall, effective March 1 of the year, be increased by an amount equal to:

"(i) In the case of an annuity having a commencing date on or before March 1 of such preceding year, the per centum change computed under paragraph (2) of this subsection, adjusted to the nearest 1/10 of 1 per centum; or

"(ii) In the case of an annuity having a commencing date after March 1 of such preceding year, a pro rata increase equal to the product of 1/12 of the per centum change computed under paragraph (2) of this subsection, multiplied by the number of months (not to exceed 12 months, counting any portion of a month as an entire month) for which the annuity was payable before the effective date of the increase, adjusted to the nearest 1/10 of 1 per centum.

"(B) On January 1, 1996, or within a reasonable time thereafter, the Mayor shall determine the per centum change in the price index published for December 1995 over the price index published for June 1995. If such per centum change indicates a rise in the price index, effective March 1, 1996:

"(i) Each annuity having a commencing date on or before September 1, 1995, shall be increased by an amount equal to such per centum change, adjusted to the nearest 1/10 of 1 per centum; and

"(ii) Each annuity having a commencing date after September 1, 1995, and on or before March 1, 1996, shall be increased by a pro rata increase equal to the product of 1/6 of such per centum change, multiplied by the number of months (not to exceed 6 months, counting any portion of a month as an entire month) for which the annuity was payable before the effective date of the increase, adjusted to the nearest 1/10 of 1 per centum."

Sec. 512. Section 209(a)(2)(B) of the District of Columbia Retirement Reform Act, approved November 17, 1979 (D.C. Code § 4-625(2)), is amended by inserting the sentence "Except that, with respect to a member who is an officer or member of the Metropolitan Police force or the Fire Department of the District of Columbia, subsection (m)(2) and (3) of the Policemen and Firemen's Retirement and Disability Act shall apply to all annuities payable under the Policemen and Firemen's Retirement and Disability Act." after the phrase "having a commencing date after the effective date of such amendment."

Note
Section
4-625

Sec. 513. Section 301(e) of the District of Columbia Police and Firemen's Salary Act of 1953, approved June 20, 1953 (67 Stat. 75; D.C. Code § 4-605), is amended by striking the phrase "who retire after the effective date of this subsection".

Note
Section
4-605

Sec. 514. Section 21(b) of the Act entitled "An Act for the retirement of public-school teachers in the District of Columbia", approved August 7, 1946 (D.C. Code § 31-1241(b)) is

Note
Section
31-1241

ENROLLED ORIGINAL

amended as follows:

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

"(1) On January 1 of each year, or within a reasonable time thereafter, the Mayor shall determine the per centum change in the price index for the preceding year by determining the difference between the index published for December of the preceding year and the index published for December of the second preceding year."; and

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

"(2)(A) If (in accordance with paragraph (1)) the Mayor determines in a year (beginning with 1997) that the per centum change in the price index for the preceding year indicates a rise in the price index, each annuity having a commencing date on or before March 1 of the year shall, effective March 1 of the year, be increased by an amount equal to:

"(i) In the case of an annuity having a commencing date on or before March 1 of such preceding year, the per centum change computed under paragraph (1) of this subsection, adjusted to the nearest 1/10 of 1 per centum; or

"(ii) In the case of an annuity having a commencing date after March 1 of such preceding year, a pro rata increase equal to the product of 1/12 of the per centum change computed under paragraph (1) of this subsection, multiplied by the number of months (not to exceed 12 months, counting any portion of a month as an entire month) for which the annuity was payable before the effective date of the increase, adjusted to the nearest 1/10 of 1 per centum.

"(B) On January 1, 1996 (or within a reasonable time thereafter), the Mayor shall determine the per centum change in the price index published for December 1995 over the price index published for June 1995. If such per centum change indicates a rise in the price index, effective March 1, 1996:

"(i) Each annuity having a commencing date on before September 1, 1995, shall be increased by an amount equal to such per centum change, adjusted to the nearest 1/10 of 1 per centum; and

"(ii) Each annuity having a commencing date after September 1, 1995, and on or before March 1, 1996, shall be increased by a pro rata increase equal to the product of 1/6 of such per centum change, multiplied by the number of months (not to exceed 6 months, counting any portion of a month as an entire month) for which the annuity was payable before the effective date of the increase, adjusted to the nearest 1/10 of 1 per centum."

Sec. 515. The Mayor shall allocate \$250,000 for the Georgetown Summer Detail, \$200,000 for the East of the River Detail, \$100,000 for the Adams Morgan Detail, and \$100,000 for the Capitol Hill Summer Detail.

TITLE VI - MODIFICATION OF SCHOOL RIF PROCEDURES

Sec. 601. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-601.1 *et seq.*), is amended as follows:

(a) Section 301 (D.C. Code § 1-603.1) is amended as follows:

Not
to
1-603.

ENROLLED ORIGINAL

(1) By adding a new paragraph (13A) to read as follows:

"(13A) "Non-school-based personnel" means any employee of the District of Columbia Public School who is not based at a local school or who does not provide direct services to individual students."; and

(2) By adding a new paragraph (15A) to read as follows:

"(15A) "School administrators" means principals, assistant principals, school program directors, coordinators, instructional supervisors, and support personnel of the District of Columbia Public Schools."

(b) Section 801A(b)(2) (D.C. Code § 1.609.1(b)(2)) is amended by adding a new subparagraph (L-i) to read as follows:

"(L-i) Notwithstanding any other provision of law, the Board of Education shall not issue rules and regulations that require or permit non-school based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers;"

(c) Section 2402 (D.C. Code § 1-625.2) is amended by adding a new subsection (f) to read as follows:

"(f) Notwithstanding any other provision of law, the Board of Education shall not require or permit non-school based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers."

Note:
Section
1-609.1

Note:
Section
1-625.2

TITLE VII -MERGER OF LAW SCHOOL AND UDC

Sec. 701. Section 513 of The District of Columbia Public Education Reorganization Act, approved October 26, 1974 (88 Stat. 1423; D.C. Code § 31-1553), is amended to read as follows:

Note:
Section
31-1553

"Sec. 513. Merger.

"(a) The Board of Trustees of the University of the District of Columbia and the Board of the Governors of the District of Columbia School of Law shall combine their membership to form a Merger Committee ("Committee"). The Committee shall by June 1, 1995, negotiate, approve, ratify, and submit to the Mayor, the Council, and the Committee on Education and Libraries, a formal merger agreement, and any proposed legislation necessary to implement the merger.

"(b) The formal merger agreement shall, among other provisions:

- "(1) Delineate the specific terms and conditions of the merger between the University of the District of Columbia and the District of Columbia School of Law;
- "(2) Provide a time-frame for implementing the merger;
- "(3) Provide for a budget for the law school in a separate control center and directing that all nonappropriated revenues dedicated to the law school, including tuition and gifts, be included in the budget for the law school;
- "(4) Establish the criteria and composition for a single governing board;
- "(5) Require that law students who are eligible for residential tuition rates, maintain their residency for the duration of their legal education;
- "(6) Declare law students who are nonresidents at the time of their admission ineligible for residential tuition rates for the duration of their legal education;

ENROLLED ORIGINAL

"(7) Require that law students eligible for residential tuition rates remain in the District of Columbia upon graduation, and that they contractually agree to employment by the District of Columbia, a public service organization, or any institution designated by the Mayor, for a period of time equivalent to the length of time that the student received the residential tuition rate. Any student who refuses to perform the post-graduation work requirement shall be held liable to the District of Columbia. The amount of the liability shall be equivalent to 3 times the amount of the difference between the residential tuition rate and the nonresidential tuition rate in existence at the time of the student's matriculation. This section shall not operate to guarantee employment with the District of Columbia.

"(c) Within 90 days of the merger, the University of the District of Columbia shall develop and submit to the Council a listing of the degree programs offered, in order of priority, and the positions and costs associated with each program.

"(d) Within one year of the merger, the University of the District of Columbia shall establish a college or school at a location that is east of the Anacostia River."

TITLE VIII - VOLUNTARY SEVERANCE INCENTIVE CLARIFICATION

Sec. 801. Section 3(h)(1) of the Budget Implementation Temporary Act of 1995, deemed approved by the Mayor on March 24, 1995 (D.C. Act 11-34; 42 DCR 1654), is amended by striking the phrase "December 11, 1992" and inserting the phrase "June 30, 1993" in its place.

Note,
Section
1-625.1

Sec. 802. Section 3(h)(1) of the Budget Implementation Emergency Act of 1995, effective March 15, 1995 (D.C. Act 11-29; 42 DCR 1398), is amended by striking the phrase "December 11, 1992" and inserting the phrase "June 30, 1993" in its place.

Note,
Section
1-625.1

TITLE IX - WAGE ROLLBACK

Sec. 901. (a) Section 2 of the Budget Implementation Emergency Act of 1995, effective March 15, 1995 (D.C. Act 11-29; 42 DCR 1398), is amended by adding new subsections (e) and (f) to read as follows:

Note,
Section
1-612.1

"(e) The compensation reductions authorized by subsections (b) and (c) of this section for Fiscal Years 1995 and 1996 shall not apply to Compensation Units 1, 2, 3, 12, 13, 15, 19, 20, 21, 22, 23, and 29 and the Metropolitan Police Department Crossing Guards, except for the pay period beginning April 2, 1995, and ending April 29, 1995.

"(f) Notwithstanding any other law or regulation, for any furlough authorized by the Memorandum of Understandings transmitted to the Council on April 4, 1995, for Compensation Units 1, 2, 12, 13, 15, 19, 20, 21, 22, 23, and 29, agency heads shall provide each employee written notice of a specific furlough date no later than 15 days prior to the furlough date."

(b) Section 3(h)(1) is amended by striking the phrase "December 11, 1992" and inserting the phrase "June 30, 1993" in its place.

Note,
Section
1-625.1

Sec. 902. (a) Section 2 of the Budget Implementation Temporary Act of 1995, deemed approved by the Mayor on March 24, 1995 (D.C. Act 11-34; 42 DCR 1654), is amended by adding new subsections (e) and (f) to read as follows:

Note,
Section
1-612.1

"(e) The compensation reductions authorized by subsection (b) of this section for Fiscal

ENROLLED ORIGINAL

Years 1995 and 1996 shall not apply to Compensation Units 1, 2, 3, 12, 13, 15, 19, 20, 21, 22, 23, and 29 and the Metropolitan Police Department Crossing Guards.

"(f) Notwithstanding any other law or regulation, for any furlough authorized by the Memorandum of Understandings transmitted to the Council on April 4, 1995, for Compensation Units 1, 2, 12, 13, 15, 19, 20, 21, 22, 23, and 29, agency heads shall provide each employee written notice of a specific furlough date no later than 15 days prior to the furlough date."

(b) Section 3(h)(1) is amended by striking the phrase "December 11, 1992" and inserting the phrase "June 30, 1993" in its place.

Note
Section
1-825.1

Sec. 903. Notwithstanding any other law, the Memoranda of Understanding ("agreement") between the District and Compensation Units 1 and 2, Compensation Units 12 and 29, Compensation Unit 13, Compensation Unit 15, Compensation Unit 19, Compensation Units 20 and 21, Compensation Unit 22, and Compensation Unit 23, transmitted by the Mayor to the Council on April 4, 1995, are hereby approved and all wage reductions contained in the agreements for Fiscal Year 1995 shall become effective as of April 30, 1995. The agreements provide the following:

Note
Section
1-612.1

(1) The compensation changes for Compensation Units 1 and 2 to reduce the base pay of employees by 6% (3% annualized) in Fiscal Year 1995 for the period beginning April 30, 1995, through September 30, 1995, and the Fiscal Year 1995 pre-reduction base pay reduced by 3% in Fiscal Year 1996, to furlough all employees, except certain Police Communications Operators (DS-392 series, grades 4-11), certain Fire Communication Operators (DS-081 series, Fire Department Only), Emergency Medical Technicians, intermediate paramedics, paramedics subject to the Special Rate Schedule (Fire Department Only), certain correctional officers (DS-007 series only), certain positions in the 24-hour facilities, parking control aides, and certain employees at the Water and Sewer Utility Administration (those designated exempt by the D.C. Office of Personnel), for 6 days in Fiscal Year 1995 and for 6 days in Fiscal Year 1996, to modify the overtime provision of the collective bargaining agreement governing Compensation Units 1 and 2 (as outlined in the Memorandum of Understanding signed by Mayor Barry on April 3, 1995).

(2) The compensation changes for Compensation Units 12 and 29 incorporated in a Memorandum of Understanding to forego the professional allowance payments of \$1000 which were due to each employee but were not paid in December 1993, May 1994, and December 1994; to approve compensation changes for Compensation Unit 13 incorporated in a Memorandum of Understanding to reduce the base pay of employees by 7.75% (3.875% annualized) in Fiscal Year 1995 for the period beginning April 30, 1995, through September 30, 1995, and the Fiscal Year 1995 pre-reduction base pay reduced by 3.5% in Fiscal Year 1996, to furlough all employees, except certain employees in the 24-hour facilities in the Department of Human Services and D.C. General Hospital, for 6 days in Fiscal Year 1995 and for 8 days in Fiscal Year 1996.

(3) The compensation changes for Compensation Unit 15 incorporated in a Memorandum of Understanding to reduce the base pay of employees by 6% (3% annualized) in Fiscal Year 1995 for the period beginning April 30, 1995, through September 30, 1995, and the Fiscal Year 1995 pre-reduction base pay reduced by 3% in Fiscal Year 1996, to furlough

ENROLLED ORIGINAL

employees for 6 days in Fiscal Year 1995 and for 6 days in Fiscal Year 1996.

(4) The compensation changes for Compensation Unit 19 incorporated in a Memorandum of Understanding to reduce the base pay of employees by 9.25% (4.625% annualized) in Fiscal Year 1995 for the period beginning April 30, 1995, through September 30, 1995, and the Fiscal Year 1995 pre-reduction base pay reduced by 5% in Fiscal Year 1996.

(5) The compensation changes for Compensation Units 20 and 21 incorporated in a Memorandum of Understanding to reduce the base pay of employees by 3.5% (1.75% annualized) in Fiscal Year 1995 for the period beginning April 30, 1995, through September 30, 1995, and the Fiscal Year 1995 pre-reduction base pay reduced by 0.5% in Fiscal Year 1996, to furlough all employees, except certain employees in 24-hour facilities at D.C. General Hospital, for 6 days in Fiscal year 1995 and for 6 days in Fiscal Year 1996.

(6) The compensation changes for Compensation Unit 22 incorporated in a Memorandum of Understanding to reduce the base pay of employees by 5.75% (2.875% annualized) in Fiscal Year 1995 for the period beginning April 30, 1995, through September 30, 1995, and the Fiscal Year 1995 pre-reduction base pay reduced by 2.4% in Fiscal Year 1996, to furlough employees for 3 days in Fiscal Year 1995 and for 3 days in Fiscal Year 1996, to deny uniform allowances in Fiscal Years 1995 and 1996, and to modify the overtime provision for holiday pay contained in the collective bargaining agreement governing Compensation Unit 22 for Fiscal Year 1995 for the period beginning April 30, 1995, through September 30, 1995 and in Fiscal Year 1996.

(7) The compensation changes for Compensation Unit 23 incorporated in a Memorandum of Understanding to reduce the base pay of employees by 5.75% (2.875% annualized) in Fiscal Year 1995 for the period beginning April 30, 1995, through September 30, 1995, and the Fiscal Year 1995 pre-reduction base pay reduced by 2.4% in Fiscal Year 1996, to furlough employees for 3 days in Fiscal Year 1995 and to require that beginning April 2, 1995, holiday pay shall be paid at the regular rate of pay.

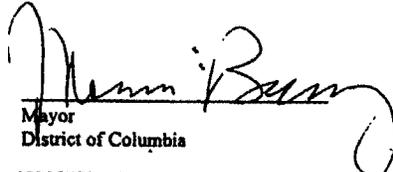
Sec. 904. Notwithstanding any other law, beginning April 30, 1995, and extending through Fiscal Year 1996, employees in Compensation Unit 3 shall not be paid a retention allowance of 4.2%; compensation for all hours worked shall be paid at the regular rate up to the Fair Labor Standards Act statutory overtime entitlement; compensation for holidays shall be paid at the regular rate; no shift differential shall be paid; employees shall be placed in a nonduty and nonpay status the first 15 minutes of their daily scheduled tour of duty; and the 28-day notice period for shift change shall be reduced to 14 days.

TITLE X - EFFECTIVE DATE

Sec. 1001. (a) This act shall take effect upon its enactment (approval by the Mayor, or in the event of veto by the Mayor, override of the veto by the Council) and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of

ENROLLED ORIGINAL

Columbia in section 412(a) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 788; D.C. Code § 1-229(a)).
(b) Section 505 shall expire on October 1, 1995.


Chairman
Council of the District of Columbia
Mayor
District of Columbia
APPROVED: April 28, 1995



COUNCIL OF THE DISTRICT OF COLUMBIA
 COUNCIL PERIOD ELEVEN
 RECORD OF OFFICIAL COUNCIL VOTE

Serial No. B11-235

1 ITEM ON CONSENT CALENDAR

(K) ACTION & DATE Adopted Final Reading, 04-19-95

(K) VOICE VOTE Approved

RECORDED VOTE ON REQUEST all present

ABSENT

1 ROLL CALL VOTE - Roll

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
CEMP. CLARKE					JARVIS					SMITH, JR.				
BRAZEL					LIGHTFOOT					THOMAS, SR.				
CRAYOUE					MASON									
CROFF					PATTERSON									
EVANS					RAY									

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

Phyllis Jones Secretary to the Council
 CERTIFICATION RECORD
April 20, 1995 Date

1 ITEM ON CONSENT CALENDAR

1 ACTION & DATE

1 VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

1 ROLL CALL VOTE - Roll

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
CEMP. CLARKE					JARVIS					SMITH, JR.				
BRAZEL					LIGHTFOOT					THOMAS, SR.				
CRAYOUE					MASON									
CROFF					PATTERSON									
EVANS					RAY									

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

CERTIFICATION RECORD

Secretary to the Council

Date

1 ITEM ON CONSENT CALENDAR

1 ACTION & DATE

1 VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

1 ROLL CALL VOTE - Roll

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
CEMP. CLARKE					JARVIS					SMITH, JR.				
BRAZEL					LIGHTFOOT					THOMAS, SR.				
CRAYOUE					MASON									
CROFF					PATTERSON									
EVANS					RAY									

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

CERTIFICATION RECORD

Secretary to the Council

Date

ENROLLED ORIGINAL

AN ACT

11-45

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 1995

To approve the request of the District of Columbia government for the fiscal year ending September 30, 1996, and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 1996 Budget Request Act".

Sec. 2. The Council of the District of Columbia approves the following expenditure levels and appropriation language for the government of the District of Columbia for the fiscal year ending September 30, 1996.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1996, \$660,000,000, as authorized by section 502(a) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-3406.1).

FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

For the Federal contribution to the Police Officers and Fire Fighters', Teachers', and Judges' Retirement Funds, as authorized by the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; Public Law 96-122), \$52,070,000.

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

ENROLLED ORIGINAL

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support. \$91,709,000: Provided, That not to exceed \$2,500 for the Mayor, \$2,500 for the Chairman of the Council of the District of Columbia, and \$2,500 for the City Administrator shall be available from this appropriation for expenditures for official purposes: Provided further, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: Provided further, That notwithstanding any other provision of law, there is hereby appropriated from the earnings of the applicable retirement funds \$13,440,000 to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: Provided further, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: Provided further, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: Provided further, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation. \$71,163,000: Provided, That the District of Columbia Housing Finance Agency, established by section 201 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Code, sec. 45-2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the Housing Finance Agency's annual audited financial statements to the Council of the District of Columbia, shall repay to the general fund an amount equal to the appropriated administrative costs plus interest at a rate of four percent per annum for a term of 15 years, with a deferral of payments for the first three years: Provided further, That notwithstanding the foregoing provision, the obligation to repay all or part of the amounts due shall be subject to the rights of the owners of any bonds or notes issued by the Housing Finance Agency and shall be repaid to the District of Columbia government only from available operating revenues of the Housing Finance Agency that are in excess of the amounts required for debt service, reserve funds, and operating expenses: Provided further, That upon commencement of the debt service payments, such payments shall be deposited into the general fund of the District of Columbia.

ENROLLED ORIGINAL

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year. \$943,514,000: Provided, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Fire Department of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: Provided further, That not to exceed \$500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: Provided further, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: Provided further, That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be \$500,000: Provided further, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed \$500,000: Provided further, that \$250,000 is used for the Georgetown Summer Detail; \$200,000 is used for East of the River Detail; \$100,000 is used for Adams Morgan Detail; and \$100,000 is used for the Capitol Hill Summer Detail: Provided further, That the Metropolitan Police Department shall employ an authorized level of sworn officers not to be less than 3,800 sworn officers for the fiscal year ending September 30, 1996: Provided further, That the District of Columbia shall house no more than 1,000 inmates in its community correctional centers, District operated or contracted, on any given date: Provided further, That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93-412; D.C. Code, sec. 11-2601 et seq.), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1975: Provided further, That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5-129; D.C. Code, sec. 16-2304), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1985: Provided further, That funds appropriated for expenses under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987 (D.C. Law 6-204; D.C. Code, sec. 21-2060), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989: Provided further, That not to exceed \$1,500 for the Chief Judge of the District of Columbia Court of Appeals, \$1,500 for the Chief Judge of the Superior Court of the District of Columbia, and \$1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: Provided further, That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District of Columbia

ENROLLED ORIGINAL

government officials on all disturbances at the prison, including escapes, fires, riots, and similar incidents: Provided further, That the District of Columbia government shall also take steps to publicize the availability of the 24-hour telephone information service among the residents of the area surrounding the Lorton prison: Provided further, That not to exceed \$100,000 of this appropriation shall be used to reimburse Fairfax County, Virginia, and Prince William County, Virginia, for expenses incurred by the counties during the fiscal year ending September 30, 1996, in relation to the Lorton prison complex: Provided further, That such reimbursements shall be paid in all instances in which the District requests the counties to provide police, fire, rescue, and related services to help deal with escapes, riots, and similar disturbances involving the prison: Provided further, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: Provided further, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, \$685,667,000 to be allocated as follows: \$503,270,000 for the public schools of the District of Columbia; \$109,175,000 shall be allocated for the District of Columbia Teachers' Retirement Fund; \$50,801,000 for the University of the District of Columbia; \$20,479,000 for the Public Library; \$1,725,000 for the Commission on the Arts and Humanities; and \$217,000 for the Education Licensure Commission: Provided, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: Provided further, That not to exceed \$2,500 for the Superintendent of Schools, \$2,500 for the President of the University of the District of Columbia, and \$2,000 for the Public Librarian shall be available from this appropriation for expenditures for official purposes: Provided further, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1996, a tuition rate schedule that will establish the tuition rate for nonresidents students at a level no lower than the nonresidents tuition rate charged at comparable public institutions of higher education in the metropolitan area.

HUMAN SUPPORT SERVICES

Human support services \$1,094,264,000: Provided, That \$26,000,000 of this appropriation, to remain available until expended, shall be available solely for District of

ENROLLED ORIGINAL

Columbia employees' disability compensation: Provided further, That the District shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100-77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Assistance Act, approved July 22, 1987 (101 Stat. 485; Public Law 100-77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public Works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of passenger-carrying vehicles for replacement only, \$222,393,000: Provided, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business. *

WASHINGTON CONVENTION CENTER FUND

For the Washington Convention Center Fund, \$5,400,000.

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79-648); section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85-451; D.C. Code, sec. 9-219); section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86-515); sections 723 and 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973, as amended (87 Stat. 821; Public Law 93-198; D.C. Code, sec. 47-321, note; 91 Stat. 1156; Public Law 95-131; D.C. Code, sec. 9-219, note), including interest as required thereby, \$285,787,000.

ENROLLED ORIGINAL

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the \$331,589,000 general fund accumulated deficit as of September 30, 1990, \$38,678,000, as authorized by section 461(a) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973, as amended (105 Stat. 540; Public Law 102-106; D.C. Code, sec. 47-321(a)).

SHORT-TERM BORROWING

For short-term borrowing, \$9,698,000.

INCENTIVE BUY OUT PROGRAM

For the purpose of funding costs associated with the incentive buy out program, \$8,000,000, to be apportioned by the Mayor of the District of Columbia within the various appropriation headings in this Act from which costs are properly payable.

PAY RENEGOTIATION OR REDUCTION IN COMPENSATION

The Mayor shall reduce appropriations and expenditures for personal services in the amount of \$46,409,000, by decreasing rates of compensation for District government employees. Such decreased rates are to be realized for employees who are subject to collective bargaining agreements to the extent possible through the renegotiation of existing collective bargaining agreements: Provided, That, if a sufficient reduction for employees who are subject to collective bargaining agreements is not realized through renegotiating existing agreements, the Mayor shall decrease the rates of compensation for such employees, notwithstanding the provisions of any collective bargaining agreements.

GOVERNMENT RE-ENGINEERING PROGRAM

The Mayor shall reduce appropriations and expenditures for personal and nonpersonal services in the amount of \$20,000,000 within one or several of the various appropriation headings in this Act.

CAPITAL OUTLAY

For construction projects, \$53,350,000, as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor.

ENROLLED ORIGINAL

and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58-140; D.C. Code, secs. 43-1512 through 43-1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 83-364); An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85-451; including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: Provided, That \$106,805,000 appropriated under this heading in prior fiscal years is rescinded.

BOARDS AND COMMISSIONS

The Mayor shall reduce appropriations and expenditures for boards and commissions under the various headings in this Act in the amount of \$500,000.

WATER AND SEWER ENTERPRISE FUND

For the Water and Sewer Enterprise Fund, \$222,471,000, of which \$41,036,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97-91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Code, secs. 2-2501 et seq. and 22-1516 et seq.), \$8,142,000, to be derived from non-Federal District of Columbia revenues: Provided, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally-generated revenues: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

CABLE TELEVISION ENTERPRISE FUND

For the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5-36; D.C. Code, sec.

ENROLLED ORIGINAL

43-1801 et seq.), \$2,242,000.

STARPLEX FUND

For the Starplex Fund, an amount necessary for the expenses incurred by the Armory Board in the exercise of its powers granted by An Act To Establish a District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2-301 et seq.) and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85-300; D.C. Code, sec. 2-321 et seq.): Provided, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 824; Public Law 93-198; D.C. Code, sec. 47-301(b)).

GENERAL PROVISIONS

Sec. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Sec. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

Sec. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

Sec. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: Provided, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101-7 (Federal Travel Regulations).

Sec. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: Provided, That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by

ENROLLED ORIGINAL

the Mayor.

Sec. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: Provided, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84-460; D.C. Code, sec. 47-1812.11(c)(3)).

Sec. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code, sec. 3-205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90-445; 42 U.S.C. 3801 et seq.).

Sec. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Sec. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

Sec. 110. The annual budget for the District of Columbia government for the fiscal year ending September 30, 1997, shall be transmitted to the Congress no later than April 15, 1996.

Sec. 111. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on Government Reform and Oversight, the District of Columbia Subcommittee, the Subcommittee on General Services, Federalism, and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative: Provided, That none of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

Sec. 112. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et seq.).

ENKULLED ORIGINAL

Sec. 113. No part of this appropriation shall be used for publicity or propaganda purposes of implementation of any policy including boycott designed to support of defeat legislation pending before Congress of any State legislature.

Sec. 114. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: Provided, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowing and spending progress compared with projections.

Sec. 115. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

Sec. 116. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

Sec. 117. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance notice of the reprogramming transmitted to the House and Senate Committees on Appropriations, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-361 et seq.).

Sec. 118. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

Sec. 119. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96-425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: Provided, That this section shall not apply to security, emergency rescue, or armored vehicles.

Sec. 120. (a) Notwithstanding section 422(7) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1995 shall be deemed to be the rate of pay payable for that position for September 30, 1995.

ENROLLED ORIGINAL

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79-592; D.C. Code, sec. 5-803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, per diem compensation at a rate established by the Mayor.

Sec. 121. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(3)), shall apply with respect to the compensation of District of Columbia employees: Provided, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5 of the United States Code.

Sec. 122. The Director of the Department of Administrative Services may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72-212; 40 U.S.C. 278a), upon a determination by the Director, that by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency, and the District's best interest.

Sec. 123. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1996, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1996 revenue estimates as of the end of the first quarter of fiscal year 1996. These estimates shall be used in the budget request for the fiscal year ending September 30, 1997. The officially revised estimates at midyear shall be used for the midyear report.

Sec. 124. Section 466(b) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 806; Public Law 93-198; D.C. Code, sec. 47-326), as amended, is amended by striking "sold before October 1, 1995" and inserting "sold before October 1, 1996".

Sec. 125. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code, sec. 1-1183.3), except that the District of Columbia Public Schools may renew or extend sole source contracts for which competition is not feasible or practical, provided that the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated Board of Education rules and procedures.

ENROLLED ORIGINAL

Sec. 126. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: Provided, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

Sec. 127. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request thereof from the Secretary of the Treasury, such amounts as are sequestered by the order: Provided, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

Sec. 128. For the fiscal year ending September 30, 1996, the District of Columbia shall pay interest on its quarterly payments to the United States that are made more than 60 days from the date of receipt of an itemized statement from the Federal Bureau of Prisons of amounts due for housing District of Columbia convicts in Federal penitentiaries for the preceding quarter.

Sec. 129. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the Council pursuant to section 422(12) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(12)), and the Governmental Reorganization Procedures Act of 1981, effective October 17, 1981 (D.C. Law 4-42; D.C. Code, secs. 1-299.1 to 1.299.7). Appropriations made by this Act for such programs or functions are conditioned on the approval by the Council, prior to October 1, 1995, of the required reorganization plans.

Sec. 130. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1996 if-

(1) the Mayor approves the acceptance and use of the gift or donation: Provided, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor: and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed

ENROLLED ORIGINAL

records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

Sec. 131. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representatives under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979, effective March 10, 1981 (D.C. Law 3-171; D.C. Code, sec. 1-113(d)).

Sec. 132. None of the Federal funds appropriated under this Act shall be expended for any abortion except when it is made known to the entity or official to which funds are appropriated under this Act that such procedure is necessary to save the life of the mother or that the pregnancy is the result of an act of rape or incest.

COMPENSATION FOR THE COMMISSION ON JUDICIAL DISABILITIES AND TENURE AND FOR THE JUDICIAL NOMINATION COMMISSION

Sec. 133. Sections 431(f) and 433(b)(5) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; Public Law 93-198; D.C. Code, secs. 11-1524 and Title 11, App. 433), are amended as follows:

(a) Section 431(f) (D.C. Code, sec. 11-1524) is amended to read as follows:

"(f) Members of the Tenure Commission shall serve without compensation for services rendered in connection with their official duties on the Commission."

(b) Section 433(b)(5) (Title 11, App. 433) is amended to read as follows:

"(5) Members of the Commission shall serve without compensation for services rendered in connection with their official duties on the Commission."

MULTIYEAR CONTRACTS

Sec. 134. Section 451 of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 803; Public Law; D.C. Code, sec. 1-1130), is amended by designating the existing text as subsection (a) and by adding a new subsection (b) to read as follows:

"(b)(1) The District may enter into multiyear contracts to obtain goods and services for which funds would otherwise be available for obligation only within the fiscal year for which appropriated.

ENCLOSED ORIGINAL

"(2) If the funds are not made available for the continuation of such a contract into a subsequent fiscal year, the contract shall be cancelled or terminated, and the cost of cancellation or termination may be paid from:

"(A) appropriations originally available for the performance of the contract concerned;

"(B) appropriations currently available for procurement of the type of acquisition covered by the contract, and not otherwise obligated; or

"(C) funds appropriated for those payments.

"(3) No contract entered into under this section shall be valid unless the Council, by a two-thirds vote of its members present and voting, authorizes such contract by resolution. Such contract shall be made pursuant to criteria established by act of the Council."

COLLECTION OF TAX ON SALES AT SMITHSONIAN INSTITUTION

Sec. 135. Notwithstanding any other provision of law, beginning 60 days after the effective date of this Act, all entities which comprise the Smithsonian Institution including, but not limited to, museums, zoological parks, performing arts centers and other institutions, shall collect District of Columbia sales tax from purchasers at the applicable rate on all retail sales, as defined by section 114(a) of the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 112; D.C. Code, sec. 47-2001 (n)(1)), except those sales exempt pursuant to section 128 of the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 115; D.C. Code, sec. 47-2005), made in the District of Columbia or made by mail to purchasers in the District of Columbia, and shall remit the sales tax in the same manner and at the same time prescribed by sections 135, 136 and 137 of the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 118; D.C. Code, secs. 47-2015, 47-2016 and 47-2017), for other vendors required to collect and remit District of Columbia sales tax.

PRISON INDUSTRIES

Sec. 136. Title 18 U.S.C. 1761(b) is amended by striking the period at the end and inserting the phrase "or not-for-profit organizations." in its place.

REPORTS ON REDUCTIONS

Sec. 137. Within 120 days of the effective date of this Act, the Mayor shall submit to the Council a report delineating the actions taken by the executive to effect the directives of the Council in this Act, including:

(1) negotiations with representatives of collective bargaining units to reduce employee compensation;

(2) actions to restructure existing long-term city debt;

ENROLLED ORIGINAL

- (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 the position.

REVIEW OF NON-BID CONTRACTS

Sec. 138. (a) The Mayor shall not award the following types of contracts until after the Council has approved the proposed contract award as provided in this section:

(1) any contract for goods or services worth over \$1,000,000 and any contract for any sum which, when added to other contracts awarded to the same contractor for the same or similar purposes within a fiscal year, exceeds \$1,000,000 in contracts with the same contractor, except: (A) contracts awarded under the "competitive sealed bidding" provisions pursuant to section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code, sec. 1-1183.3); or (B) contracts to implement a Federal program where Federal law governs contracting procedures as a condition for the receipt of Federal assistance; and

(2) any contract to provide goods or services, to or on behalf of the District of Columbia, which currently are or traditionally have been provided by employees, departments, or agencies of the District of Columbia.

(b) Prior to the award of a contract covered by this section, the Mayor shall submit a proposed contract award to the Council. The proposed contract award shall be deemed approved 7 calendar days, excluding days of Council recess, after the proposal has been officially introduced in the Council according to its rules, unless during that time, an objection to the proposed award, by at least 3 members of the Council, is filed in the Office of the Secretary to the Council.

(c) If an objection to the proposed contract award is filed, the proposed award shall be deemed approved 21 calendar days, excluding days of Council recess, after the proposed award was officially introduced in the Council, unless during that time, the Council adopts a resolution disapproving the proposed award.

(d) The Council may approve or disapprove a proposed contract award by resolution prior to the expiration of the time periods provided in this section.

(e) The approval required by this section shall be a condition precedent to the existence of a District of Columbia contract described in subsection (a) of this section. No contractor may undertake any work, and no District officer or employee may obligate or expend funds, with respect to the performance of a proposed contract prior to Council approval under this section.

MONTHLY REPORTING REQUIREMENTS -- BOARD OF EDUCATION

Sec. 139. The Board of Education shall submit to the Congress, Mayor, and Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a

ENROLLED ORIGINAL

report that sets forth:

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections vs. budget broken out on the basis of control center, responsibility center, ARC, and object class, and for appropriated funds, non-appropriated funds, and capital financing;

(2) a breakdown of FTE positions and staff for the most current pay period broken out on the basis of control center, responsibility center, and ARC within each responsibility center, for appropriated funds, non-appropriated funds, and capital funds;

(3) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and ARC, and for all funding sources;

(4) a list of all active contracts in excess of \$10,000 annually, which contains: the name of each contractor; the budget to which the contract is charged broken out on the basis of control center, responsibility center, and ARC; and contract identifying codes used by the D.C. Public Schools; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(5) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and

(6) changes made in the last month to the organizational structure of the D.C. Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

MONTHLY REPORTING REQUIREMENTS – UNIVERSITY OF THE DISTRICT OF COLUMBIA

Sec. 140. The University of the District of Columbia shall submit to the Congress, Mayor, and Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth:

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections vs. budget broken out on the basis of control center, responsibility center, and object class, and for appropriated funds, non-appropriated funds, and capital financing;

(2) a breakdown of all FTE positions and all employees for the most current pay period broken out on the basis of control center and responsibility center, for appropriated funds and non-appropriated funds, and capital funds;

(3) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(4) a list of all active contracts in excess of \$10,000 annually, which contains: the name of each contractor; the budget to which the contract is charged broken out on the basis of

ENROLLED ORIGINAL

control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(5) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last month in compliance with applicable law; and

(6) changes made in the last month to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

ANNUAL REPORTING REQUIREMENTS

Sec. 141. (a) The Board of Education of the District of Columbia and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth:

(1) the number of validated schedule A positions in the District of Columbia Public Schools and the University of the District of Columbia for fiscal year 1995, fiscal year 1996, and thereafter on a full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia Public Schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) The annual report required by subsection (a) of this section shall be submitted to the Congress, the Mayor and Council of the District of Columbia, by not later than February 8 of each year.

ANNUAL BUDGETS AND BUDGET REVISIONS

Sec. 142. (a) Not later than October 1, 1995, or within 15 calendar days after the date of the enactment of the District of Columbia Appropriations Act, 1995, whichever occurs first, and each succeeding year, the Board of Education and the University of the District of Columbia shall submit to the Congress, the Mayor, and Council of the District of Columbia, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services.

ENROLLED ORIGINAL

respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Board of Education and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-301).

BUDGET APPROVAL

Sec. 143. The Board of Education, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the D.C. School of Law shall vote on and approve their respective annual or revised budgets before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-301), or before submitting their respective budgets directly to the Council.

PUBLIC SCHOOL EMPLOYEE EVALUATIONS

Sec. 144. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public Schools employees shall be a non-negotiable item for collective bargaining purposes.

RELOCATION OF THE BOARD OF EDUCATION FROM THE PRESIDENTIAL BUILDING

Sec. 145. For the fiscal year ending September 30, 1996, and thereafter, no funds made available pursuant to any provision of this Act or any other funding source shall be used to:

(1) pay for the relocation of the Board of Education or any entity of the District of Columbia Public Schools from the Presidential Building, 415 12th Street, Northwest, to any other site; or

(2) pay for any relocation costs associated with the move of the Board of Education or any entity of the District of Columbia Public Schools from the Presidential Building to another site.

POSITION VACANCIES

Sec. 146. (a) No agency, including an independent agency, shall fill a position wholly

ENROLLED ORIGINAL

funded by appropriations authorized by this Act, which is vacant on October 1, 1995, or becomes vacant between October 1, 1995, and September 30, 1996, unless the Mayor submits a proposed resolution of intent to fill the vacant position to the Council. If the Council does not disapprove within 30 days, the filling of the vacant position, the position shall be deemed approved.

(b) This section shall not prohibit the appropriate personnel authority from filling a vacant position with a District government employee currently occupying a position that is funded with appropriated funds.

CAPITAL PROJECT EMPLOYEES

Sec. 147. (a) Not later than 15 days after the end of every fiscal quarter (beginning October 1, 1995), the Mayor shall submit to the Council a report with respect to the employees on the capital project budget for the previous quarter.

(b) Each report submitted pursuant to subsection (a) of this section shall include the following information:

- (1) a list of all employees by position, title, grade and step;
- (2) a job description, including the capital project for which each employee is working;
- (3) the date that each employee began working on the capital project and the ending date that each employee completed or is projected to complete work on the capital project; and
- (4) a detailed explanation justifying why each employee is being paid with capital funds.

Sec. 3. This Act shall take effect as provided in section 446 of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 801; D.C. Code, sec. 47-304.) and section 208 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED WITH DISAPPROVAL
AS TO THE ITEMS OR PROVISIONS
DESCRIBED IN THE ATTACHED
STATEMENT: APR 28 1995

COUNCIL OVERRIDE: May 2, 1995



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD ELEVEN

RECORD OF OFFICIAL COUNCIL VOTE

Docket No. B11-159

1 ITEM ON CONSENT CALENDAR

20 ACTION & DATE Adopted Final Reading, 04-19-95

30 VOICE VOTE Approved

RECORDED VOTE ON REQUEST all present

ABSENT _____

1 ROLL CALL VOTE - Roll _____

Commissioner	Aye	Nay	NV	AB	Commissioner	Aye	Nay	NV	AB	Commissioner	Aye	Nay	NV	AB
CHEN, CLAREK					JARVIS					SMITH, JR.				
BRAZEL					LIGHTFOOT					THOMAS, SR.				
CHAYOLS					MASON									
CROFF					PATTERSON									
EVANS					RAY									

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

CERTIFICATION RECORD

Philip B. Jones, Jr. April 26, 1995
Secretary to the Council Date

1 ITEM ON CONSENT CALENDAR

1 ACTION & DATE _____

1 VOICE VOTE _____

RECORDED VOTE ON REQUEST _____

ABSENT _____

1 ROLL CALL VOTE - Roll _____

Commissioner	Aye	Nay	NV	AB	Commissioner	Aye	Nay	NV	AB	Commissioner	Aye	Nay	NV	AB
CHEN, CLAREK					JARVIS					SMITH, JR.				
BRAZEL					LIGHTFOOT					THOMAS, SR.				
CHAYOLS					MASON									
CROFF					PATTERSON									
EVANS					RAY									

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

CERTIFICATION RECORD

Secretary to the Council Date

1 ITEM ON CONSENT CALENDAR

1 ACTION & DATE _____

1 VOICE VOTE _____

RECORDED VOTE ON REQUEST _____

ABSENT _____

1 ROLL CALL VOTE - Roll _____

Commissioner	Aye	Nay	NV	AB	Commissioner	Aye	Nay	NV	AB	Commissioner	Aye	Nay	NV	AB
CHEN, CLAREK					JARVIS					SMITH, JR.				
BRAZEL					LIGHTFOOT					THOMAS, SR.				
CHAYOLS					MASON									
CROFF					PATTERSON									
EVANS					RAY									

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

CERTIFICATION RECORD

Secretary to the Council Date

ENROLLED ORIGINAL**AN ACT****11-46****IN THE COUNCIL OF THE DISTRICT OF COLUMBIA****May 2, 1995**

To approve the request of the District of Columbia government for supplemental appropriations and rescissions of authority for the fiscal year ending September 30, 1995.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 1995 Second Supplemental Budget and Rescissions of Authority Request Act of 1995".

Sec. 2. The Council of the District of Columbia approves the following supplemental budget and rescissions of authority request of the District of Columbia government for fiscal year ending September 30, 1995.

GOVERNMENTAL DIRECTION AND SUPPORT
(Including Rescission)

For an additional amount for "Governmental direction and support", \$1,755,000: Provided, That of the funds appropriated under this heading for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2576), \$9,476,000 are rescinded for a net decrease of \$7,721,000.

ECONOMIC DEVELOPMENT AND REGULATION
(Rescission)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2577), \$3,524,000 are rescinded.

ENROLLED ORIGINAL

HUMAN RESOURCES DEVELOPMENT
(Rescission)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2577), \$8,308,000 are rescinded.

PUBLIC SAFETY AND JUSTICE
(Including Rescission)

For an additional amount for "Public safety and justice", \$52,076,000: Provided, that \$250,000 is used for the Georgetown Summer Detail; \$200,000 is used for East of the River Detail; \$100,000 is used for Adams Morgan Detail; and \$100,000 is used for the Capitol Hill Summer Detail: Provided further, That the District of Columbia shall house no more than 1,000 inmates in its community correctional centers, District operated or contracted, on any given date: Provided further, That the Metropolitan Police Department shall employ an authorized level of sworn officers not to be less than 3,900 sworn officers for the fiscal year ending September 30, 1995: Provided further, That of the funds appropriated under this heading for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2577), \$7,206,000 are rescinded for a net increase of \$44,870,000.

PUBLIC EDUCATION SYSTEM
(Including Rescission)

For an additional amount for "Public education system", \$2,000,000 for the District of Columbia Teacher's Retirement Fund: Provided, That of the funds appropriated under this heading for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2579), \$36,412,000 for the public schools, \$10,382,000 for the University of the District of Columbia, \$1,478,000 for the Public Library, \$1,576,000 for the Commission on the Arts and Humanities, and \$1,676,000 for the District of Columbia Law School are rescinded for a net decrease of \$49,524,000.

HUMAN SUPPORT SERVICES
(Including Rescission)

For an additional amount for "Human support services", \$277,628,000: Provided, That \$6,000,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: Provided further, That of the funds appropriated under this heading for the fiscal year ending September 30, 1995 in the District of

ENROLLED ORIGINAL

Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2579) \$3,050,000 are rescinded for a net increase of \$274,578,000.

PUBLIC WORKS
(Including Rescission)

For an additional amount for "Public works", \$26,803,000: Provided, That of the funds appropriated under this heading for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2580), \$194,000 are rescinded for a net increase of \$26,609,000.

WASHINGTON CONVENTION CENTER FUND
(Rescission)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2580), \$7,675,000 are rescinded.

REPAYMENT OF LOANS AND INTEREST
(Rescission)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2580), \$72,151,000 are rescinded.

SHORT-TERM BORROWING

For an additional amount for "Short-term borrowing", \$6,500,000.

OPTICAL AND DENTAL BENEFITS
(Rescission)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2580), \$1,656,000 are rescinded.

ENROLLED ORIGINAL**PAY ADJUSTMENT**
(Rescission)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2580), \$106,095,000 are rescinded.

D.C. GENERAL HOSPITAL DEFICIT PAYMENT
(Rescission)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2580), \$10,000,000 are rescinded.

JOB-PRODUCING ECONOMIC DEVELOPMENT INCENTIVES
(Rescission)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2581), \$22,600,000 are rescinded.

COMPENSATION OF BOARDS AND COMMISSIONS
(Rescission)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2576), \$300,000 are rescinded.

CONTRACTS FOR GOODS AND SERVICES
(Rescission)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2576), \$6,000,000 are rescinded.

ENROLLED ORIGINAL

CASH RESERVE FUND
(Rescission)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2576), \$3,957,000 are rescinded.

RAINY DAY FUND
(Rescission)

All the funds appropriated under this heading for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2582), are rescinded: Provided, That \$22,508,000 shall be allocated to the Department of Human Services to pay for unanticipated Medicaid costs.

PAY RENEGOTIATION OR REDUCTION IN COMPENSATION

Of the funds appropriated under the various headings for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2576), the Mayor shall reduce appropriations and expenditures for personal services in the amount of \$45,652,000, by decreasing rates of compensation for District government employees. Such decreased rates are to be realized for employees who are subject to collective bargaining agreements to the extent possible through the renegotiation of existing collective bargaining agreements: Provided, That if a sufficient reduction for employees who are subject to collective bargaining agreements is not realized through renegotiating existing agreements, the Mayor shall decrease the rates of compensation for such employees, notwithstanding the provisions of any collective bargaining agreements.

SPENDING REDUCTIONS

The reduction of \$140,000,000 under section 138(a)(1) in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2590), is repealed: Provided, That the reduction of \$140,000,000 required by Sec. 138(a)(1) is distributed within the appropriation heading above.

WATER AND SEWER ENTERPRISE FUND
(Rescission)

Of the funds appropriated under this heading for the fiscal year ending September 30,

ENROLLED ORIGINAL

1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2582), \$61,693,000 are rescinded: Provided, That \$40,597,000 of the amounts available for fiscal year 1995 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects instead of \$40,160,000 as provided under this heading in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2582).

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND
(Rescission)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2582), \$506,000 are rescinded.

CABLE TELEVISION ENTERPRISE FUND
(Rescission)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2582), \$576,000 are rescinded.

GENERAL PROVISIONS
POSITION VACANCIES

Sec. 101. (a) With the exception of school based classroom teachers and educational aids, no agency, including an independent agency, shall fill a position wholly funded by appropriations authorized by this Act, which is vacant as of the effective date of this Act, or becomes vacant between the effective date of this Act and September 30, 1995, unless the Mayor submits a proposed resolution of intent to fill a vacant position to the Council.

(b) If the Council does not disapprove within 30 days the filling of a vacant position, the resolution shall be deemed approved.

(c) This section shall not prohibit the appropriate personnel authority from filling a vacant position with a District government employee currently occupying a position that is funded with appropriated funds.

**COMPENSATION FOR THE COMMISSION ON JUDICIAL DISABILITIES AND
TENURE AND FOR THE JUDICIAL NOMINATION COMMISSION**

Sec. 102. Sections 431(f) and 433(b)(5) of the District of Columbia Self-Government

ENROLLED ORIGINAL

and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; Public Law 93-198; D.C. Code, secs. 11-1524 and Title 11, App. 433), are amended as follows:

(a) Section 431(f) (D.C. Code, sec. 11-1524) is amended to read as follows:

"(f) Members of the Tenure Commission shall serve without compensation for services rendered in connection with their official duties on the Commission."

(b) Section 433(b)(5) (Title 11, App. 433) is amended to read as follows:

"(5) Members of the Commission shall serve without compensation for services rendered in connection with their official duties on the Commission."

MULTIYEAR CONTRACTS

Sec. 103. Section 451 of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 803; Public Law; D.C. Code, sec. 1-1130), is amended by designating the existing text as subsection (a) and by adding a new subsection (b) to read as follows:

"(b)(1) The District may enter into multiyear contracts to obtain goods and services for which funds would otherwise be available for obligation only within the fiscal year for which appropriated.

"(2) If the funds are not made available for the continuation of such a contract into a subsequent fiscal year, the contract shall be cancelled or terminated, and the cost of cancellation or termination may be paid from:

"(A) appropriations originally available for the performance of the contract concerned;

"(B) appropriations currently available for procurement of the type of acquisition covered by the contract, and not otherwise obligated; or

"(C) funds appropriated for those payments.

"(3) No contract entered into under this section shall be valid unless the Council, by a two-thirds vote of its members present and voting, authorizes such contract by resolution. Such contract shall be made pursuant to criteria established by act of the Council."

COLLECTION OF TAX ON SALES AT SMITHSONIAN INSTITUTION

Sec. 104. Notwithstanding any other provision of law, beginning 60 days after the effective date of this Act, all entities which comprise the Smithsonian Institution including, but not limited to, museums, zoological parks, performing arts centers and other institutions, shall collect District of Columbia sales tax from purchasers at the applicable rate on all retail sales, as defined by section 114(a) of the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 112; D.C. Code, sec. 47-2001 (a)(1)), except those sales exempt pursuant to section 128 of the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 115; D.C. Code, sec. 47-2005), made in the District of Columbia or made by mail to purchasers in the District of Columbia, and shall remit the sales tax in the same manner and at the same time prescribed by

ENROLLED ORIGINAL

sections 135, 136 and 137 of the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 118; D.C. Code, secs. 47-2015, 47-2016 and 47-2017), for other vendors required to collect and remit District of Columbia sales tax.

Sec. 105. Title 18 U.S.C. 1761(b) is amended by striking the period at the end and inserting the phrase "or not-for-profit organizations." in its place.

REPORTS ON REDUCTIONS

Sec. 106. Within 120 days of the effective date of this Act, the Mayor shall submit to the Council a report delineating the actions taken by the executive to effect the directives of the Council in this Act, 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 the position.

REVIEW OF NON-BID CONTRACTS

Sec. 107. (a) The Mayor shall not award the following types of contracts until after the Council has approved the proposed contract award as provided in this section:

- (1) any contract for goods or services worth over \$1,000,000 and any contract for any sum which, when added to other contracts awarded to the same contractor for the same or similar purposes within a fiscal year, exceeds \$1,000,000 in contracts with the same contractor, except: (A) contracts awarded under the "competitive sealed bidding" provisions pursuant to section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code, sec. 1-1183.3); or (B) contracts to implement a Federal program where Federal law governs contracting procedures as a condition for the receipt of Federal assistance; and
- (2) any contract to provide goods or services, to or on behalf of the District of Columbia, which currently are or traditionally have been provided by employees, departments, or agencies of the District of Columbia.

(b) Prior to the award of a contract covered by this section, the Mayor shall submit a proposed contract award to the Council. The proposed contract award shall be deemed approved 7 calendar days, excluding days of Council recess, after the proposal has been officially introduced in the Council according to its rules, unless during that time, an objection to the proposed award, by at least 3 members of the Council, is filed in the Office of the Secretary to the Council.

ENROLLED ORIGINAL

(c) If an objection to the proposed contract award is filed, the proposed award shall be deemed approved 21 calendar days, excluding days of Council recess, after the proposed award was officially introduced in the Council, unless during that time, the Council adopts a resolution disapproving the proposed award.

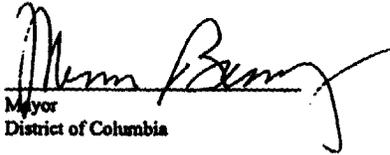
(d) The Council may approve or disapprove a proposed contract award by resolution prior to the expiration of the time periods provided in this section.

(e) The approval required by this section shall be a condition precedent to the existence of a District of Columbia contract described in subsection (a) of this section. No contractor may undertake any work, and no District officer or employee may obligate or expend funds, with respect to the performance of a proposed contract prior to Council approval under this section.

Sec. 3. This Act shall take effect as provided in section 446 of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 801; D.C. Code, sec. 47-304).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED WITH DISAPPROVAL
AS TO THE ITEMS OR PROVISIONS
DESCRIBED IN THE ATTACHED
STATEMENT: APR 28 1995

COUNCIL OVERRIDE: May 2, 1995



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD ELEVEN

RECORD OF OFFICIAL COUNCIL VOTE

B11-160

Docket No. _____

1. ITEM ON CONSENT CALENDAR

2. ACTION & DATE Adopted Final Reading, 04-19-95

3. VOICE VOTE Approved

RECORDED VOTE ON REQUEST

ABSENT all present

4. ROLL CALL VOTE - Roll

Committee	Aye	Nay	NV	AB	Committee	Aye	Nay	NV	AB	Committee	Aye	Nay	NV	AB
CENCL CLARKE					JARVIS					SMITH JR.				
BRAZL					LIGHTFOOT					THOMAS SR.				
CHAYOLS					MASON									
CROFF					PATTERSON									
EVANS					RAY									

X - Indefinite Vote

AB - Absent

NV - Present but voting

Phyllis Jones
Secretary to the Council

CERTIFICATION RECORD

April 26, 1995
Date

1. ITEM ON CONSENT CALENDAR

2. ACTION & DATE

3. VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

4. ROLL CALL VOTE - Roll

Committee	Aye	Nay	NV	AB	Committee	Aye	Nay	NV	AB	Committee	Aye	Nay	NV	AB
CENCL CLARKE					JARVIS					SMITH JR.				
BRAZL					LIGHTFOOT					THOMAS SR.				
CHAYOLS					MASON									
CROFF					PATTERSON									
EVANS					RAY									

X - Indefinite Vote

AB - Absent

NV - Present but voting

CERTIFICATION RECORD

Secretary to the Council

Date

1. ITEM ON CONSENT CALENDAR

2. ACTION & DATE

3. VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

4. ROLL CALL VOTE - Roll

Committee	Aye	Nay	NV	AB	Committee	Aye	Nay	NV	AB	Committee	Aye	Nay	NV	AB
CENCL CLARKE					JARVIS					SMITH JR.				
BRAZL					LIGHTFOOT					THOMAS SR.				
CHAYOLS					MASON									
CROFF					PATTERSON									
EVANS					RAY									

X - Indefinite Vote

AB - Absent

NV - Present but voting

CERTIFICATION RECORD

Secretary to the Council

Date



David A. Clarke
Chairman

COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20004

MAY 17 1995

The Honorable William Clinton
President of the United States
1600 Pennsylvania Avenue N.W.
Washington, D.C. 20500

Dear President Clinton:

In accordance with Section 404(f) of the District of Columbia Self-Governmental and Governmental Reorganization Act, D.C. Code, Section 1-227(f), I am forwarding for your review, approval and transmittal to the Congress of the United States the following provisions of the District of Columbia's proposed Fiscal Year 1995 Second Supplemental Budget and Recissions of Authority Request Act and the proposed Fiscal Year 1996 Budget Request Act:

1. Governmental Direction and Support (FY 1995/FY 1996)
2. Economic Development and Regulation (FY 1995)
3. Public Safety and Justice (FY 1995/FY 1996)
4. Human Support Services (FY 1995/FY 1996)
5. Rainy Day Fund (FY 1995)
6. General Provisions, Positions Vacancies (Section 101, FY 1995)
(Section 146, FY 1996)

On April 19, 1995, the Council adopted the Fiscal Year 1995 Second Supplemental Budget and Recissions of Authority Request Act of 1995, and the Fiscal Year 1996 Budget Request Act. By letter, dated April 28, 1995, the Mayor returned the signed budget acts, and appended his statement of disapproval of the above listed provisions. At a Legislative Meeting held on May 2, 1995, the Council voted to reenact the disapproved provisions of the budget acts. Section 404 (f) of the Self-Government Act provides that "such item or provision so reenacted shall be transmitted by the Chairman to the President of the United States."

Page Two
President Clinton

I am available on 724-8176 to answer questions or provide additional information.

Sincerely,



David A. Clarke

Enclosure

cc: Mayor Marion Barry

Fiscal Year 1995 Supplemental Budget and Rescissions of Authority Request Act of 1995

GOVERNMENTAL DIRECTION AND SUPPORT
(Including Rescission)

For an additional amount for "Governmental direction and support", \$1,755,000:
Provided, That of the funds appropriated under this heading for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2576), \$9,476,000 are rescinded for a net decrease of \$7,721,000.

Fiscal Year 1995 Supplemental Budget and Rescissions of Authority Request Act of 1995

**ECONOMIC DEVELOPMENT AND REGULATION
(Rescission)**

Of the funds appropriated under this heading for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2577), \$3,524,000 are rescinded.

Fiscal Year 1995 Supplemental Budget and Rescissions of Authority Request Act of 1995**PUBLIC SAFETY AND JUSTICE**
(Including Rescission)

For an additional amount for "Public safety and justice", \$52,076,000: Provided, that \$250,000 is used for the Georgetown Summer Detail; \$200,000 is used for East of the River Detail; \$100,000 is used for Adams Morgan Detail; and \$100,000 is used for the Capitol Hill Summer Detail: Provided further, That the District of Columbia shall house no more than 1,000 inmates in its community correctional centers, District operated or contacted, on any given date: Provided further, That the Metropolitan Police Department shall employ an authorized level of sworn officers not to be less than 3,900 sworn officers for the fiscal year ending September 30, 1995: Provided further, That of the funds appropriated under this heading for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2577), \$7,206,000 are rescinded for a net increase of \$44,870,000.

Fiscal Year 1995 Supplemental Budget and Rescissions of Authority Request Act of 1995

HUMAN SUPPORT SERVICES
(Including Rescission)

For an additional amount for "Human support services", \$277,628,000: Provided, That \$6,000,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: Provided further, That of the funds appropriated under this heading for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2579) \$3,050,000 are rescinded for a net increase of \$274,578,000.

Fiscal Year 1995 Supplemental Budget and Rescissions of Authority Request Act of 1995

**RAINY DAY FUND
(Rescission)**

All the funds appropriated under this heading for the fiscal year ending September 30, 1995 in the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (Public Law 103-334; 108 Stat. 2582), are rescinded: Provided, That \$22,508,000 shall be allocated to the Department of Human Services to pay for unanticipated Medicaid costs.

Fiscal Year 1995 Supplemental Budget and Rescissions of Authority Request Act of 1995

**GENERAL PROVISIONS
POSITION VACANCIES**

Sec. 101. (a) With the exception of school based classroom teachers and educational aids, no agency, including an independent agency, shall fill a position wholly funded by appropriations authorized by this Act, which is vacant as of the effective date of this Act, or becomes vacant between the effective date of this Act and September 30, 1995, unless the Mayor submits a proposed resolution of intent to fill a vacant position to the Council.

(b) If the Council does not disapprove within 30 days the filling of a vacant position, the resolution shall be deemed approved.

(c) This section shall not prohibit the appropriate personnel authority from filling a vacant position with a District government employee currently occupying a position that is funded with appropriated funds.

Fiscal Year 1996 Budget Request Act**GOVERNMENTAL DIRECTION AND SUPPORT**

Governmental direction and support. \$91,709,000: Provided, That not to exceed \$2,500 for the Mayor, \$2,500 for the Chairman of the Council of the District of Columbia, and \$2,500 for the City Administrator shall be available from this appropriation for expenditures for official purposes: Provided further, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: Provided further, That notwithstanding any other provision of law, there is hereby appropriated from the earnings of the applicable retirement funds \$13,440,000 to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: Provided further, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: Provided further, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report: Provided further, That no revenues from Federal sources shall be used to support the operations of activities of the Statehood Commission and Statehood Compact Commission: Provided further, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues.

Fiscal Year 1996 Budget Request Act**PUBLIC SAFETY AND JUSTICE**

Public safety and justice, including purchase of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, \$943,514,000: Provided, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Fire Department of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: Provided further, That not to exceed \$500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: Provided further, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: Provided further, That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be \$500,000: Provided further, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed \$500,000: Provided further, that \$250,000 is used for the Georgetown Summer Detail: \$200,000 is used for East of the River Detail; \$100,000 is used for Adams Morgan Detail; and \$100,000 is used for the Capitol Hill Summer Detail: Provided further, That the Metropolitan Police Department shall employ an authorized level of sworn officers not to be less than 3,800 sworn officers for the fiscal year ending September 30, 1996: Provided further, That the District of Columbia shall house no more than 1,000 inmates in its community correctional centers, District operated or contracted, on any given date: Provided further, That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93-412; D.C. Code, sec. 11-2601 et seq.), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1975: Provided further, That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5-129; D.C. Code, sec. 16-2304), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1985: Provided further, That funds appropriated for expenses under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987 (D.C. Law 6-204; D.C. Code, sec. 21-2060), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989: Provided further, That not to exceed \$1,500 for the Chief Judge of the District of Columbia Court of Appeals, \$1,500 for the Chief Judge of the Superior Court of the District of Columbia, and \$1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation

Fiscal Year 1996 Budget Request Act

for official purposes: Provided further, That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District of Columbia government officials on all disturbances at the prison, including escapes, fires, riots, and similar incidents: Provided further, That the District of Columbia government shall also take steps to publicize the availability of the 24-hour telephone information service among the residents of the area surrounding the Lorton prison: Provided further, That not to exceed \$100,000 of this appropriation shall be used to reimburse Fairfax County, Virginia, and Prince William County, Virginia, for expenses incurred by the counties during the fiscal year ending September 30, 1996, in relation to the Lorton prison complex: Provided further, That such reimbursements shall be paid in all instances in which the District requests the counties to provide police, fire, rescue, and related services to help deal with escapes, riots, and similar disturbances involving the prison: Provided further, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: Provided further, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

Fiscal Year 1996 Budget Request Act**HUMAN SUPPORT SERVICES**

Human support services \$1,094,264,000: Provided, That \$26,000,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: Provided further, That the District shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100-77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Assistance Act, approved July 22, 1987 (101 Stat. 485; Public Law 100-77; 42 U.S.C. 11301 et seq.).

Fiscal Year 1996 Budget Request Act

POSITION VACANCIES

Sec. 146. (a) No agency, including an independent agency, shall fill a position wholly funded by appropriations authorized by this Act, which is vacant on October 1, 1995, or becomes vacant between October 1, 1995, and September 30, 1996, unless the Mayor submits a proposed resolution of intent to fill the vacant position to the Council. If the Council does not disapprove within 30 days, the filling of the vacant position, the position shall be deemed approved.

(b) This section shall not prohibit the appropriate personnel authority from filling a vacant position with a District government employee currently occupying a position that is funded with appropriated funds.