


Chairman Phil Mendelson

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Fiscal Year 2016 Budget Support Act of 2015 and various other acts to clarify provisions supporting the Fiscal Year 2016 budget.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Fiscal Year 2016 Second Budget Support Clarification Emergency Amendment Act of 2015”.

Sec. 2. Section 6004 of the Fiscal Year 2016 Budget Support Act of 2015, enacted on August 11, 2015 (D.C. Act 21-148; 62 DCR 10905), is repealed.

Sec. 3. Section 4a(a)(1) of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a(a)(1)), is amended by striking the word “permanent”.

Sec. 4. Section 907 of the Firearms Control Regulations Act of 1975, effective June 16, 2015 (D.C. Law 20-279; D.C. Official Code § 7-2509.07) is amended as follows:

(a) Subsections (a)(11) and (12) are amended to read as follows:

35 “(11) The White House Complex and its grounds up to and including to the
36 curb of the adjacent sidewalks touching the roadways of the area bounded by Constitution
37 Avenue, N.W., 15th Street, N.W., H Street N.W., and 17th Street, N.W.;

38 “(12) The U.S. Naval Observatory and its fence line, including the area from
39 the perimeter of its fence up to and including to the curb of the adjacent sidewalks touching
40 the roadway of Observatory Circle, from Calvert Street, N.W. to Massachusetts Avenue,
41 N.W. and around Observatory Circle to the far corner of Observatory Lane;”.

42 (b) Subsection (d)(1) is amended by striking the phrase “While he or she is traveling
43 along a public street, road, or highway, including an adjacent public sidewalk that touches
44 the perimeter of any of the premises where the carrying of a concealed pistol is prohibited
45 under subsection (a) and subsection (b) of this section” and inserting the phrase “While he
46 or she is traveling along a public sidewalk that touches the perimeter of any of the premises
47 where the carrying of a concealed pistol is prohibited under subsection (a) and subsection
48 (b) of this section, except for the areas designated in subsection (a)(11) and (a)(12), or along
49 a public street, roadway, or highway” in its place.

50 Sec. 5. Section 47-355.07 of the District of Columbia Official Code is amended as
51 follows:

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

53 (1) Subparagraph (A) is amended by striking the phrase “serve at the pleasure
54 of” and inserting the phrase “shall be appointed by” in its place.

55 (2) Subparagraph (B) is amended by striking the phrase “serves at the pleasure
56 of” and inserting the phrase “shall be appointed by” in its place.

57 (3) Subparagraph (D) is amended by striking the phrase “serves at the pleasure
58 of” and inserting the phrase “shall be appointed by” in its place.

59 (b) Subsection (d)(3)(D) is amended by striking the phrase “take or proposed to be
60 taken” and inserting the word “recommended” in its place.

61 (c) New subsection (d-1), (d-2), and (d-3) are added to read as follows:

62 “(d-1)(1) The Review Board shall conduct an investigation upon receipt of a report of
63 an alleged violation.

64 “(2) In investigating a report of an alleged violation, the Review Board may:

65 “(A) Request assistance from the Office of the Chief Financial Officer,
66 the Office of the Inspector General, and Office of the Attorney General; and

67 “(B) Consult with the Office of the Attorney General for the purposes of
68 obtaining legal advice.

69 “(d-2) The Review Board:

70 “(1) Shall have access, subject to any privileges or confidentiality requirement
71 as provided by law, to all facilities, files, and databases of the District government, including
72 all files, electronic paper records, reports, documents, and other materials that may relate to
73 the investigation;

74 “(2) May request information or assistance from any District, federal, state, or
75 local government agency as may be necessary for carrying out the investigation; and

76 “(3) May seek information from parties outside the District government,
77 including government contractors, which may be relevant to the investigation.

78 “(d-3)(1) Subject to any applicable privileges, all officers, employees, and members of
79 boards, commissions, and councils of the District government shall cooperate in an
80 investigation by the Review Board and shall: provide documents, materials, and information
81 to the Review Board upon request.

82 “(2) Subject to any applicable privileges, officers, employees, and members of
83 boards, commissions, and councils of the District government shall respond truthfully to all
84 questions posed by the Review Board, and shall not prevent, or prohibit the Review Board
85 from initiating, carrying out, or completing an investigation within its jurisdiction.

86 “(3) The Review Board:

87 “(A) May require any officer, employee, or member of a board,
88 commission, or council of the District government to appear before the Review Board,
89 including the subject of an allegation; and

90 “(B) Shall provide any officer, employee, or member of a board,
91 commission, or council of the District who is potentially subject to disciplinary action an
92 opportunity to appear before the Review Board.

93 “(4) The Review Board may recommend an appropriate disciplinary action with
94 respect to any officer, employee, or member of a board, commission, or council of the District
95 government who fails to cooperate fully with a Review Board investigation.”.

96 Sec. 6. Chapter 18 of Title 47 of the District of Columbia Official Code is amended as
97 follows:

98 (a) The table of contents is amended by striking the phrase “Tax haven updates.” and
99 inserting the phrase “Tax haven updates. (Repealed).” in its place.

100 (b) Section 47-1810.09 is repealed.

101 (c) Section 47-1801.04(49) is amended as follows:

102 (1) Subparagraph (A) is amended by striking the phrase “means the
103 jurisdictions listed in subparagraph (B-i) of this paragraph and any jurisdiction that” and
104 inserting the phrase “means a jurisdiction that” in its place.

105 (2) Subparagraph (B-i) is repealed.

106 Sec. 7. Section 47-1801.04(11) of the District of Columbia Official Code is amended as
107 follows:

108 (a) Subparagraph (A) is amended by striking the phrase “calendar year beginning
109 January 1, 2011” wherever it appears and inserting the phrase “base year” in its place.

110 (b) A new subparagraph (C) is added to read as follows:

111 “(C) For the purposes of this paragraph, the term “base year” shall mean the
112 calendar year beginning January 1, 2011, or the calendar year beginning one calendar year
113 before the calendar year in which the new dollar amount of a deduction or exemption shall
114 become effective, whichever is later.”.

115 Sec. 8. Section 6012 of the Unlawfully Parked Vehicles Act of 2015, effective October
116 22, 2015 (D.C. Law 21-36; D.C. Official Code § 50-_____), is amended by striking the
117 phrase “violation of” and inserting the phrase “violation, to be adjudicated pursuant to” in
118 its place.

119 Sec. 9. Chapter 24 of Title 18 of the District of Columbia Municipal Regulations (18
120 DCMR § 2400 *et seq.*) is amended as follows:

121 (a) Section 2404.15 is amended to read as follows:

122 “2404.15. Except as provided in § 2424, the rates for parking meters in the
123 “Premium Demand Parking Meter Rate Zones” shall be as follows:

124 “(a) Fifty cents (50¢) for thirteen minutes (13 min.) for automobile size spaces ; and

125 “(b) Fifty cents (50¢) for thirteen minutes (13 min.) for motorcycle size spaces.”.

126 (b) Section 2404.17 is amended to read as follows:

127 “2404.17. Except as provided in § 2424, the rates for parking meters in the “Normal
128 Demand Parking Meter Rate Zone” shall be as follows:

129 “(a) Fifty cents (50¢) for thirteen minutes (13 min.) for automobile size spaces ; and

130 “(b) Fifty cents (50¢) for thirteen minutes (13 min.) for motorcycle size spaces.”.

131 Sec. 10. Applicability.

132 Section 9 of this act shall apply as of June 1, 2016.

133 Sec. 11. Section 2(d) of the Fiscal Year 2016 Budget Support Clarification

134 Emergency Amendment Act of 2015, effective October 23, 2015 (D.C. Act 21-164; 62 DCMR
135 13734), is repealed.

136 Sec. 12. Fiscal impact statement.

137 The Council adopts the fiscal impact statement of the Budget Director as the fiscal
138 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
139 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

140 Sec. 13. Effective date.

141 This act shall take effect following approval by the Mayor (or in the event of veto by
142 the Mayor, action by the Council to override the veto), and shall remain in effect for no
143 longer than 90 days, as provided for emergency acts of the Council of the District of
144 Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December
145 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

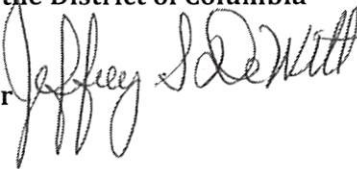
Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: November 3, 2015

SUBJECT: Fiscal Impact Statement – Fiscal Year 2016 Budget Support
Clarification Temporary Amendment Act of 2015

REFERENCE: Bill 21-396, Amendment in the nature of a substitute shared with the
Office of Revenue Analysis on October 19, 2015

Conclusion

Funds are sufficient in the fiscal year 2016 through fiscal year 2019 budget and financial plan to implement the bill.

Background

The bill makes two substantive changes to the Fiscal Year 2016 Budget Support Act of 2015.¹ First, it repeals the reference for the list of specific jurisdictions in the definition of a tax haven under District's combined reporting statutes.² The fiscal year 2016 to fiscal year 2019 financial plan includes \$3.7 million in fiscal year 2017, \$3.5 million in fiscal year 2018, and \$3.4 million in fiscal year 2019 from the adoption of a list of tax havens.

Second, it repeals the parking policy that extended enforcement until midnight in premium parking zone areas.³ The budget relies on approximately \$3.3 million in FY 2016 and approximately \$33.5 million over the financial plan from the extended parking enforcement. To make up for the lost revenue, the bill increases the parking meter rates in the District to \$2.30 per hour for all meters,⁴ except those located in performance parking zones as designated by District Department of

¹ Effective October 22, 2015, D.C. Law 21-36.

² D.C. Official Code § 2-1208.02.

³ Subtitle (VI)(A) –Parking Amendment Act of 2015 expanded parking hours in Premium Demand Zones until 12:00 am; before this parking enforcement at most of these locations ended at 10:00 pm.

⁴ This rate allows for 13 minutes of time for every \$0.50 paid for on-street parking.

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Transportation. Under current law, premium meter rates are set at a maximum of \$2 per hour, and non-premium meters are set at \$0.75.

The remainder of the changes in the bill are technical and minor. Here we provide a short summary of them:

- The bill renames the WMATA Momentum Support Fund as the WMATA Operating Support Fund,⁵ but the fund would still receive the settlement monies from online travel companies.
- It changes the District's gun laws to clarify that the ban to carry firearms extends to the sidewalks that surround the White House and the Naval Observatory.⁶
- It repeals the subject to appropriations clause on the requirement that the Mayor reports to the Council annually the progress made toward implementing a compost collection program,⁷ and appoint a food policy director.⁸
- It clarifies that the interest charged on unpaid vault fees will begin accruing with the billing (currently the interest begins accruing before the bills are even due).⁹
- It includes substitute teachers and substitute aides in the coverage for sick leave requirements.¹⁰
- It moves the deadline when employers with more than 20 employees are required to offer transportation benefits (pre-tax deduction, transportation passes, or free transportation) from January 2016 to October 2015.¹¹
- It clarifies that the report that the Mayor is required to submit on the employment outcomes of youth who participated in the summer youth program will cover calendar year 2015 only (and not the fiscal year), and, in 2016, the District's Auditor will evaluate multiple years of outcome data on the employability of youth after participating in the summer youth program.¹²
- It clarifies that transit subsidies for youth up to age 22 are only for youth who are District residents.¹³
- It gives back to the Board of Review for Anti-Deficiency Violations the authority to review anti-deficiency allegations; the New Columbia Statehood Initiative and Omnibus Boards and Commissions Reform Act of 2014 inadvertently eliminated this authority.¹⁴

⁵ The bill amends Section 7154 of the IPW Fund, Destination DC Marketing Fund, and WMATA Momentum Support Fund Establishment Act of 2014, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 1-325.311).

⁶ The bill amends Section 907 of The Firearms Control Regulations Act of 1975, effective June 16, 2015 (D.C. Law 20-279; D.C. Official Code § 7-2509.07).

⁷ The bill repeals Section 401 of the Sustainable Solid Waste Management Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-154; D.C. Official Code § 8-1031.03(c)).

⁸ The bill amends Section 6(b) of the Food Policy Council and Director Establishment Act of 2014, effective March 10, 2015 (D.C. Law 20-191; D.C. Official Code § 48-314).

⁹ The bill amends Section 308(d)(1) of the District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1156; D.C. Official Code § 10-1103.07(d)(1)).

¹⁰ The bill adds the definition of these positions under Section 2 of the Accrued Sick and Safe Leave Act of 2008, effective May 13, 2008 (D.C. Law 17-152; D.C. Official Code § 32-131.01).

¹¹ The bill amends Section 502(d) of the Sustainable DC Omnibus Act of 2014, effective December 17, 2014 (D.C. Law 20-142; D.C. Official Code § 32-152).

¹² The bill amends Section 2(g) of the Youth Employment Act of 1979, effective January 5, 1980 (D.C. Law 3-46; D.C. Official Code § 32-241(g)).

¹³ The bill amends Section 2(h)(2)(A) of the School Transit Subsidy Act of 1978, effective March 6, 1979 (D.C. Law 2-152; D.C. Official Code § 35-233(h)(2)(A)).

¹⁴ Effective May 2, 2013 (D.C. Law 20-271; 62 DCR 6642).

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Amendment in the nature of a substitute shared with the Office of Revenue Analysis on October 19, 2015

- It clarifies that in adjusting standard deduction amounts for cost-of-living increases, the District will use the inflationary change between the current year and the last year the standard deduction had been changed. Current law directs the District to use the inflationary change between the current year and 2011. In 2015, the District raised the standard deduction from \$4,000 to \$5,200 for singles, and from \$8,000 to \$8,350 for married couples filing jointly,¹⁵ but did not change the requirement that inflationary changes are measured from 2011. Without this modification, the District would have to increase its standard deduction by 6.7 percent—inflationary change since 2011—which is significantly higher than the annual inflation rate that has hovered around 1 percent.

Financial Plan Impact

Funds are sufficient in the fiscal year 2016 through fiscal year 2019 budget and financial plan to implement the bill.

The revenue loss from the repeal of the tax haven provisions is \$3.7 million in fiscal year 2017, \$3.5 million in fiscal year 2018, and \$3.4 million in fiscal year 2019. Under existing law, all incremental recurring revenue above the base revenue used to develop the District's budget is to be used to trigger a prioritized list of tax reductions. If enacted, this provision will reduce the amount of incremental revenues available for the next set of triggers.

Replacing until-midnight enforcement in premium parking zones with a flat parking meter rate of \$2.25 across all meters in the District does not have a fiscal impact since revenues from the proposed flat-rate policy is equal to the revenues from extended enforcement hours in premium parking zones.

No other provisions listed in the bill have a fiscal impact.

¹⁵ Fiscal Year 2015 Budget Support Act of 2014 adopted this policy as a part of the tax reforms the District implemented. The subtitle amends D.C. Official Code § 47-1801.04.



OFFICE OF THE GENERAL COUNSEL

Council of the District of Columbia
1350 Pennsylvania Avenue NW, Suite 4
Washington, DC 20004
(202) 724-8026

MEMORANDUM

TO: Chairman Phil Mendelson

FROM: Ellen Efros, General Counsel *EEF*

DATE: November 2, 2015

RE: Legal sufficiency determination for Bill 21-___, the
Fiscal Year 2016 Second Budget Support Emergency Act
of 2015

The measure is legally and technically sufficient for Council consideration.

Pursuant to sections 446 and 603(c) of the District of Columbia Home Rule Act,¹ when the Council approves the annual budget, the Council must also enact appropriate laws to ensure that expenditures do not exceed revenues. The proposed bill enacts, on an emergency basis and for Fiscal Year 2016, certain additional laws for that purpose. Specifically, the proposed bill:

- Repeals section 6004 of the Parking Amendment Act of 2015, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 50-____), which provides that as of October 1, 2015, the District Department of Transportation shall provide for enforcement of parking meters in Premium Demand Parking Meter Rate Zones from 7:00 a.m. until midnight.
- Amends section 4a(a)(1) of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a(a)(1)), by striking the word "permanent," so as to provide that any bill or resolution (except for emergency declaration, ceremonial, confirmation, and sense of the Council resolutions) shall be accompanied by a fiscal impact statement before final adoption by the Council, regardless of whether the bill or resolution is permanent or not.
- Amends section 907 of the Firearms Control Regulations Act of 1975, effective June 16, 2015 (D.C. Law 20-279; D.C. Official Code § 7-2509.07) to clarify: 1) the descriptions of the prohibited zones around the White House and Vice President's residence in which a concealed

¹ D.C. Official Code §§ 1-204.46 and 1-206.03(c).

pistol licensee may not carry a pistol; and 2) that a concealed pistol licensee is prohibited from carrying a pistol on the adjacent sidewalks of already prohibited zones around the White House and the Vice President's residence.

- Amends section 47-355.07 of the District of Columbia Official Code to clarify that members of the Board of Review for Anti-Deficiency Violations (the "Board") shall be appointed by various specified officials, to clarify that the Board's report to the Council shall include the Board's recommended course of action, and to set forth the procedures and requirements governing a Board investigation.
- Repeals sections 47-1810.09 and 47-1801(49)(B-i) of the District of Columbia Official Code, which had established a list of tax havens and established a process for amendments to that list, and makes other conforming amendments, including by repealing section 2(d) of the Fiscal Year 2016 Budget Support Clarification Emergency Amendment Act of 2015, effective October 23, 2015 (D.C. Act 21-164; 62 DCMR 13734).
- Amends section 47-1801.04(11) of the District of Columbia Official Code to clarify that the base year for determining a cost-of-living adjustment when there is a new dollar amount for a deduction or exemption is one calendar year before the new dollar amount becomes effective.
- Amends section 6012 of the Unlawfully Parked Vehicles Act of 2015, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 50-_____) to clarify that a violation of posted parking restrictions will be adjudicated pursuant to District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.01 *et seq.*).
- Amends Chapter 24 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 2400 *et seq.*) to adjust the specific rates for parking meters in Premium Demand and Normal Demand Parking Meter Rate Zones, applicable June 1, 2016.

I am available if you have any questions.