

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To authorize, on a temporary basis, the transfer of \$44.881 million of certified General Fund balance from O-type revenue accounts to local funds, to direct \$1,824,700 of certified General Fund revenues to the local fund, and to authorize the use of \$12,813,838 in O-type budget authority without regard to special purpose limitations; to establish a \$46 million operating cash reserve; to establish a Health Programs Contingency Fund; to amend the Fiscal Year 2009 Budget Support Act of 2008 to make conforming amendments; to amend the Hospital and Medical Services Corporation Regulatory Act of 1996 to authorize the Mayor to expend up to \$8.5 million in fiscal year 2009 from the Healthy DC Fund for purposes other than to support the Healthy DC Program; to amend the Department of Transportation Establishment Act of 2002 to provide that of the first \$30 million slated for deposit into the Unified Fund, a specified amount shall remain in the General Fund; to authorize expenditures for school facilities planning and financing and for a review of the draft Facilities Master Plan; and to authorize the reprogramming of certain capital funds for the District Department of Transportation.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2009 Balanced Budget Support Temporary Amendment Act of 2008".

TITLE I. GENERAL BUDGET PROVISIONS.

Sec. 101. Transfer of O-type funds.

(a) Notwithstanding any other provision of law limiting the use of O-type funds for special purposes, the Chief Financial Officer shall transfer to local funds and recognize as revenue, \$6 million for fiscal year 2009 and \$38.881 million for fiscal year 2010 from certified fund balances, whether restricted or designated, of O-type revenue funds available at the end of fiscal year 2007, less amounts expended in fiscal year 2008 or appropriated for use in fiscal year 2009, as follows:

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(1) Of certified O-type fund balances in accounts administered by the Office of Property Management, \$173,023 shall be transferred from the utility payments for non-DC agencies fund;

(2) Of certified O-type fund balances in accounts administered by the Office of Finance and Resource Management, \$677,032 shall be transferred from the utility payments for non-DC agencies fund;

(3) Of certified O-type fund balances in accounts administered by the Office of the Chief Financial Officer, \$5,114,608 shall be transferred as follows:

(A) An amount of \$4,831,555 from the Recorder of Deeds Surcharge Fund;

(B) An amount of \$203,053 from the Bank Fees Fund; and

(C) An amount of \$80,000 from the Baseball Financing Review Fund;

(4) Of certified O-type fund balances in accounts administered by the Office of the Attorney General, \$991,512 shall be transferred as follows:

(A) An amount of \$506,472 from the Anti-trust Fund;

(B) An amount of \$141,186 from the Child Support Reimbursements and Fees Fund; and

(C) An amount of \$343,854 from the Child Support Interest Income Fund;

(5) Of certified O-type fund balances in accounts administered by the Office of Contracting and Procurement, \$969,589 shall be transferred as follows:

(A) An amount of \$332,507 from the Surplus Personal Property Sales Operation Fund; and

(B) An amount of \$637,082 from the Supply Schedule Sales Discount/Operations Fund;

(6) Of certified O-type fund balances in accounts administered by the Office of the Chief Technology Officer, \$223,290 from the Tech City Fund;

(7) Of certified O-type fund balances in accounts administered by the Office of Planning, \$47,123 from the Historic Landmark and Historic District Filing Fees Fund;

(8) Of certified O-type fund balances in accounts administered by the Commission on Arts and Humanities, \$271 from the Arts and Technology Fund;

(9) Of certified O-type fund balances in accounts administered by the Department of Employment Services, \$1,065,667 from the UI Interest/Penalties Fund;

(10) Of certified O-type fund balances in accounts administered by the Department of Consumer and Regulatory Affairs, \$5,420,974 shall be transferred as follows:

(A) An amount of \$3,252,618 from the Real Estate Guarantee and Education Fund;

(B) An amount of \$1,056,959 from the OPLA special account; and

(C) An amount of \$1,111,397 from the Professional Engineers' Fund;

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(11) Of certified O-type fund balances in accounts administered by the Office of Cable Television and Telecommunications, \$2,634,907 from the Cable Franchise Fees Fund;

(12) Of certified O-type fund balances in accounts administered by the Office of the Deputy Mayor for Economic Development, \$1,134,061 shall be transferred as follows:

(A) An amount of \$164,466 from the AWC Integration Fund;

(B) An amount of \$914,535 from the comprehensive Housing Task Force Fund;

(C) An amount of \$53,000 from the Revolving Loan Fund; and

(D) An amount of \$2,060 from the Capital City Part fund;

(13) Of certified O-type fund balances in accounts administered by the Department of Small and Local Business Development, \$397,599 from the Commercial Trust Fund;

(14) Of certified O-type fund balances in accounts administered by the Alcoholic Beverage Regulation Administration, \$121,994 from the ABC keg registration fees;

(15) Of certified O-type fund balances in accounts administered by the Department of Insurance, Securities, and Banking, \$973,209 shall be transferred as follows:

(A) An amount of \$225,348 from the HMO Assessment Fee Fund;

(B) An amount of \$608,384 from the Insurance Assessment Fee Fund; and

(C) An amount of \$139,477 from the State Filings Fund;

(16) Of certified O-type fund balances in accounts administered by the Metropolitan Police Department, \$798,221 shall be transferred as follows:

(A) An amount of \$20,554 from the Unclaimed Property Fund;

(B) An amount of \$416,801 from the Drug Interdiction Fund; and

(C) An amount of \$360,866 from the Asset Forfeiture Fund;

(17) Of certified O-type fund balances in accounts administered by the Office of the Chief Medical Examiner, \$563 from the Medical Examiner Fees Fund;

(18) Of certified O-type fund balances in accounts administered by the Office of Unified Communications, \$1,633,826 from the other funds account;

(19) Of certified O-type fund balances in accounts administered by the District of Columbia Public Schools, \$7,643 from the lease income - security deposits;

(20) Of certified O-type fund balances in accounts administered by the Department of Health, \$3,924,154 shall be transferred as follows:

(A) An amount of \$33,022 from the Medical Examiner Fees Fund;

(B) An amount of \$627,457 from the SHPDA Fees Fund;

(C) An amount of \$9,743 from the Methadone Fees Fund;

(D) An amount of \$130,432 from the Radioactive Waste Fees Fund;

(E) An amount of \$522,185 from the Food Handlers Certification fund;

(F) An amount of \$71,631 from the adjudication fines fund;

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- Fund; (G) An amount of \$66,591 from the Office of Professional Licensing
- Fund; (H) An amount of \$79,050 from the UDC Health Clinic Reimbursement
- Fund; (I) An amount of \$645,724 from the Pharmacy Protection Fund;
- (J) An amount of \$149,039 from the Radiation Protection Fund;
- and Fines Fund; (K) An amount of \$135,893 from the Animal Control Dog License Fees
- Fund; (L) An amount of \$22,174 from the other Medical Licenses and Fees
- Fund; (M) An amount of \$24,022 from the Medicaid Reimbursement - APRA
- (N) An amount of \$238,682 from the Board of Medicine Fund;
- (O) An amount of \$126,197 from the Health Facility Fee Fund;
- (P) An amount of \$426,193 from the Human Services Facility Fee Fund;
- (Q) An amount of \$29,608 from the EMS Fees Fund;
- (R) An amount of \$137,639 from the Public Health Laboratory Fees
- Fund;
- (S) An amount of \$47,731 from the ICF/MR Fees and Fines Fund;
- (T) An amount of \$240,757 from the HCSN Revolving Fund; and
- (U) An amount of \$160,384 from the DOH Regulatory Enforcement
- Fund.
- (21) Of certified O-type fund balances in accounts administered by the Department of Health Care Finance, \$12,854,419 from the MAA Nursing Facility Quality of Care Fund;
- (22) Of certified O-type fund balances in accounts administered by the Department of Human Service, \$2,572,437 shall be transferred as follows:
- (A) An amount of \$2,740 from the Special Purpose Revenue Fund; and
- (B) An amount of \$2,569,697 from the SSI Payback Fund.
- (23) Of certified O-type fund balances in accounts administered by the Department of Disability Services, \$370 from the Vocational Rehab Service Reimbursement Fund;
- (24) Of certified O-type fund balances in accounts administered by the District Department of Transportation, \$10,746 shall be transferred as follows:
- (A) An amount of \$7,923 from the Tree Fund; and
- (B) An amount of \$2,823 from the abandoned vehicle program.
- (25) Of certified O-type fund balances in accounts administered by the District Department of the Environment, \$1,636,710 shall be transferred as follows:
- (A) An amount of \$10,500 from the General Enforcement Fines and Fees

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Fund;

(B) An amount of \$1,218,645 from the Underground Storage Tank Fines

and Fees Fund;

(C) An amount of \$60,365 from the Adjudication Hearings (air quality)

Fund;

(D) An amount of \$293,422 from the Adjudication Hearings (water

quality) Fund;

(E) An amount of \$2,000 from the Wells Fund; and

(F) An amount of \$51,778 from the Economy II Fund;

(26) Of certified O-type fund balances in accounts administered by the Department of Public Works, \$637,934 from the Abandoned Vehicle Program Fund;

(27) Of certified O-type fund balances in accounts administered by the Department of Motor Vehicles, \$741,564 from the drivers education program; and

(28) Of certified O-type fund balances in accounts administered by the District of Columbia Taxicab Commission, \$117,559 from the Taxicab Assessment Act Fund.

(b) Of the revenues collected for O-type accounts pursuant to subsections (a), (b), and (b-1) of section 8 of the Department of Insurance and Securities Regulation Establishment Act of 1996, effective May 21, 1997 (D.C. Law 11-268; D.C. Official Code § 31-107), \$1,824,700 shall be deposited in local funds.

Sec. 102. Shift from local to o-type funds.

Of the O-type funds appropriated for use, an amount not to exceed \$12,813,838 may be used to support expenses shifted from Local to O-type funding as follows:

(1) An amount of \$156,655 from the Office of the Secretary for the notary authentication program;

(2) An amount of \$100,000 from the Office of the Attorney General for the consumer and trade protection program;

(3) An amount of \$952,719 from the Office of the Chief Financial Officer for the tax administration program;

(4) An amount of \$178,879 from the Office of the Deputy Mayor for Planning and Economic Development for the community outreach program;

(5) An amount of \$81,497 from the Department of Housing and Community Development for the home purchasing assistance program;

(6) An amount of \$2.9 million from the Department of Employment Services as follows:

(A) An amount of \$1 million from the performance monitoring program;

and

(B) An amount of \$1.9 million from the transitional employment

program;

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- (7) An amount of \$2,191,331 from the Department of Consumer and Regulatory Affairs for various programs;
 - (8) An amount of \$121,977 from the Office of the Tenant Advocate for the housing assistance program;
 - (9) An amount of \$200,000 from the Commission on Arts and Humanities for the arts building communities program;
 - (10) An amount of \$547,214 from the Alcohol Beverage Regulation Administration for the investigations program;
 - (11) An amount of \$300,428 from the Department of Correction for the inmate custody program;
 - (12) An amount of \$500,000 from the Department of Health for the health care and licensing administration program;
 - (13) An amount of \$60,257 from the Department of Parks and Recreation for recreational programs;
 - (14) An amount of \$905,139 from the Department of Public Works for the sanitation services program;
 - (15) An amount of \$2,588,505 from the District Department of Transportation for the transportation operations program;
 - (16) An amount of \$710,102 from the Department of Motor Vehicles for the vehicle services program;
 - (17) An amount of \$277,119 from the District Department of the Environment as follows:
 - (A) An amount of \$156,769 from the environmental protection program;
 - (B) An amount of \$49,764 from the agency management program;
 - (C) An amount of \$51,754 from the energy program; and
 - (D) An amount of \$18,832 from the agency financial operations program;
- and
- (18) An amount of \$42,006 from the Taxicab Commission for the fleet management program.

Sec. 103. Operating Cash Reserve fund; establishment.

(a) The Chief Financial Officer shall create a special fund designated as the Operating Cash Reserve (“OCR”) fund into which \$46 million in fiscal year 2009 shall be designated for the following purposes:

- (1) An amount of \$15.491 million from the Department of Housing and Community Development for the following programs:
 - (A) An amount of \$11 million to expand down-payment assistance for over 500 first-time home buyers;

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(B) An amount of \$592,000 for nonpersonal services for the Housing Regulation Administration; and

(C) An amount of \$3.899 million to create a land-acquisition fund for direct investment in affordable housing development projects.

(2) An amount of \$7.129 million from the Department of Human Services for Housing First wrap-around services and supportive housing for at-risk homeless;

(3) An amount of \$200,000 from the Department of Public Works for the following programs:

(A) An amount of \$100,000 for the Anti-Graffiti Mural Support Program Fund; and

(B) An amount of \$100,000 for the anti-graffiti paint to be used in conjunction with alley-cutback and graffiti removal programs;

(4) An amount of \$9 million from the Pay-As-You-Go Capital Fund for the following programs:

(A) An amount of \$500,000 for the creation of a nonlapsing fund for the Pedestrian and Bicycle Safety and Enhancement Fund;

(B) An amount of \$3.2 million to the Department of Housing and Community Development for Home Again;

(C) An amount of \$4.5 million to the Department of Human Services for the case-management system;

(D) An amount of \$400,000 to the District Department of Transportation for repair and maintenance to curbs, sidewalks, and alleys, and Square 394/Lot 59 paving and drainage in the easement; and

(E) An amount of \$400,000 to the District Department of Transportation for repair and maintenance to curbs and sidewalks from the prior year carryover;

(5) An amount of \$3.557 million from the Deputy Mayor for Planning and Economic Development for the following programs:

(A) An amount of \$2.279 million to expand the New Communities human capital;

(B) An amount of \$588,000 to develop a database for tracking the affordable-housing pipeline;

(C) An amount of \$500,000 to the Ward 4 BID Demonstration Project and capital improvement grants to businesses on Georgia Avenue and Kennedy Street, N.W.; and

(D) An amount of \$190,000 to the Ward 4 BID Demonstration Project and capital improvements to Georgia Avenue in Ward 1;

(6) An amount of \$442,000 from the District of Columbia Public Library to upgrade branch library furniture, fixtures, and equipment;

(7) An amount of \$191,000 from the Department of Health to perform a feasibility analysis of residential substance abuse treatment facilities; and

(8) An amount of \$10 million from the Committee on Health to be used for the Health Programs Contingency Fund reserved for health-related one-time expenditure needs from savings identified by the Committee on Health.

(b)(1) In fiscal year 2009, no funds shall be transferred from the OCR fund until release of the February revised revenue estimate and approval by Counsel of the use of the OCR funds.

(2) The Council shall approve by act the use of OCR funds.

(c) Following fiscal year 2009:

(1) The amount of \$46 million shall be placed into the OCR fund in fiscal year 2010;

(2) The amount of \$48 million shall be placed into the OCR fund in fiscal year 2011; and

(3) The amount of \$50 million shall be placed into the OCR fund in fiscal year 2012.

Sec. 104. Health Programs Contingency Fund.

(a) There is established as a nonlapsing fund the Health Programs Contingency Fund ("Fund"). All funds deposited into the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of the fiscal year, or at any other time, but shall be continually available to support unanticipated expenditures within the District Medicaid program and the DC HealthCare Alliance.

(b) By December 1, 2009, there shall be deposited into the Fund no less than \$10 million in local funds.

TITLE II. BUDGETARY CONFORMING AMENDMENTS.

Sec. 201. The Fiscal Year 2009 Budget Support Act of 2008, effective August 16, 2008 (D.C. Law 17-219; 55 DCR 7602), is amended as follows:

(a) Section 5045(a) is amended by striking the date "July 1, 2009" and inserting the date "October 1, 2009" in its place.

(b) A new section 6021a is added to read as follows:

"This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan."

(c) Title VIII is amended as follows:

(1) Section 8002(h)(17) is repealed.

(2) Section 8004 is amended as follows:

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

(i) Paragraph (4) is amended by striking the phrase "up to \$500,000" and inserting the phrase "up to \$250,000" in its place.

(ii) Paragraph (5) is repealed.

(iii) Paragraph (6) is amended by striking the phrase "no less than

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\$6,750,000” and inserting the phrase “no less than \$5,750,000” in its place.

(B) Subsection (c)(3) is amended by striking the phrase “amount of \$11.3 million” and inserting the phrase “amount of \$7.668 million” in its place.

(C) Subsection (d) is amended as follows:

(i) Paragraph (1) is amended by adding the word “and” at the end.

(ii) Paragraph (2) is amended by striking the phrase “District residents; and” and inserting the phrase “District residents.” in its place.

(iii) Paragraph (3) is repealed.

(D) Subsection (f) is amended by striking the phrase “reserved for an allied health workforce training program.” and inserting the phrase “granted to Georgetown University to support its allied health workforce training program, subject to terms and conditions approved by the Department of Employment Services.” in its place.

Sec. 202. Section 15b of the Hospital and Medical Services Corporation Regulatory Act of 1996, effective March 2, 2007 (D.C. Law 16-192; D.C. Official Code § 31-3514.02), is amended by adding a new subsection (c) to read as follows:

“(c) Notwithstanding subsection (a) of this section, for fiscal year 2009 the Mayor is authorized to expend up to \$8.5 million, as available, from the Healthy DC Fund for purposes other than to support the Healthy DC Program.”.

Sec. 203. Section 9c of the Department of Transportation Establishment Act of 2002, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 50-921.11), is amended as follows:

(a) Subsection (b)(2) is amended as follows:

(1) Subparagraph (A) is amended by striking the word “and” at the end.

(2) Subparagraph (B) is amended by striking the phrase “school playground.” and inserting the phrase “school playground; and” in its place.

(b) Subsection (c)(2) is amended by striking the phrase “100% of the sales and use taxes collected by the District for parking and storing; provided, that any such revenues in excess of \$30 million shall be deposited into the Highway Trust Fund” and inserting the phrase “all revenue derived from the sales and use taxes collected by the District for parking and storing; provided, that of the first \$30 million collected each year, \$12.7 million in fiscal year 2009, \$12.2 million in fiscal year 2010, and \$10.2 million in all subsequent years shall remain in the General Fund as nondedicated local funds and that any revenue in excess of \$30 million shall be deposited into the Highway Trust Fund” in its place.

Sec. 204. The FY2009 Proposed Budget and Financial Plan, Volume 7, submitted to the Congress of the United States is amended to:

(1) Provide \$6.4 million for streetlights (project AD304C) from amounts available

in the following projects: \$6.1 million from SA305C and \$300,000 from SA205C; and

(2) Provide \$4 million for street repair and maintenance of equipment from the following projects: \$1 million from SA303C, \$1.1 million from SA402C, and \$1.9 million from SA301C.

Sec. 205. Notwithstanding D.C. Official Code § 47-362(b), the Mayor may seek a reprogramming from available funds to restore funding for any programs or projects modified by this Act.

TITLE III. SCHOOL FACILITY PLANNING AND FINANCING, AUDITOR REVIEW; AUTHORIZED EXPENDITURES.

Sec. 301(a) Notwithstanding language in the FY2009 Proposed Budget and Financial Plan, Volume 6, submitted to the Congress of the United States, which restricts the use of funds for the project entitled, Public Education Facility Modernization PLH project, the Council authorizes:

(1) Up to \$2.5 million to continue development of the Facilities Master Plan (“FMP”), which development may also include the further development and refinement of plans for schools included in the December 2007 work program, as described in section 103 of the School Modernization Financing Act of 2006, effective June 8, 2006 (D.C. Law 16-123; D.C. Official Code § 38-2971.03), or high schools proposed in the draft FMP for fiscal year 2009 or fiscal year 2010, to the extent that further development or refinement of plans is necessary for improved coordination with educational plans, public involvement, and the estimating of costs and does not exceed, for any facility, a 30% design standard.

(2) Up to \$30 million during fiscal year 2009 for the following small capital activities for school facilities; provided, that no more than \$350,000 may be spent at any one facility without Council approval; except that emergency boiler repair or replacement exceeding that amount may proceed after written notice to the Council of the nature and scope of the emergency, the location, and the estimated cost:

- (A) Roof repair and stabilization;
- (B) Life and safety repairs;
- (C) Electrical modifications;
- (D) Plumbing repair;
- (E) Boiler repair and replacement;
- (F) Window and exterior repairs;
- (G) HVAC repair and replacement;
- (H) Asbestos abatement; and
- (I) Minor interior repair such as painting, plastering, and floor repair.

(3) Up to \$200,000 to the District of Columbia Auditor to support an audit and

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peer review of the draft FMP submitted to the Council on September 10, 2008, and of the process of developing the draft FMP, which shall include, at a minimum:

- (A) The involvement of recognized experts in the fields of:
 - (i) Schools planning;
 - (ii) School construction;
 - (iii) Civic architecture and engineering;
 - (iv) Public finance; and
 - (v) Public accounting;
 - (B) Participation by individuals knowledgeable about District school facility need and by one or more representatives of the:
 - (i) Public School Modernization Advisory Committee;
 - (ii) Office of Public Education Facilities Modernization;
 - (iii) Council of the District of Columbia;
 - (iv) Deputy Mayor for Education
 - (v) District of Columbia Public Schools;
 - (vi) Public Charter Schools Board;
 - (vii) Office of Planning; and
 - (viii) State Board of Education; and
 - (C) A review of a sample of schools included in the Stabilization and Consolidation programs in the summer of 2008 to better understand the type of work envisioned in the draft FMP.
- (b) The use of any remaining general obligation bond funding included in the fiscal year 2009 budget for any purpose other than a purpose set forth in this title is not authorized.

TITLE IV. FISCAL IMPACT STATEMENT AND EFFECTIVE DATE.

Sec. 401. Fiscal impact statement.

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

Sec. 402. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

Mayor
District of Columbia