

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



Jeffrey DeWitt
Chief Financial Officer

MEMORANDUM

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

FROM: Jeffrey DeWitt
Chief Financial Officer 

DATE: April 2, 2015

SUBJECT: Fiscal Impact Statement - "Fiscal Year 2016 Budget Support Act of 2015"

REFERENCE: Draft legislation shared with the Office of Revenue Analysis on April 2, 2015

Conclusion

Funds are sufficient in the proposed FY 2016 through FY 2019 budget and financial plan to implement the proposed Fiscal Year 2016 Budget Support Act of 2015.

The proposed FY 2016 through FY 2019 budget and financial plan accounts for the expenditure and revenue implications of the proposals described in the subtitles included in the bill. The Mayor's FY 2016 budget proposes \$7.015 billion in Local funds spending, supported by \$7.016 billion of local resources, with an operating margin of \$0.5 million.

The initiatives in the Fiscal Year 2016 Budget Support Act of 2015, combined with the Mayor's policy choices, provide sufficient funds to balance the estimated expenditures of \$7.911 billion¹ in the proposed General Fund FY 2016 budget.

The bill, the "Fiscal Year 2016 Budget Support Act of 2015," is the legislative vehicle for adopting statutory changes needed to implement the Mayor's proposed budget for the FY 2016 through FY 2019 budget and financial plan period. The purpose and the impact of each subtitle are summarized in the following pages.

¹ This amount includes local, dedicated, and special purpose funds.

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TITLE I- GOVERNMENT DIRECTION AND SUPPORT

Subtitle (I)(A) – Bonus and Special Pay Limitation Act of 2015

Background

The subtitle prohibits District agencies from awarding performance-related bonuses, special awards pay, and service awards in fiscal year 2016. Contractually required bonuses and special payments, including those for certain employees of the District of Columbia Public Schools or the Office of the Attorney General, are exempted from this requirement.

Financial Impact

Limitations on bonus and special awards payments generally help keep personnel expenditures under control, allowing the use of public funds for other purposes. The impact of the proposed subtitle is already incorporated into the proposed FY 2016 through FY 2019 budget and financial plan.

Subtitle (I)(B) – Supply Management Amendment Act of 2015

Background

The subtitle authorizes the Office of Contracting and Procurement (OCP) to become the main contracting agency for the sale of surplus goods and other personal property for District agencies,² and to enter into agreements with District charter schools and quasi-governmental organizations for the sale of their surplus goods and other personal property. OCP may charge an administrative fee to these agencies and organizations of six percent of the gross sales proceeds, which will be deposited into the lapsing Surplus Property Sales Fund.³

Financial Impact

Expansion of the program to include quasi-governmental organizations could bring increased sales through the current online auction platform. Increased sales volume provides OCP an opportunity to negotiate lower contract costs, but the magnitude of savings will not be known until OCP begins to negotiate agreements with these organizations. Selling surplus property for more agencies could generate more revenue, but since many agencies already work with OCP, the impact may be small. The six percent administrative fee that OCP can retain from independent agencies is sufficient to cover the contract costs associated with selling those agencies' goods

² Including those not subject to the Procurement Practices Reform Act of 2010, effective April 8, 2010 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*)

³ Established by the Office of Contracting and Procurement Surplus Personal Property Fund Establishment Act of 2014, effective February 26, 2015 (D.C. Law 20-155; 62 DCR 3601).

Subtitle (I)(C) – Office of Gay, Lesbian, Bisexual, Transgender, and Questioning Affairs Amendment Act of 2015

Background

The subtitle changes⁴ the name of the Office of Gay, Lesbian, Bisexual, and Transgender Affairs to the Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs.

Financial Impact

There are minor incidental costs associated with the name change (reprinting, signage, etc.) which can be paid out of budgeted fund for the office.

Subtitle (I)(D) – Appointment Term Amendment Act of 2015

Background

A number of high-level positions in the District government are appointed by the Mayor and have specific length of appointment terms. The subtitle eliminates the terms for the positions of Chief Procurement Officer (five years), Chief Administrative Law Judge (six years), Chief Medical Examiner (six years), Director of the Department of Forensic Sciences (four years), State Superintendent of Education (four years), and Chief Tenant Advocate (three years).

Financial Impact

Implementation of the subtitle will allow the Mayor to appoint individuals to these positions and their service will no longer be restricted by a specific term.

Subtitle (I)(E) – Elected Attorney General and Mayor’s Office of Legal Counsel Clarification Amendment Act of 2015

Background

The subtitle clarifies the division of work between the Office of the Attorney General and the Mayor’s Office of Legal Counsel. It notes that the Mayor’s Office of Legal Counsel is responsible for overseeing and supervising the legal work of subordinate agency counsels⁵ and providing legal sufficiency reviews for legislation proposed by the Mayor.

It also clarifies that the relationship between the District government and the Attorney General will be as client to attorney. While the Attorney General may delegate his or her authority to his subordinates, or to an office or agency, the Attorney General may not delegate his or her authority to issue formal opinions.⁶

⁴ By amending the Office of Gay, Lesbian, Bisexual, and Transgender Affairs Act of 2006, effective April 4, 2006 (D.C. Law 16-89; D.C. Official Code § 2-1381 *et seq.*)

⁵ D.C. Official Code § 1-608.55

⁶ D.C. Official Code § 1-301.81

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The subtitle repeals the code sections that regulates the appointment and the salary of the Attorney General, but keeps the provision that the Attorney General be paid at the same level as the Chairman of the Council of the District of Columbia.⁷ It clarifies that the Attorney General has personnel and procurement authority over his independent office, but limits the personnel size of this office to 30. It clarifies that the Attorney General is the authorized party to any collective bargaining agreements that cover the employees of the Office of the Attorney General, and that the Attorney General is authorized to grant awards to the employees of the Office of the Attorney General.

Financial Impact

Providing personnel and procurement authority to the Office of the Attorney General does not have a fiscal impact. The Office of the Attorney General is subject to the same anti-deficiency rules as the rest of the District government agencies, and therefore cannot hire employees or procure goods before having sufficient funds to pay for them.

⁷ D.C. Official Code § 1-301.82 and § 1-301.85.

TITLE II- ECONOMIC DEVELOPMENT AND REGULATION

Subtitle (II)(A) – Department of Small and Local Business Development Micro Loan Fund Amendment Act of 2015

Background

The subtitle changes the name of the Department of Small and Local Business Development's (DSLBD) Micro Loan Fund to the Small Business Capital Access Fund ("Fund"). The non-lapsing fund can be used to provide loans and grants to businesses as well as local matching support for DSLBD federal grants.

The subtitle also expands eligibility for Fund support to include District non-profits and all small and local businesses headquartered in the District. Currently, eligibility⁸ is limited to DSLBD certified business enterprises.⁹

Financial Impact

This subtitle does not have an impact on the District's budget and financial plan. The subtitle expands the number of entities eligible for funding, which is likely to increase Fund expenses. However, the fund reserves have increased every year, leaving room for additional spending, and DSLBD can only spend what is available in the Fund.

Subtitle (II)(B) – Apprenticeship Modernization Amendment Act of 2015

The subtitle makes permanent language updates¹⁰ to a 1978 law¹¹ regarding apprenticeships¹² to ensure the District Department of Employment Services can continue to be recognized by the U. S. Department of Labor to operate as a State Apprenticeship Agency.¹³

Financial Impact

This subtitle does not have an impact on the District's budget and financial plan.

⁸ D.C. Official Code § 2-218.75.

⁹ D.C. Official Code § 2-218.23.

¹⁰ Temporary updates have been approved through Apprenticeship Modernization Temporary Amendment Act of 2014, projected law date April 15, 2015 (D.C. Act 20-626; 62 DCR 2259).

¹¹ An Act to Provide for Voluntary Apprenticeship in the District of Columbia Act of 1978, effective March 6, 1979 (D.C. Law 2-156; D.C. Official Code § 32-1401 *et seq.*)

¹² The bill defines an apprentice as a worker at least 16 years old, earning less than minimum wage, employed to learn an apprentice-able occupation, and meeting certain federal and state-level criteria.

¹³ Recognition of State Apprenticeship Agencies confers non-exclusive authority to determine whether an apprenticeship program conforms to the published standards and whether the program is, therefore, eligible for purposes which require such a determination by the Department of Labor. (29 CFR 29.13)

Subtitle (II)(C) – Retail Priority Area Amendment Act of 2015

Background

The subtitle allows grants from the H Street Retail Priority Area Grant Fund¹⁴ be used to support revitalization programs associated with the Great Streets program.¹⁵

Financial Impact

This subtitle expands the purposes for which the H Street Retail Priority Area grants can be spent, but does alter its budget. DMPED is planning to use \$7 million from the H Street Retail Priority Grant Fund in FY 2016 to support Great Streets grants, including the grant for QHTCs proposed in Subtitle II (E).

Subtitle (II)(D) – Creative and Open Space Modernization Act of 2015

Background

Beginning in FY 2017, the subtitle allows Qualified High Technology Companies (QHTC)¹⁶ that enter into a lease over 50,000 square feet for a minimum of 12 year term in the District to receive tax abatements for improvements made to the leased space. Tenants may claim up to 50 percent of the value of the improvements as a tax abatement, which may be spread over 5 years. The amount of the abatement in any given year cannot exceed \$1 million or the total tax liability for that year. The total of all abatements granted cannot exceed \$3,000,000 per fiscal year or \$15,000,000 over five years. The Mayor must determine that the tenant receiving the abatement provides a public benefit.

Subtitle E allows the Deputy Mayor for Planning and Economic Development (DMPED) to award grants for this purpose in FY 2016 only.

Financial Impact

The maximum cost of the subtitle is \$3,000,000 per year or \$15,000,000 over five years, beginning in FY 2017. DMPED will use resources in its special Economic Development Special Account (EB0 632) to pay for the abatement during the financial plan period. This account generates \$5 to \$6 million in annual revenues and can absorb this impact.¹⁷ The subtitle will continue to reduce

¹⁴ D.C. Official Code § 1-325.172.

¹⁵ Great Streets Program is defined in the Fiscal Year 2014 Budget Support Act of 2013, Subtitle VIII(D), Great Streets Neighborhood Retail Priority Area Amendment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; 61 DCR 962).

¹⁶ As defined in D.C. Official Code § 47-1817.01(5) QHTC's are for-profit entities with two or more employees in the District that derive at least 51 percent of gross revenue from a long list of specific high technology products and services.

¹⁷ The fund's revenue comes from the following sources: (1) all operating funds transferred from the Anacostia Waterfront Corporation (AWC) and National Capital Revitalization Corporation (NCRC,) (2) all fees, revenues, and other income arising from real property or other assets formerly under the authority of the AWC and NCRC, or any of their subsidiaries, (3) funds authorized by an act of Congress, reprogramming, or

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revenues for two years outside of the financial plan (FY 2020 and FY 2021) until the abatement program ends.

Subtitle (II)(E) – Deputy Mayor of Planning and Economic Development Limited Grant-Making Authority Amendment Act of 2015

Background

The subtitle authorizes the Deputy Mayor for Planning and Economic Development (DMPED) to issue grants to Qualified High Technology Companies (QHTCs) that enter into a lease over 50,000 square feet for a minimum of a 12 year term in the District to make improvements to the space. The grants can only be made in FY 2016, cannot exceed \$1 million per grant, and the total of all abatements granted cannot exceed \$3,000,000.

After the FY 2016 grant program concludes, Subtitle D allows tax abatement for the same purpose beginning in FY 2017.

Financial Impact

The maximum cost of the subtitle is \$3,000,000 in FY 2016. DMPED is planning to use \$7 million from the H-Street Retail Priority Area Grant Fund to support Great Street grants, including this proposed grant for QHTCs. Subtitle II (C) allows for this use.

Subtitle (II)(F) – Youth Employment and Work Readiness Training Amendment Act of 2015

Background

The subtitle makes several changes to the Department of Employment Services' (DOES) Mayor Marion S. Barry Summer Youth Employment Program (SYEP). It raises the maximum eligibility age of participants from 21 to 24, increases the maximum number of participants in the program from 21,000 to 25,000, and increases the maximum weekly hours participants can work from 25 to 40. The subtitle extends the registration period for SYEP to the end of April, and requires DOES to issue a public notice of the registration schedule at least 30 days in advance. The Mayor is authorized to set the wage rate for supervisory positions in the program.

The subtitle authorizes the Mayor to set wage rates and training stipends for all youth employment and work-readiness training programs, by Executive Order, subject to the availability of funds. Additionally, the Mayor may add incentives such as bonuses to promote work readiness training activities, subject to funding availability.

The subtitle sets minimum work-readiness training rates for 14- and 15-year-olds at \$5.25 per hour. Wages for 16- to 24-year-olds in employment programs are set at the federal minimum wage. Under the subtitle, there is no longer a minimum participation requirement of 10 hours per week for in-school employment and work-readiness training programs.

intra-district transfer to be deposited into the account, (4) any other monies designated by law to be deposited into the account, and (5) interest earned on money deposited into the account.

For adult on-the-job training programs, the subtitle increases employer reimbursement from half of the prevailing wage to 75 percent of the prevailing wage, subject to the availability of funds. It also requires that participants not displace existing employees at a worksite.

Lastly, the subtitle sets program eligibility requirements for the District's youth employment and work readiness program that are consistent with standards established under the federal Workforce Innovation and Opportunity Act of 2014.¹⁸

Financial Impact

The proposed FY 2016 budget for the Department of Employment Services includes an increase of \$5 million to pay for an estimated 1,000 new participants in the Marion S. Barry Summer Youth Employment Program due to the increase in eligibility age. While the subtitle gives the Mayor authority to increase wages subject to funding availability, FY 2016 budget does not include funding for potential wage or stipend increases and incentive bonuses. The Office of the Chief Financial Officer will evaluate any proposed wage increases to ensure there is sufficient budget to pay for them.

Once SYEP program enrollment numbers are confirmed, if forecasted expenditures exceed available budget, the District must either scale back or identify additional funding to pay for them. It is important to note that during FY 2014, DOES required an additional \$3.5 million to cover all of SYEP's costs, which was transferred from contingency reserves.

Subtitle (II)(G) – Local Rent Supplement Amendment Act of 2015

Background

The Local Rent Supplement Program, run by the D.C. Housing Authority (DCHA), provides rent vouchers directly to very low-income families. This subtitle allows the Department of Human Services and other District agencies to refer families to this voucher program. Currently, DCHA selects voucher recipients from the waiting list of its Housing Choice Voucher Program (formerly called Section 8).

This subtitle applies only to the Local Rent Supplement Program vouchers DCHA gives directly to families, which are called tenant-based vouchers. It does not apply to project-based and sponsor-based vouchers.

Financial Impact

This subtitle has no cost since it only changes the way families are referred to the tenant-based voucher program. It does not require DCHA to serve additional families.

Subtitle (II)(H) – Manufacturer's Sidewalk Café and Summer Garden Endorsement Amendment Act of 2015

¹⁸ Workforce Innovation and Opportunity Act, approved July 22, 2014 (Pub. L. No. 113-128; 128 Stat. 1425).

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Background

The subtitle authorizes breweries, wineries, and distilleries¹⁹ serving alcoholic beverages on-site to obtain a sidewalk café or summer garden endorsement from the Alcoholic Beverage Regulatory Administration (ABRA) to allow consumption on outside public or private space. The endorsement fee is \$75 annually.

Financial Impact

If all four breweries and all three distilleries in the District request the endorsement, an additional \$525 annually will go to the ABRA special purpose revenue administration fund.²⁰

Subtitle (II)(I) – Entertainment and Media Production and Development Amendment Act of 2015

Background

The subtitle merges the Office of Cable Television and the Office of Motion Pictures and Television Development into a single agency called the Office of Film, Television, and Entertainment.

Financial Impact

The revised FY 2015 budget for the Office of Motion Pictures and Television is \$2.2 million, and the FY 2015 budget for the Office of Cable Television is \$9.4 million. The proposed budget for the merged entity in FY 2016 is \$12.3 million.

¹⁹ This includes holders of a class A or B manufacturer's license under D.C. Official Code § 25-110(a).

²⁰ D.C. Official Code § 25-210.

TITLE III – PUBLIC SAFETY AND JUSTICE

Subtitle (III)(A) – Body Worn Camera Privacy Emergency Amendment Act of 2015

Background

This subtitle exempts²¹ Metropolitan Police Department body camera video footage from Freedom of Information Act regulations. The purpose of this subtitle is to address privacy issues concerning officers and the residents filmed on body cameras. This subtitle would be applicable from the date that body cameras were first used on October 1, 2014.

Financial Plan Impact

This subtitle does not have an impact on the District's budget and financial plan.

Subtitle (III)(B) – Office of Administrative Hearings Administrative Law Judge Term Limit Amendment Act of 2015

Background

This subtitle will limit²² the term length for administrative law judges at the Office of Administrative Hearings. Under current law, all administrative law judges serve a 2-year base term and are eligible for two reappointment terms. The length of a judge's reappointment term is determined by hire date. A judge hired prior to December 6, 2005 is eligible for one 10-year reappointment followed by one 6-year reappointment. A judge hired after December 5, 2005 is eligible for one 6-year reappointment followed by a second 6-year reappointment.

This subtitle will reduce the second reappoint term of judges hired prior to December 6, 2005 reappointment to five years. Judges hired after December 5, 2005 will have both reappointment terms limited to five years.

Financial Plan Impact

This subtitle does not have an impact on the District's budget and financial plan.

²¹ By amending section 204(a) of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-534(a)).

²² By amending the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.08(c)).

Subtitle (III)(C) – Child Fatality Review Committee Establishment Act Amendment of 2015

Background

This subtitle adjusts²³ the membership of the Child Fatality Review Committee. Representatives from the Department of Behavioral Health, Department of Health Care Finance, Department of Youth Rehabilitative Services, and Office of the State Superintendent of Education will be added to the Committee. The subtitle eliminates Department of Housing and Community Development representative since the agency does not provide direct housing services to families. Furthermore, the subtitle updates the law to reflect an agency name change by replacing the Office of the Corporation Counsel with its new name - the Office of the Attorney General.

Financial Plan Impact

This subtitle does not have an impact on the District's budget and financial plan.

Subtitle (III)(D) – Office of the Deputy Mayor for Public Safety and Justice Amendment Act of 2015

Background

This subtitle eliminates²⁴ the Office of the Deputy Mayor for Public Safety and Justice as an independent agency and removes its oversight and administrative responsibilities. The Access to Justice Initiative, Motor Vehicle Theft Prevention Commission, Corrections Information Council, Office of Justice Grants Administration, and Office of Victim Services will no longer be operating under the agency.

Financial Plan Impact

With these changes, The Corrections Information Council will become a stand-alone agency in the District's budget structure and the Office of Justice Grants Administration and Office of Victim Services will combine to become a new Crime Victims and Justice Grants Administration agency. These changes are incorporated into the proposed FY 2016 through FY 2019 budget and financial plan.

²³ By amending section 4604(a) of the Child Fatality Review Committee. Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 4-1371.01 *et seq.*).

²⁴ By amending the Office of the Deputy Mayor for Public Safety and Justice Establishment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 1-301.191).

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Subtitle (III)(E) – Fire and Emergency Medical Services Department Medical Director Liability Clarification Amendment Act of 2015

Background

The subtitle will eliminate²⁵ liability language in the D.C. Code that is a barrier to attracting quality applicants for the Fire and Emergency Medical Services Medical Director. Suits filed under current law against the Medical Director are widely considered to be libelous, and the statute itself is viewed unfavorably within the Emergency Medical Services community, in Emergency Medical Services Journals, and in discussion groups. If a Medical Director is named in a suit, the Director must disclose this information on any future employer, licensing board, or insurer.

Financial Plan Impact

This subtitle does not have an impact on the District's budget and financial plan.

²⁵ By striking section 2(c) subsection (e) of the Emergency Medical Services Improvement Amendment Act of 2008, effective April 15, 2008 (D.C. Law 17-147; D.C. Official Code § 5-404.01).

TITLE IV – PUBLIC EDUCATION SYSTEM

Subtitle (IV)(A) –Funding for Public Schools and Public Charter Schools Amendment Act of 2015

Background

The proposed subtitle sets the base foundation level used by the Uniform per Student Funding Formula at \$9,492, the same level as FY 2015. It also proposes no changes to the Uniform per Student Funding Formula weightings. The foundation level funding, and the various add-ons are depicted in the following tables:

Weightings applied to counts of students enrolled at certain grade levels		
Grade Level	Weighting	Per Pupil Allocation in FY 2016
Pre-Kindergarten 3	1.34	\$12,719
Pre-Kindergarten 4	1.30	\$12,340
Kindergarten	1.30	\$12,340
Grades 1-5	1.00	\$9,492
Grades 6-8	1.08	\$10,251
Grades 9-12	1.22	\$11,580
Alternative program	1.44	\$13,668
Special education school	1.17	\$11,106
Adult	0.89	\$8,448

General Education Add-ons			
Level / Program	Definition	Weighting	Per Pupil Supplemental Funds
ELL	Additional funding for English Language Learners	0.49	\$4,651
At-Risk	Additional funding for students in foster care, who are homeless, on TANF or SNAP, or behind grade level.	0.219	\$2,079

Special Education Add-ons			
Level/ Program	Definition	Weighting	Per Pupil Supplemental Funds
Level 1: Special Education	Eight hours or less per week of specialized services.	0.97	\$9,207
Level 2: Special Education	More than 8 hours and less than or equal to 16 hours per school week of specialized services.	1.20	\$11,390
Level 3: Special Education	More than 16 hours and less than or equal to 24 hours per school week of specialized services.	1.97	\$18,699
Level 4: Special Education	More than 24 hours per week which may include instruction in a self-contained (dedicated) special education school other than residential placement.	3.49	\$33,127

Special Education Add-ons			
Level/ Program	Definition	Weighting	Per Pupil Supplemental Funds
Blackman Jones Compliance	Weighting provided in addition to special education level add-on weightings on a per student basis Blackman Jones compliance.	0.069	\$655
Attorney's Fees Supplement	Weighting provided in addition to special education level add-on weightings on a per student basis for attorney's fees.	0.089	\$845
Residential	DCPS or public charter school that provides students with room and board in a residential setting, in addition to their instructional program.	1.67	\$15,852

Residential Add-ons			
Level/ Program	Definition	Weighting	Per Pupil Supplemental Funds
Level 1: Special Education - Residential	Additional funding to support the after-hours level 1 special education needs of students living in a DCPS or public charter school that provides students with room and board in a residential setting.	0.368	\$3,493
Level 2: Special Education - Residential	Additional funding to support the after-hours level 2 special education needs of students living in a DCPS or public charter school that provides students with room and board in a residential setting.	1.337	\$12,691
Level 3: Special Education - Residential	Additional funding to support the after-hours level 3 special education needs of students living in a DCPS or public charter school that provides students with room and board in a residential setting.	2.891	\$27,438
Level 4: Special Education - Residential	Additional funding to support the after-hours level 4 special education needs of limited and non-English proficient students living in a DCPS or public charter school that provides students with room and board in a residential setting.	2.874	\$27,280
LEP/NEP - Residential	Additional funding to support the after-hours limited and non-English proficiency needs of students living in a DCPS or public charter school that provides students with room and board in a residential setting.	0.668	\$6,341

Special Education Add-ons for Students with Extended School Year (ESY) Indicated in Their Individualized Education Programs (IEPs)			
Level/ Program	Definition	Weighting	Per Pupil Supplemental Funds
Special Education Level 1 ESY	Additional funding to support the summer school/program needs for students who require extended school year services in their IEPs.	0.063	\$598
Special Education Level 2 ESY	Additional funding to support the summer school/program needs for students who require extended school year services in their IEPs.	0.227	\$2,155

Special Education Add-ons for Students with Extended School Year (ESY) Indicated in Their Individualized Education Programs (IEPs)			
Level/ Program	Definition	Weighting	Per Pupil Supplemental Funds
Special Education Level 3 ESY	Additional funding to support the summer school/program needs for students who require extended school year services in their IEPs.	0.491	\$4,661
Special Education Level 4 ESY	Additional funding to support the summer school/program needs for students who require extended school year services in their IEPs	0.489	\$4,642

Financial Plan Impact

Although the base foundation level and formula weighting factors will remain the same in FY 2016, formula driven local fund expenditures will increase as a result of additional enrolled students in the District's public school system. Under the proposed subtitle, District of Columbia Public Schools will receive \$726,293,758 for its instructional budget through the Uniform per Student Funding Formula. Public charter schools will receive \$559,671,883 for their instructional budgets and \$122,994,076 for facilities allowances, bringing the collective local budget to \$682,665,961.

Subtitle (IV)(B) – School Technology Fund Amendment Act of 2015

Background

This subtitle requires local education agencies—that is DCPS and DC Public charter schools—to submit a yearly report that details any equipment, software, or technological improvements purchased with School Technology Funds.²⁶ The reports will allow the Office of the State Superintendent of Education to monitor School Technology Fund expenditures, and perform a cost-benefit analysis on the School Technology Fund.

Financial Plan Impact

This subtitle does not have an impact on the District's budget and financial plan. The Office of the State Superintendent of Education has the capacity to collect spending information from DCPS and the charter schools, and can conduct a cost-benefit study internally at no additional cost.

Subtitle (IV)(C) – Student Residency Verification Fund Amendment Act of 2015

Background

This subtitle corrects²⁷ a conflict in the law²⁸ so all non-resident tuition payments and residency fraud sanctions can be deposited into a single non-lapsing Student Residency Verification Fund.

²⁶ The School Technology fund is used to improve technology at District of Columbia Public Schools and District of Columbia Public Charter Schools. (D.C. Law 20-61; D.C. Official Code § 1-325.251).

²⁷ By amending Section 2(c) of An Act To require the payment of tuition on account of certain persons who attend the public schools of the District of Columbia, and for other purposes, approved September 8, 1960 (74 Stat. 853; D.C. Official Code § 38-302(c)).

The Office of the State Superintendent of Education will use the fund to help verify student residency and primary caregiver status.

Financial Plan Impact

Funds are sufficient and the subtitle has been incorporated into the proposed FY 2016 through FY 2019 budget and financial plan. The subtitle deposits all tuition payments into the Student Residency Verification Fund to be administered by the Office of the State Superintendent of Education.

Subtitle (IV)(D) – At-Risk Weight Preservation Fund Establishment Act of 2015

Background

The subtitle deposits all Uniform per Student Funding Formula at-risk funds into a newly established non-lapsing At-Risk Supplemental Allocation Preservation Fund. The Fund will be managed by the Chancellor of the District of Columbia Public Schools and will be distributed to individual schools to support at-risk²⁹ student needs. If school level at-risk funding remains at the end of the fiscal year, principals can request to have funding carried over into the following school year as long as the fund balance is less than 50 percent of a school's current fiscal year allocation. Any remaining funds at the close of the fiscal year are deposited back into the At-Risk Supplemental Allocation Preservation Fund to be available to schools on a competitive basis.

Financial Plan Impact

The fiscal impact of this subtitle has been incorporated into the proposed FY 2016 through FY 2019 budget and financial plan through the Uniform per Student Funding Formula. The proposed budget allocates a total of \$49,445,100 through the Uniform per Student Funding Formula towards serving 23,786 at-risk students in District of Columbia Public Schools. These funds will be transferred into the At-Risk Supplemental Allocation Preservation Fund at the beginning of FY 2016.

²⁸ In 2012, the Student Residency Verification Fund was established via the District of Columbia Public Schools and Public Charter School Student Residency Fraud Prevention Amendment Act of 2012, effective May 9, 2012(DC Law 19-126; D.C. Code § 38-312.02). The law indicates that the Office of the State Superintendent of Education was to administer the Student Residency Verification Fund. All funds collected from non-resident tuition and residency fraud sanctions were to be placed in the fund. The Fraud Prevent Amendment Act was enacted before the Office of the State Superintendent of Education's existence and has been used by the District of Columbia Public Schools to collect non-resident tuition payments. Under law, District of Columbia Public Schools is allowed to use these funds on general school purposes. There is a conflict with non-resident tuition payment collections and the activities the Student Residency Verification Fund can support.

²⁹ At-risk students are those in foster care, who are homeless, on TANF or SNAP, or behind grade level (Fair Student Funding and School Based Budgeting Act of 2013, effective February 22, 2014 (D.C. Law 20-87; D.C. Official Code § 38-2901).

Subtitle (IV)(E) – Chancellor of the District of Columbia Public Schools Salary Adjustment Amendment Act of 2015

Background

The subtitle permanently increases³⁰ the annual salary for the Chancellor of the District of Columbia Public Schools from \$275,000 to \$284,000 beginning on January 2, 2015. This subtitle will make permanent emergency and temporary legislation³¹ that was approved on March 17, 2015.

Financial Plan Impact

Funds are sufficient in the FY 2016 through FY 2019 budget and financial plan to implement the legislation. DCPS has sufficient funds included in its Uniform per Student Funding Formula local fund allotment to cover the cost of this salary increase.

Subtitle (IV)(F)–District of Columbia Public Schools Sponsorship Opportunities Amendment Act of 2015

Background

The subtitle gives³² the Chancellor of the District of Columbia Public schools the ability to secure advertising and sponsorships for athletics, community engagement events, or facilities improvements. This will give the chancellor more flexibility to seek and receive additional resources for the District of Columbia Public Schools. Currently the Chancellor is able to contract for advertising and sponsorship of the annual Turkey Bowl and this subtitle will expand this authority to all events. Funds collected through advertising and sponsorships will be treated as donations.³³

Financial Plan Impact

This subtitle does not have an impact on the District's budget and financial plan.

³⁰ By amending the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective June 10, 1998 (D.C. Law 12-124; D.C. Official Code §1-610.52).

³¹ Chancellor of the District of Columbia Public Schools Salary Adjustment Temporary Amendment Act of 2015, introduced February 19, 2015 (Bill 21-84).

³² By amending the District of Columbia Public Schools Agency Establishment Act of 2007, effective April 23, 2007 (D.C. Law 17-09; D.C. Official Code § 38-174(c)).

³³ In the same manner as that is used for donations under section 115 of the District of Columbia Appropriations Act of 2003, approved February, 2003 (117 Stat. 123; D.C. Official Code§ 1-329.01).

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Subtitle (IV)(G)–Educator Evaluation Data Protection Amendment Act of 2015

Background

The subtitle exempts³⁴ the Office of the State Superintendent of Education from publicly disclosing³⁵ individual educator information³⁶ the agency maintains. The Office of the State Superintendent of Education can still disclose aggregated evaluation data as long as individualized identity information remains confidential. The subtitle maintains that individual educator evaluation data are not public records and therefore cannot be made available to the public via the Freedom of Information Act.³⁷

Financial Plan Impact

This subtitle does not have an impact on the District's budget and financial plan.

³⁴ By amending Section 3(b) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602).

³⁵ Pursuant to section 202 of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-532).

³⁶ Including evaluations and effectiveness ratings, observation, and value-added data.

³⁷ The Freedom of Information Act is codified at D.C. Official Code § 2-531 *et seq.*

TITLE V- HEALTH AND HUMAN SERVICES

Subtitle (V)(A) – Temporary Assistance for Needy Families Amendment Act of 2015

Background

This subtitle increases³⁸ the monthly Temporary Assistance for Needy Families (TANF) benefits by 15.3 percent in FY 2017, 13.3 percent in FY 2018, and 11.8 percent in FY 2019, resulting in an FY 2019 benefit that is about 46 percent higher than the FY 2016 level. Benefit increases in all other years will be equal to the percent increase in the consumer price index (CPI) for urban consumers.³⁹

Currently there is a 46 percent increase scheduled for FY 2017 and an increase based on CPI for FY 2018 and FY 2019. The Office of Revenue Analysis expects the CPI-based increases to be around 2.4 percent.

Current and Proposed TANF Benefit Increases, FY 2017 - FY 2019			
	FY 2017	FY 2018	FY 2019
Current Policy	46%	2.4%*	2.4%*
Proposed Policy (BSA Subtitle V-A)	15.3%	13.3%	11.8%

*The scheduled increases for FY 2018 and FY 2019 are based on the CPI-U. ORA projects that this will be 2.4 percent.

The increases will apply to TANF cash benefits as well as general assistance for children and interim disability assistance.

Financial Plan Impact

The proposed FY 2016 budget allocates to the Department of Human Services (DHS) budgeted about \$66 million to pay for TANF cash benefits, general assistance for children, and interim disability assistance. About \$21 million of this will come from local funds.

The proposed benefit increases will not have an impact on the FY 2014 budget, but will increase expenditures beginning FY 2017. The costs for FY 2017 through FY 2019 will be paid for entirely with local funds. The amount of local funds needed to pay for the increased benefits will grow from \$31 million in FY 2017 to \$41 million in FY 2018 to \$51 million in FY 2019.

These cost estimates assume that the number of people receiving benefits will remain the same from FY 2016 to FY 2019. This is a conservative estimate since the average number of people receiving TANF benefits has decreased slightly each year since FY 2012.

³⁸ By amending Section 552(d) of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.52(d)).

³⁹ Published by the Bureau of Labor Statistics.

**Cost of TANF Cash Benefits, General Assistance for Children, and Interim Disability Assistance Under Policy Proposed in Subtitle (V)(A), FY 2016 - FY 2019
(dollars in millions)**

	FY 2016	FY 2017	FY 2018	FY 2019	Four-Year Total
Total cost	\$65.7	\$75.7	\$85.8	\$95.9	\$323.2
Cost paid for with local funds	\$20.7	\$30.7	\$40.8	\$50.9	\$143.1

The Office of Revenue Analysis estimates that the proposed policy will save about \$37 million in local dollars over the four-year financial plan period compared to the current policy, which calls for a 46 percent benefit increase in FY 2017 and increases tied to the CPI in FY 2018 and FY 2019.

Subtitle (V)(B) – Medical Assistance Program Emergency Amendment Act of 2015

Background

This subtitle allows⁴⁰ the Department of Health Care Finance (DHCF) to submit to the federal Centers for Medicaid and Medicare Services (CMS) the state plan amendments, modifications, or waivers required to:

- Implement needed amendments to the ICF/IDD reimbursement methodology to ensure compliance with federal law; and
- Implement needed amendments to the payment methodology for hospital services.

Under current law DHCF must submit all Medicaid state plan amendments and waivers to the District of Columbia Council for a 30 day passive review before sending them to CMS. This subtitle would waive Council review for the initiatives listed above, which would speed up the approval and implementation of these items.

Financial Plan Impact

Discontinuing legislative oversight of proposed state plan amendments and waivers does not have a fiscal impact; however, it would eliminate some analytical review of these proposals, including legal sufficiency review and fiscal impact analysis.

Federal and District anti-deficiency laws⁴¹ prohibit District officers and employees from exceeding agency appropriations in any fiscal year, so DHCF would still need to budget and appropriate funds required to implement the amendments and waivers or absorb future costs in its budget and financial plan, and the Agency Fiscal Officer would still need to certify that funds are sufficient for implementation.

⁴⁰ By amending Section 1(a) of an Act To enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744: DC Official Code § 1-307.02(a)).

⁴¹ 31 U.S.C. § 1341 (2007) and D.C. Official Code § 47-355.01 *et seq.* (2001).

TITLE VI – TRANSPORTATION, PUBLIC WORKS, AND THE ENVIRONMENT

Subtitle (VI)(A) – Performance Parking Zone Amendment Act of 2015

Background

In 2008,⁴² the District Department of Transportation (DDOT) launched two performance parking zones, one in Columbia Heights, and the other around the baseball stadium in Southeast D.C. These zones, and the subsequently added H Street zone, charge on-street parking prices that change with parking demand. For example, during a Nationals baseball game, the parking meters near the stadium charge \$1.50 for the first hour, \$4.00 for each of the next two hours, and \$8.00 for the fourth hour. During non-baseball game operations, those meters charge \$1.50 per hour.

The subtitle establishes parameters for a new performance parking zone in the Penn Quarter and Chinatown neighborhoods.⁴³ DDOT began⁴⁴ setting up this zone in 2014 with the help of a Federal Highway Administration (FHWA) grant. In this zone, DDOT will set rates so that 10 percent to 20 percent of all curbside spaces are available for parking at any given time. DDOT will also staff the zone with the necessary parking and traffic control officers. The program will begin with a thirty-day warning period before drivers receive parking tickets so drivers can grow accustomed to the new parking meter technology.

Additionally, the subtitle establishes maximum parking fees for all performance parking zones. No zone can implement more than a \$1.50 per hour increase over a three-month period and no hourly rate can be greater than \$8.00 per hour.

Financial Plan Impact

Given the 10 to 20 percent available parking space target parking meter rates will increase and decrease with demand changes across the day. The rates will be adjusted quarterly. Because rates could increase or decrease, any affects parking meter revenues are unknown. DDOT will account for locational anomalies, such as a high presence of law enforcement and government vehicles, to ensure that those do not artificially affect meter rates.

DDOT is implementing the program for \$1.5 million; \$1.1 million of which is coming from an FHWA grant. Additionally, the new parking zone is not expected to affect DDOT's parking meter maintenance or the pay-by-phone contracts.

⁴² Performance Parking Pilot Zone Act of 2008, effective November 25, 2008 (D.C. Law 17-279; D.C. Official Code § 50-2531 *et seq.*).

⁴³ The new Zone will be bounded by 3rd Street, N.W. on the east, E Street, N.W. on the south, 11th Street, N.W. on the west, and H Street, N.W. on the north.

⁴⁴ DDOT has begun to install the equipment necessary for the zone, but has not made any meter rate adjustments.

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Currently, the \$8.00 per hour maximum rate will only prevent the last hour of parking in the ballpark zone during ballpark events from increasing. All other zones are much lower than \$8.00 per hour and are unlikely to be affected.⁴⁵

The fiscal impact of the subtitle is incorporated into the proposed FY 2016 through FY 2019 budget and financial plan.

Subtitle (VI)(B) – Unlawfully Parked Vehicles Amendment Act of 2015

Background

The subtitle authorizes District Department of Transportation (DDOT) traffic control officers to enforce parking meter violations on Washington Metropolitan Area Transit Authority (WMATA) property in the District. WMATA has eight parking lots in the District totaling over 660 metered spaces.

Financial Plan Impact

WMATA's current enforcement of its parking lots is extremely limited, so any new enforcement by DDOT will generate additional non-tax revenues for the District. However, the level of non-compliance by parkers is currently unknown and the additional revenues cannot be quantified at this time. DDOT will enforce the lots with its current enforcement staff.

Subtitle (VI)(C) – District Department of Transportation DC Streetcar Enforcement Amendment Act of 2015

Background

The subtitle authorizes the District Department of Transportation (DDOT) to enforce violations related to the operation of the DC Streetcar. Current DC Streetcar regulations incorporate prohibited activities, such as a prohibition on damaging the streetcar system or preventing the operation of a streetcar,⁴⁶ but there are no associated fines and there is no designated enforcement authority.

Financial Plan Impact

DDOT does not have a definitive plan for streetcar operations and additional regulations are needed to establish a fine schedule. DDOT can absorb any enforcement costs within its existing resources. Additionally, no new enforcement revenues are being projected for streetcar violations.

⁴⁵ Columbia Heights and H Street maximum rates are \$2.00 per hour during premium parking times (6:30 pm to 10:00 pm) and \$0.75 per hour at all other times.

⁴⁶ Damaging or Tampering with the Streetcar System (18 DCMR § 1604).

Subtitle (VI)(D) – Vision Zero Fund Establishment Act of 2015

Background

The subtitle establishes the new, non-lapsing Vision Zero Pedestrian and Bicycle Safety Fund (Fund). The District Department of Transportation (DDOT) will use the funds to improve bicycle and pedestrian roadway safety. The Fund will receive \$500,000 from automated traffic enforcement revenues. This Fund replaces the Pedestrian and Bicycle Safety and Enhancement Fund⁴⁷ and provides a consistent level of funding.

Vision Zero originated in Sweden⁴⁸ and aims for zero traffic-related fatalities and serious injuries through the implementation of safety-focused transportation system design. The District has set a goal of zero traffic-related fatalities and serious injuries by 2024.⁴⁹

Financial Plan Impact

The Fund will receive \$500,000 annually in revenue from automated traffic enforcement revenues. Currently, these revenues are directed to the General Fund, so there is a corresponding reduction in General Fund revenues to accommodate this annual transfer. Additionally, elimination of the Pedestrian and Bicycle Safety and Enhancement Fund allows its dedicated funding stream⁵⁰ of approximately \$300,000 annually to remain in the General Fund.

Subtitle (VI)(E) – Local Transit Committee Amendment Act of 2015

Background

The subtitle establishes an interagency transit committee to oversee and approve DC Circulator,⁵¹ DC Streetcar,⁵² and other non-regional public transportation plans. The Local Transit Committee ("Committee") will provide input on and has approval authority over decisions related to fare structures and changes, system development plans, and existing system management. The Committee shall be composed of the Deputy Mayor for Planning and Economic Development (chairperson), City Administrator, Director of the District Department of Transportation (DDOT), Director of the Office of Planning, Director of the District Department of the Environment, Director of the Office of Disability Rights, and the Director of the Mayor's Office of Budget and Finance or any of their designees.

⁴⁷ Fiscal Year 2009 Budget Support Act of 2008, effective August 16, 2008 (D.C. Law 17-219; D.C. Official Code § 1-325.131).

⁴⁸ <http://www.visionzeroinitiative.com/>

⁴⁹ <http://mayor.dc.gov/release/mayor-bowser-announces-multi-million-dollar-investment-intersection-mlk-malcolm-x-part>

⁵⁰ This Fund currently receives the revenues from fine increases and new fines associated with the violations outlined in Section 3 of the Pedestrian Safety Reinforcement Amendment Act of 2008 (D.C. Law 17-269; D.C. Official Code § 50-2201.28).

⁵¹ D.C. Law 16-225; D.C. Official Code § 50-921.31 *et seq.*

⁵² D.C. Law 19-268; D.C. Official Code § 50-921.71 *et seq.*

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The Committee will not provide input on minor modifications to service development plans, fares, and schedules and any other decisions where the Committee cedes authority to DDOT so long as DDOT regularly reports to the Committee on what those decisions are.

Financial Plan Impact

Any costs associated with implementation of the Committee, giving it oversight and approval authority, and any Committee meetings can be absorbed within the existing budget.

Subtitle (VI)(F) – Sustainable Energy Trust Fund Amendment Act of 2015

Background

The subtitle adds the Low Income Home Energy Assistance Program (LIHEAP) as an eligible expenditure under the Sustainable Energy Trust Fund (SETF) for FY 2016. LIHEAP provides some residents with financial assistance to pay heating and cooling bills based on their household, income, and home characteristics.

Financial Plan Impact

Implementation of LIHEAP will cost approximately \$1.5 million in FY 2016. SETF has sufficient fund balance and budget authority⁵³ to absorb this cost.

⁵³ The Fiscal Year 2015 Budget Request Act of 2014, enacted July 11, 2014 (D.C. Act 20-370; 61 DCR 7187) authorized the expenditure of all funds in the Sustainable Energy Trust Fun without regard to fiscal year until funds are fully expended.

TITLE VII- FINANCE AND REVENUE

Subtitle (VII)(A) – Subject to Appropriations Amendment Act of 2015

Background

The subtitle authorizes expenditures for the Elected Attorney General Implementation and Legal Service Establishment Amendment Act of 2013,⁵⁴ which created the Mayor's Office of Legal Counsel and made organizational changes to the Office of Attorney General and legal staff throughout the District government.

Additionally, the subtitle repeals the DC Promise Establishment Act of 2014⁵⁵ ("DC Promise") in its entirety. DC Promise established a grant program to help District students pay tuition or other eligible costs to attend a post-secondary institution of higher learning. However, it was passed subject to appropriations and never funded.

Financial Plan Impact

The Elected Attorney General Implementation and Legal Service Establishment Amendment Act of 2013 established the Mayor's Office of Legal Counsel, but this office was not funded at the time of passage. The office is now funded.⁵⁶

Repealing the DC Promise Establishment Act of 2014 has no impact on the budget and financial plan, as it is not currently funded.

Subtitle (VII)(B) – Prior Budget Act Amendments of 2015

The subtitle eliminates the requirement⁵⁷ that the Office of the Chief Financial Officer produce a Children's Budget report outlining services directed toward children. It also repeals the Healthy Tots Act of 2014,⁵⁸ which provided local subsidies to child development facilities⁵⁹ participating in the Child and Adult Care Food Program⁶⁰ to encourage high nutritional standards at facilities.

The subtitle also requires Council approval when the cumulative capital project reprogrammings in a given fiscal year change a project budget by more than \$500,000. Currently, Council approval is

⁵⁴ Section 1014(c) of the Fiscal Year 2015 Budget Support Act of 2014, effective February 26, 2015 (D.C. Law 20-155; 61 DCR 9990).

⁵⁵ DC Promise Establishment Act of 2013, effective June 4, 2014 (D.C. Law 20-107; 61 DCR 5899).

⁵⁶ The office was funded in FY 2015 via a reprogramming dated October 8, 2014.

⁵⁷ Section 1002 of the Fiscal Year 2006 Budget Support Act of 2005, effective October 20, 2005 (D.C. Law 16-33; 52 DCR 7503).

⁵⁸ Title IV, Subtitle H of the Fiscal Year 2015 Budget Support Act of 2014, effective February 26, 2015 (D.C. Law 20-155; 61 DCR 9990).

⁵⁹ Child development facilities are defined in the law "a community-based center, home, or other structure that provides care and other services, supervision and guidance for infants, toddlers, and preschoolers on a regular basis, regardless of its designated name." It does not include a public or private school-sponsored or school-run child development center or program.

⁶⁰ CACFP is authorized by Section 17 of the National School Lunch Act and Child Nutrition Act of 1966 Amendments of 1975, approved October 7, 1975 (Pub. L. 94-105; 42 U.S.C. § 1766).

required⁶¹ if cumulative reprogrammings change the budget by more than \$500,000 at any point during the lifetime of the project, and not in a single fiscal year.

Lastly, the subtitle makes the Department of Parks and Recreation (DPR) Enterprise Fund,⁶² which supports DPR programs, administration, and property maintenance, non-lapsing. The fund currently lapses at the end of the fiscal year, and unspent revenue are returned to the General Fund.

Financial Impact

The repeal of the Healthy Tots Act of 2014 reduces the budget of the Office of the State Superintendent of Education (OSSE) by \$3.1 million; this is reflected in the proposed FY 2016 through 2019 budget and financial plan. The remaining sections of the subtitle do not have an impact on the District’s budget and financial plan.

Subtitle (VII)(C) – Sales Tax Amendment Act of 2015

The subtitle increases the District’s general sales⁶³ and use⁶⁴ tax rate, including the rate on sales by theaters or entertainment venues with 10,000 or more seats,⁶⁵ from 5.75 percent to 6 percent. It also increases the tax on gross receipts from parking or storing of motor vehicles or trailers in commercial lots⁶⁶ (“parking tax”) from 18 percent to 22 percent.

Financial Impact

This subtitle will increase local revenue by \$32.1 million in FY 2016 and \$133 million over the FY 2016 through FY 2019 budget and financial plan. District law dedicates⁶⁷ parking tax revenue to the Washington Metropolitan Area Transit Authority Dedicated Tax Fund. Thus the incremental revenue from the parking tax increase-- \$9.8 million in FY 2016, and \$41.3 million over the FY 2016 through FY 2019 budget and financial plan—will be transferred to this fund, freeing other local resources currently used for the WMATA subsidy.

Fiscal impact of Subtitle (VII)(C) Sales Tax Amendment of 2015					
FY 2016-FY 2019 (\$ thousands)					
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2016 - FY 2019
Increase general sales tax rate from 5.75 to 6 percent	\$22,227	\$23,108	\$23,005	\$23,695	\$92,035
Increase commercial parking tax rate from 18 percent to 22 percent	\$9,884	\$10,181	\$10,486	\$10,801	\$41,352
Total Additional Revenues	\$32,111	\$33,289	\$33,491	\$34,496	\$133,387

Source: Estimate by Office of Revenue Analysis

⁶¹ D.C. Official Code § 47-363(a).

⁶² D.C. Official Code § 10-303.

⁶³ D.C. Official Code § 47-2002(a).

⁶⁴ D.C. Official Code § 47-2202.

⁶⁵ Excluded from the tax are theaters and entertainment venues from which taxes are applied to pay debt service on tax-exempt bonds. See D.C. Official Code § 47-2002(4A).

⁶⁶ D.C. Official Code § 47-2002(a)(1).

⁶⁷ D.C. Official Code § 47-2002.07.

Subtitle (VII)(D) – Married Filing Separately Standard Deduction Act of 2015

The subtitle sets the standard deduction on an income tax return by a married person filing separately to be half the amount allowed for a married person filing jointly. Currently, the combined deduction of married persons filing separately is \$10,400,⁶⁸ and larger than the deduction for married persons filing jointly, which is \$8,350.

Financial Impact

Eliminating the larger deduction for married persons filing separately will increase income tax revenue by an estimated \$1.1 million per year.

Fiscal impact of Subtitle (VII)(D) Married Filing Separately Standard Deduction Act of 2015					
FY 2016-FY 2019 (\$ thousands)					
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2016 – FY 2019
Increase in income tax revenue	\$1,100	\$1,100	\$1,100	\$1,100	\$4,400

Source: Estimate by Office of Revenue Analysis

Subtitle (VII)(E) – Low Income Credit Act of 2015

A taxpayer with income below the federal minimum filing requirement receives a credit against District income tax on income equal to or below the federal minimum filing requirement. Currently, there are no limitations on the credit for part-year resident filers or for individuals who with business or pass-through income reported on a District franchise tax return. Therefore, those who are making more than the federal minimum income on an annual basis may receive the credit.

The subtitle prorates the credit for part-time residents to limit the use of the credit by those individuals whose aggregate income, including pass-through income, exceeds the federal minimum income filing requirement.

Financial Impact

Adjusting the credit for part-time residents and limiting the credit for those with other income will increase income tax revenue by approximately \$500,000 in FY 2016 and by \$2 million over the FY 2016 through FY 2019 budget and financial plan.

Fiscal impact of Subtitle (VII)(E) Low Income Credit Act of 2015					
FY 2016-FY 2019 (\$ thousands)					
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2016 – FY 2019
Increase in Income Tax Revenue	\$457	\$485	\$514	\$545	\$2,091

Source: Estimate by Office of Revenue Analysis

⁶⁸ D.C. Official Code § 47-1801.04(A).

Subtitle (VII)(F) – Vapor Product Amendment Act of 2015

The subtitle taxes e-cigarettes, and similar vapor products containing nicotine, at the same rate as "other tobacco products."⁶⁹ Vapor products are defined in the subtitle as any vapor cartridge or container of nicotine in a solution that is intended to be used with an electronic cigarette, cigar, cigarillo, pipe, or similar product or device. Currently, these products are taxed at the standard sales tax rate of 5.75 percent while "other tobacco products" are taxed at a calculated rate⁷⁰ similar to cigarettes.

Financial Impact

Applying the "other tobacco product" tax rate to e-cigarettes will increase excise tax revenue by approximately \$380,000 in FY 2016 and by \$2 million over the financial plan period.

Fiscal impact of Subtitle (VII)(F) Vapor Product Amendment Act of 2015					
FY 2016-FY 2019 (\$ thousands)					
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2016 – FY 2019
Increased excise tax revenue from taxing e-cigarettes or "vapor products" the same as tobacco	\$382	\$458	\$550	\$659	\$2,049

Source: Estimate by Office of Revenue Analysis

Subtitle (VII)(G) – Notice of Proposed Audit Changes Requirement Act of 2015

Under current law, the Office of Tax and Revenue (OTR) must inform a taxpayer 60 days in advance of reassessing taxes because of an audit finding. OTR must first notify the taxpayer that there is an audit finding on the taxpayers filing, and then then notify the same payer of the reassessed taxes related to the audit. Each notification requires a 30-day advance.

Under current law, the statute of limitations on tax audits is three years. The proposed subtitle would stop limitations from running when the taxpayer receives the notice of proposed audit findings.

Financial Impact

The Office of Tax and Revenue uses many different kinds of audits, including sales and corporate income tax audit reports by the Multistate Tax Commission and IRS Section 482 audits (on the allocation of income and deductions)to improve compliance. These reports generally arrive close to the end of the statute of limitations and if they arrive in the last 60 days of the three-year period, the Office of Tax and Revenue cannot use these reports, impairing the agency’s ability to use its own audits as well. This subtitle will allow the Office of Tax and Revenue more time to assess tax audits

⁶⁹ Other tobacco products include any product made from tobacco that is not a cigarette or premium cigar that is intended to be expected or consumed. See D.C. Official Code § 47-2401(5A).

⁷⁰ "Other tobacco products" are taxed at a rate similar to cigarettes. Specifically, the cigarette tax and surtax on a pack of 20 cigarettes expressed as a percentage of the average wholesale price of a package of 20 cigarettes, which is recalculated annually. See D.C. Official Code § 47-2402.01.

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and reduce the number of situations where audits are completed after the date a notification of an assessment must be sent to the taxpayer. This additional time is estimated to generate \$2 million revenue in corporate income taxes annually beginning FY 2016.

Additional Revenues From Notice of Proposed Audit Changes Requirement Act of 2015					
FY 2016-FY 2019 (\$ thousands)					
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2016 – FY 2019
Increased income tax revenue from lengthening statute of limitations	\$2,000	\$2,000	\$2,000	\$2,000	\$8,000

Source: Estimate by Office of Revenue Analysis

Subtitle (VII)(H) – Fiscal Year 2015 Fire and Emergency Medical Services Department Settlement Act

Background

The District is negotiating an expected settlement with the District of Columbia Public Employee Relations Board (PERB), as a result of a District of Columbia Court of Appeals decision⁷¹ in a lawsuit between the Fire and Emergency Medical Services Department and PERB.

The subtitle authorizes the use of any FY 2015 surplus funds certified by the Office of the Chief Financial Officer to pay the settlement.

Financial Plan Impact

The exact cost of the settlement and timing of payments are not yet known. Payment from FY 2015 surplus funding would reduce the amount that would be applied to cash reserves of the District of Columbia.

⁷¹ District of Columbia Fire Emergency Medical Services Department v. District of Columbia Public Employee Relations Board, Nos. 12-CV-1813, 12-CV-1910, (D.C., 2014).

TITLE VIII- CAPITAL BUDGET

Subtitle (VIII)(A) – Fiscal Year 2016 Capital Project Reallocation Approval Act of 2015

Background

The proposed subtitle authorizes the Office of the Chief Financial Officer (OCFO) to reallocate approximately \$105.5 million in currently held general obligation bond balances from the capital projects with slow activity to four projects with insufficient bond balances to cover expenditures. The reallocation does not change costs or authorized budget amount, but it directs capital funds in hand to projects that are most likely to spend them. In this way, the District can make better use of the bonds held in escrow (at a low interest rate), avoid some future borrowing, and improve cash flow. The sources and uses of these funds are shown in the two tables below.

Subtitle (VIII)(A) – Projects that will serve as source of financing		
TABLE A		
Agency (owner)	Project Title	Total
Commission on Arts and Humanities	Arts & Humanities Grants & Projects	\$4,781,542
D.C. Public Library	Library Improvements	\$12,460
Department Behavioral Health	Construct New SEH In-Patient	\$5,759,993
Department of Corrections	HVAC Replacement	\$210,299
Department of General Services	One Judiciary Square Roof	\$566,687
Department of Parks and Recreation	Barry Farm Recreation Center	\$177,483
	Congress Heights Modernization	\$26,761
Department of Public Works	Upgrade to DPW Fueling Sites	\$76,427
Deputy Mayor for Education	Language Immersion MS/HS Facility Grant	\$3,000,000
Deputy Mayor for Planning and Economic Development	Economic Development Pool	\$347,460
	St Elizabeths Infrastructure	\$41,196,793
District Department of Transportation	Advanced Design and Planning	\$1,532,146
	Alley Maintenance	\$555,981
	Non-Participating Highway Trust Fund Support	\$7,430,163
District of Columbia Public Schools	Cardozo HS Modernization	\$12,304,377
	Challenger Center For Space Education	\$1,500,000
	Drew ES Modernization/Renovation	\$511,155
	Dunbar SHS Modernization	\$5,184,020
Fire and Emergency Management Services	Emergency Communication Systems	\$16,841
	Engine Company 23 Renovation	\$2,886,745
Metropolitan Police Department	Tactical Village Training Facility	\$758,832
Office of Planning	District Public Plans and Studies	\$10,067,919
Office of the Chief Financial Officer	SOAR Replacement	\$1,713,177
Special Education Transportation	Special Education Transportation Center	\$4,840,628
Grand Total		\$105,457,889

Subtitle (VIII)(A) – Projects that will use financing		
TABLE B		
Agency (owner)	Project Title	Total
District of Columbia Public Schools	Ballou Senior High School	\$25,785,083
	Modernizations & Renovations	\$49,043,173
	Roosevelt Senior High School	\$20,223,161
WMATA	WMATA Fund - Passenger Rail Investment and Improvement Act	\$10,406,472
Grand Total		\$105,457,889

Financial Impact

The proposal is incorporated into the proposed FY 2016 through FY 2021 Capital Improvement Plan. The reallocation would neither increase nor decrease the budget authority for any one of the capital budget projects cited in the legislation. The intent is only to reallocate available bond balances where they are needed, making more efficient use of District resources.

Subtitle (VIII)(B) – McMillan Redevelopment Proceeds Amendment Act of 2015

Background

In 2014, the District disposed of the McMillan Sand Filtration Site and approved its use for commercial and residential development.⁷² As a part of the Land Development Agreements between the District, and the developer for the site, Vision McMillan Partners, LLC, the District will sell the property to the developer and use the proceeds to prepare the site for development. Under current law, any proceeds from the sale would revert to the General Fund and would not automatically be dedicated to this development. The proposed subtitle dedicates the proceeds from the sale to the McMillan project.⁷³

Financial Impact

The estimated sales price for the McMillan site is \$27 million. The project’s funding plan had already incorporated the use of the proceeds from the land sale. The subtitle makes the required changes to the District laws so the proceeds can be dedicated to the McMillan project.

⁷² The District approved four public resolutions (R20-704, R20-705, R20-706, and R20-707) to approve the disposition of the property and the development of commercial, residential, and multi-family units. These resolutions are effective beginning December 2, 2014.

⁷³ The capital fund account associated with the McMillan Site Redevelopment is EBO-AMS11C.

Subtitle (VIII)(C) – Department of Transportation Capital Budget Allocation Authority Amendment Act of 2015

Background

Currently, in its budget request from the U.S. Congress, the District groups similar capital projects that could be funded from the Highway Trust Fund under a single master project (for example road improvement, bridges, etc.). This is because at the time the budget request is sent to the Congress, we may not know which capital projects will be ready to move forward or will be accelerated or delayed in the upcoming fiscal year.

Before spending these funds, the Director of the District Department of Transportation (DDOT) must first identify the projects (known as "Related Projects") under each master project,⁷⁴ and then request from the Office of Budget and Planning (OBP) that appropriations under each master project is allocated to each of these Related Projects.⁷⁵ Once allocated, there could be no change to the spending plan for these funds. Therefore, if a Related Project is completed under budget, no mechanism exists for the District to shift the excess funds to other projects under the master project.

The subtitle allows DDOT to request that OBP reallocate funds from a Related Project back to the master project. This would ensure that any unspent amounts could be put to use in other Related Projects within a master project.

Financial Impact

The subtitle allows for additional flexibility so DDOT can reallocate unspent funds across different capital projects funded by the Highway Trust Fund. There is no fiscal impact associated with this change.

Subtitle (XIII)(D) – Pay-as-you-go Capital Account Amendment Act of 2015"

Background

Under current law, each year beginning 2016 (in preparation for the FY 2017 budget), the Paygo Capital Account would receive a quarter of the increases in the District's revenue. The increment is measured as the change in projected revenues from the February revenue certification letter from the revenues for the same fiscal year in the previous February's certification letter.⁷⁶ The subtitle pushes this requirement to 2019, so the first time the Paygo Capital Account could receive these funds would be FY 2020.

⁷⁴ These are projects the Federal Government must approve for the Highway Trust Fund monies.

⁷⁵ D.C. Official Code § 50-921.02(e).

⁷⁶ Required as per D.C. Official Code 47-392.02(f)(2).

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FIS: "Fiscal Year 2016 Budget Support Act of 2015," Draft legislation shared with the Office of Revenue
Analysis on April 2, 2015

Financial Impact

Delaying the implementation of the required Paygo Capital Account by three years will eliminate the planned transfers to the Paygo Capital Account for Fiscal Years 2017 through 2019. Under current law, the Paygo Capital Account would have received \$55 million to \$56 million each year between FY 2017 and FY 2019. Under the proposal, these amounts will remain available for any use.

Transfers to Paygo Capital Account from 25 percent of revenue increases from February to February FY 2016 through FY 2021, in \$ millions							
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	TOTAL
Current Law	\$0	\$55,917	\$55,077	\$56,672	\$59,908	\$61,825	\$289,398
Proposal	\$0	\$0	\$0	\$0	\$59,908	\$61,825	\$121,732
Difference	\$0	(\$55,917)	(\$55,077)	(\$56,672)	\$0	\$0	(\$167,666)

TITLE IX- ADDITIONAL REVENUE CONTINGENCY LIST

Subtitle (IX)(A) – Revised Revenue Estimate Contingency Priority List Act of 2015

Background

This subtitle allocates the additional FY 2016 revenues that might be certified in the Chief Financial Officer’s June 2016 revenue certification to the following new expenditures and tax expenditure initiatives, as outlined below:

Revised Revenue Estimate Adjustment Allocation (New Expenditures and Tax Expenditures) FY 2015	
	FY 2015
Department of Health Care Finance ¹	\$9,000,000
General Fund Revenue – sales tax ²	\$22,227,000
General Fund Revenue - parking tax ³	\$9,885,000
District of Columbia Public Library ⁴	\$950,000
Department of General Services ⁵	\$4,700,000
General Fund Revenue ⁶	\$4,800,000
University of the District of Columbia ⁷	\$3,550,000
Total	\$55,112,000

Table notes

- ¹To restore hospital fee-for-service inpatient rates to 98 percent of cost.
- ²To reduce the sales and use tax rate to 5.75 percent.
- ³To reduce the sales tax rate on parking to 18 percent.
- ⁴To restore funding for library books.
- ⁵To restore funding for facility operations and maintenance.
- ⁶To repeal the sales tax on health clubs.
- ⁷To restore subsidy funding to the Flagship University and Community College.

The subtitle requires that each of these items be funded on a recurring basis if sufficient revenue is identified in the financial plan to cover the costs. If the financial plan revenue cannot cover the recurring costs, then the items would be funded only for one time.

Financial Plan Impact

The proposals on the contingency list will only become effective, in the order presented in the table, if the June 2015 revenue certification exceeds the revenues that balance the proposed FY 2015 budget. The full amount of funding must be identified to allocate any resources to the items listed in subsection.

TITLE X – SPECIAL PURPOSE AND DEDICATED REVENUE FUND AMENDMENTS AND TRANSFERS

Subtitle (X)(A) – Local and Special Purpose Revenue Fund Amendment Act of 2015

Background

The subtitle repeals the Fraud Prevention Fund.⁷⁷ The Fund, established as a part of policies to protect seniors from telephone fraud, was established to hold fees and fines collected from telemarketers who make money using false claims through telephone marketing, which will then be used for education and public awareness programs.⁷⁸

Financial Impact

The Fraud Prevention Fund was never created therefore repealing it will not have a fiscal impact.

Subtitle (X)(B) – Designated Fund Transfer Act of 2015

Background

The subtitle would allow the District to use the balances of various funds as a source of revenue in Fiscal Years 2016 through 2018. The subtitle would use the balances of one budget reserve, three dedicated revenue funds (all under Department of Health Care Finance), and 13 special purpose funds, totaling \$67.2 million.

Fiscal Impact of Subtitle (X)(B) – Designated Fund Transfer Act of 2015 - Designated Fund Balances		
Agency	Fund Name	Amount
<u>Budget Reserves:</u>		
Office of Planning	Historic Landmark District Protection Fund	1,250,000
<u>Dedicated Taxes:</u>		
Department of Health Care Finance	Nursing Homes Quality of Care Fund	4,978,020
	Healthy DC Fund	22,991,412
	Stevie Sellows	2,522,743
	Total	30,492,175
<u>Purpose Restrictions:</u>		
Office of the Chief Financial Officer	OFT Central Collection Unit	8,000,000
Department of Consumer and Regulatory Affairs	OPLA - Special Account	500,000
	Board of Engineers Fund	500,000
	Corporate Recordation Fund	500,000
	Cable Franchise Fees	5,500,000

⁷⁷ The subtitle repeals Section 102(c) of the Seniors Protection Amendment Act of 2000, effective June 8, 2001 (D.C. Law 13-301; D.C. Official Code § 22-3226.14.)

⁷⁸ Seniors Protection Amendment Act of 2000, effective June 8, 2001 (D.C. Law 13-301; D.C. Official Code § 22-3226.14.)

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FIS: "Fiscal Year 2016 Budget Support Act of 2015," Draft legislation shared with the Office of Revenue Analysis on April 2, 2015

Fiscal Impact of Subtitle (X)(B) - Designated Fund Transfer Act of 2015 - Designated Fund Balances		
Agency	Fund Name	Amount
Office of Victim Services	Crime Victims Assistance Fund	2,558,661
Department of Corrections	Correction Trustee Reimbursement	4,170,231
	Correction Reimbursement-Juveniles	922,547
Department of Health Care Finance	Medicaid Collections-3rd Party Liability	3,905,187
Department of Disability Services	Cost of Care-Non-Medicaid Clients	1,447,622
District Department of the Environment	Sustainable Energy Trust Fund	3,500,000
	Energy Assistance Trust Fund	500,000
Department of Motor Vehicles	Motor Vehicle Inspection Station	3,478,223
	Total	35,482,471
TOTAL		67,224,646

Financial Impact

The proposed budget and financial plan includes \$27.2 million of fund balance use in Fiscal Year 2016 and \$20 million each in fiscal years 2017 and 2018.