

AN ACT

Codification
District of Columbia
Official Code
2001 Edition

Winter 2013

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Home Rule Act to provide for local budget autonomy.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Local Budget Autonomy Amendment Act of 2012”.

Sec. 2. The District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-201.01 *et seq.*), is amended as follows:

(a) The table of contents is amended by striking the phrase "Sec. 446. Enactment of Appropriations by Congress" and inserting the phrase "Sec. 446. Enactment of local budget by Council" in its place.

(b) Section 404(f) (D.C. Official Code § 1-204.04(f)) is amended by striking the phrase “transmitted by the Chairman to the President of the United States” both times it appears and inserting the phrase “incorporated in the budget act and become law subject to the provisions of section 602(c)” in its place.

Amend
§ 1-204.04

(c) Section 412 (D.C. Official Code § 1-204.12) is amended by striking the phrase "(other than an act to which section 446 applies)".

Amend
§ 1-204.12

(d) Section 441(a) (D.C. Official Code § 1-204.41(a)) is amended –by striking the phrase “budget and accounting year.” and inserting the phrase “budget and accounting year. The District may change the fiscal year of the District by an act of the Council. If a change occurs, such fiscal year shall also constitute the budget and accounting year.” in its place.

Amend
§ 1-204.41

(e) Section 446 (D.C. Official Code § 1-204.46) is amended to read as follows:
“ENACTMENT OF LOCAL BUDGET BY COUNCIL.

Amend
§ 1-204.46

“Sec. 446. (a) Adoption of Budgets and Supplements - The Council, within 70 calendar days, or as otherwise provided by law, after receipt of the budget proposal from the Mayor, and after public hearing, and by a vote of a majority of the members present and voting, shall by act adopt the annual budget for the District of Columbia government. The federal portion of the annual budget shall be submitted by the Mayor to the President for transmission to Congress. The local portion of the annual budget shall be submitted by the Chairman of the Council to the Speaker of the House of Representatives pursuant to the procedure set forth in section 602(c). Any supplements to the annual budget shall also be

adopted by act of the Council, after public hearing, by a vote of a majority of the members present and voting.

“(b) Transmission to President During Control Years - In the case of a budget for a fiscal year which is a control year, the budget so adopted shall be submitted by the Mayor to the President for transmission by the President to the Congress; except, that the Mayor shall not transmit any such budget, or amendments or supplements to the budget, to the President until the completion of the budget procedures contained in this Act and the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

“(c) Prohibiting Obligations and Expenditures Not Authorized Under Budget- Except as provided in section 445A(b), section 446B, section 467(d), section 471(c), section 472(d)(2), section 475(e)(2), section 483(d), and subsections (f), (g), (h)(3), and (i)(3) of section 490, no amount may be obligated or expended by any officer or employee of the District of Columbia government unless--

“(1) such amount has been approved by an act of the Council (and then only in accordance with such authorization) and such act has been transmitted by the Chairman to the Congress and has completed the review process under section 602(c)(3); or

“(2) in the case of an amount obligated or expended during a control year, such amount has been approved by an Act of Congress (and then only in accordance with such authorization).

“(d) Restrictions on Reprogramming of Amounts - After the adoption of the annual budget for a fiscal year (beginning with the annual budget for fiscal year 1995), no reprogramming of amounts in the budget may occur unless the Mayor submits to the Council a request for such reprogramming and the Council approves the request, but and only if any additional expenditures provided under such request for an activity are offset by reductions in expenditures for another activity.

“(e) Definition - In this part, the term “control year” has the meaning given such term in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.”

(f) Section 446B(a) (D.C. Official Code § 1-204.46b(a)) is amended as follows:

Amend
§ 1-204.46b

(1) Strike the phrase "the fourth sentence of section 446" and insert the phrase "section 446(c)" in its place.

(2) Strike the phrase “approved by Act of Congress”.

(g) Section 447 (D.C. Official Code § 1-204.47) is amended as follows:

Amend
§ 1-204.47

(1) Strike the phrase “Act of Congress” each time it appears and insert the phrase “act of the Council (or Act of Congress, in the case of a year which is a control year)” in its place.

(2) Strike the phrase “Acts of Congress” each time it appears and insert the phrase “acts of the Council (or Acts of Congress, in the case of a year which is a control year)” in its place.

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(h) Sections 467(d), 471(c), 472(d)(2), 475(e)(2), and 483(d), and 490(f), (g)(3), (h)(3), and (i)(3) are amended by striking the phrase “The fourth sentence of section 446” and inserting the phrase “Section 446(c)” in its place.

Amend
§§ 1-204.67,
1-204.71,
1-204.72,
1-204.75,
1-204.83,
1-204.90

Sec. 3. Applicability.

Section 2 shall apply as of January 1, 2014.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report 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. 5. Effective date.

This act shall take effect as provided in section 303 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 784; D.C. Official Code § 1-203.03).

Chairman
Council of the District of Columbia

Mayor
District of Columbia