

AN AMENDMENT

2

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DATE: July 7, 2020

OFFERED BY: Councilmember Charles Allen

TO: B23-760, the Fiscal Year 2021 Budget Support Act of 2020

VERSION:

- Introduced
- Committee Report
- Committee Print
- First Reading
- Engrossed
- Enrolled
- Amendment
- Amendment in Nature of Substitute

Amendment:

Title VII, page 203, line 4297 is amended by adding new a new subtitle P to read as follows:

SUBTITLE P. COMBINED REPORTING TAX DEDUCTION DELAY.

Sec. 7161. Short title.

“This subtitle may be cited as the “Combined Reporting Tax Deduction Delay Amendment Act of 2020”.

Sec. 7162. Section 47-1810.08(b) of the District of Columbia Official Code is amended as follows:

(a) Paragraph (1) is amended by striking the phrase “beginning with the 10th year of the combined filing” and inserting the phrase “beginning with the 15th year of the combined filing” in its place.”.

(b) Paragraph (2) is amended by striking the number “2015” and inserting the number “2020” in its place.

Fiscal Impact:

This amendment will generate \$7,443,000 additional revenue in Fiscal Years 2021-2024.

Rationale:

In 2011, the Council adopted legislation that required combined tax reporting for unitary businesses. This may have caused an increased tax obligation for some corporations or affiliate corporations, and, in accordance with generally accepted accounting practices and federal regulations, may have required some corporations to report deferred tax liabilities. Consequently, also in 2011, the Council created a deduction that publicly traded corporations could take to offset the impact of the potential future tax liabilities, but the Council also delayed that deduction such that corporations could not claim it until 2016. That a corporation could, at a late date, take this deduction allowed a publicly traded corporation to avoid listing any future tax liability in its public filings. In 2016, the Council delayed the deduction for another 5 years. Some experts question whether the 2011 tax changes created any *actual* ongoing liability for corporation, but, in any case, it appears that the major benefit of the tax deduction for publicly traded corporations is the ability to forego reporting future tax liabilities. That benefit will accrue to publicly traded corporation *even if they cannot actually claim the deduction*. Any publicly traded corporation that intends to take this deduction had to have filed with the Office of Tax and Revenue in 2011, so we know that if corporations are allowed to take this deduction, it will result in a loss of \$7.4 million per year for 7 years. The Council has twice delayed this deduction, and a global pandemic that has caused more than 100,000 District residents to file for unemployment benefits and has caused many small, locally-owned businesses to close forever is not the time to allow publicly traded corporations to reduce the taxes that they pay to the District. This amendment would again delay by 5 years a tax deduction for publicly traded corporations.



Council of the District of Columbia
Committee of the Whole

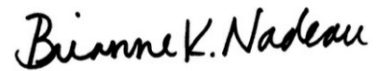
Bill 23-760, Fiscal Year 2021 Budget Support Act of 2020
Allen Amdt #1 - Subtitle P - Combined Reporting

Councilmember	Yes	No	Present	Absent
COUNCILMEMBER ALLEN	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
COUNCILMEMBER BONDS	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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COUNCILMEMBER McDUFFIE	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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	Yes	No	Present	Absent

Majority Present/Voting Pass	Two-Thirds Present/Voting Pass	Majority Council Pass	Two-Thirds Council Pass
<ul style="list-style-type: none"> ■ Postpone Date Certain ■ Table/ Take from Table ■ Recommit 	<ul style="list-style-type: none"> ■ Postpone Indefinitely ■ Close Debate ■ Discharge from Committee ■ Veto Override ■ Previous Question ■ 403(b)/231(c) Waiver 	<ul style="list-style-type: none"> ■ Rules Change 	<ul style="list-style-type: none"> ■ Emergency Declaration



Councilmember Elissa Silverman



Councilmember Brianne K. Nadeau

AN AMENDMENT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Date: July 7, 2020

Offered by: Councilmember Brianne K. Nadeau

To: B23-760, the Fiscal Year 2021 Budget Support Act of 2020

Version: Introduced

Committee Report

Committee Print

First Reading

Engrossed

Enrolled

Amendment

Amendment in Nature of Substitute

AMENDMENT:

A new subtitle XXX is added in Title VII to read as follows:

“SUBTITLE XXX. DOWNLOADING LOST REVENUES AMENDMENT ACT OF 2020

“Sec. 7XX1. Short Title.

“This subtitle may be cited as the “Downloading Lost Revenues Amendment Act of 2020”.

“Sec. 7XX2. Title 47 of the District of Columbia Official Code is amended as follows:

“(a) Section 47-1508(a)(10) is repealed.

“(b) Chapter 18 is amended as follows:

“(1) Section 47-1803.03(a)(18) is repealed.

“(2) Section 47-1817.01(5)(A)(ii) is amended by striking the number “2” and inserting the number “10” in its place.

“(3) Section 47-1817.02 is repealed.

“(4) Section 47-1817.04 is amended as follows:

“(A) Subsection (d) is amended by striking the figure “\$20,000” and inserting the figure “\$10,000” in its place.

“(B) Subsection (e) is repealed.

“(5) Section 47-1817.05(c) is repealed.

“(6) Section 47-1817.06 is repealed.

“(7) Section 47-1817.07 is repealed.

“(8) Section 47-1818.06(3) is repealed.

“Sec. 7xx3. Applicability.

Rationale

In November 2018, the Chief Financial Officer’s Office of Revenue Analysis released a report which found that the Qualified High Technology Company (QHTC) program costs the District upwards of \$40 million in foregone revenue every fiscal year when all of its different tax breaks are considered. Among other concerning findings, the OCFO concluded that “few large companies are taking a large share of the QHTC credits without evidence of commensurate economic benefits.” For this reason, the Council enacted the Downloading Lost Revenues Amendment Act of 2019. A year has passed and there remains minimal evidence that the QHTC is attracting new companies to come to the District or stay in the District. Additionally, as a result of the public health emergency, the Mayor’s FY2021 Proposed Budget leaves many gaps in critical areas of need. This amendment recaptures DC revenue that was previously allocated to reducing the taxes for QHTCs to be used for programs that address homelessness, mental health services, benefits to undocumented and otherwise excluded residents, and other priorities that are unfunded or underfunded in the FY2021 Proposed Budget.



Council of the District of Columbia
Committee of the Whole

Bill 23-760, Fiscal Year 2021 Budget Support Act of 2020
Nadeau Amdt #1 - QHTC Tax Incentive Repeal

Councilmember	Yes	No	Present	Absent
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COUNCILMEMBER BONDS	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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Majority Present/Voting Pass	Two-Thirds Present/Voting Pass	Majority Council Pass	Two-Thirds Council Pass
<ul style="list-style-type: none"> ■ Postpone Date Certain ■ Table/ Take from Table ■ Recommit 	<ul style="list-style-type: none"> ■ Postpone Indefinitely ■ Close Debate ■ Discharge from Committee ■ Veto Override ■ Previous Question ■ 403(b)/231(c) Waiver 	<ul style="list-style-type: none"> ■ Rules Change 	<ul style="list-style-type: none"> ■ Emergency Declaration



Councilmember Trayon White

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA:

AMENDMENT #1

Date: July 7, 2020
Amendment offered by: Trayon White, Sr.
To: B23-760 – “Fiscal Year 2021 Budget Support Act of 2020”

Version:

Introduced	_____
Committee Print	_____
First Reading	_____ X _____
Engrossed	_____
Enrolled	_____
Unidentified	_____
ANS on 2 nd Reading	_____

Amending: A new subtitle is added to read as follows:

SUBTITLE _____. ESTATE TAX ADJUSTMENT

Sec. XXX1. This subtitle may be cited as the “Estate Tax Adjustment Amendment Act of 2020”.

Sec. XXX2. Section 47-3701(14)(C) of the District of Columbia Official Code is amended as follows:

- (a) Strike the phrase “2017, \$5.6 million” and insert the phrase “2019, \$4 million” in its place.
- (b) Strike the phrase “2019,” and insert the phrase “2021,” in its place.

Rationale:

In 2016, the Council agreed to increase the exemption level for the local estate tax from 1 million to 5.6 million, an increase of over 400%. This amendment brings the exemption level back down to 4 million, which is still an increase of 300% from the 2016 level. We arrived at the number of 5.6 million in 2016 for simplicity purposes, because it matched the federal number at the time.

Since Trump was elected to office, the federal number has doubled, and we passed legislation to decouple our number from the federal number. In short, our wealthiest residents have received unanticipated federal estate tax benefits. Trump's tax plan benefited DC's richest one percent, those targeted by this amendment, more than 10 times than it benefited DC's poorest fifth.

This amendment will generate approximately 1.78 million in revenue which will be put to a critical use by funding a wrap around approach to violence impacting youth. This approach combines violence interruption, mentoring and mental health outreach both in the school and in the community.



Council of the District of Columbia
Committee of the Whole

Bill 23-760, Fiscal Year 2021 Budget Support Act of 2020
T. White Amdt #1 - Estate Tax

Councilmember	Yes	No	Present	Absent
COUNCILMEMBER ALLEN	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
COUNCILMEMBER BONDS	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
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RESET	8	5	0	0
	Yes	No	Present	Absent

Majority Present/Voting Pass	Two-Thirds Present/Voting Fail	Majority Council Pass	Two-Thirds Council Fail
<ul style="list-style-type: none"> ■ Postpone Date Certain ■ Table/ Take from Table ■ Recommit 	<ul style="list-style-type: none"> ■ Postpone Indefinitely ■ Close Debate ■ Discharge from Committee ■ Veto Override ■ Previous Question ■ 403(b)/231(c) Waiver 	<ul style="list-style-type: none"> ■ Rules Change 	<ul style="list-style-type: none"> ■ Emergency Declaration

AN AMENDMENT

#1

Date: July 7, 2020

Amendment offered by: Councilmember David Grosso

To: Fiscal Year 2021 Budget Support Act of 2020

<u>Version:</u>	Introduced	_____
	Committee Print	_____ X _____
	First Reading	_____
	Amended First Reading	_____
	Engrossed	_____
	Enrolled	_____
	Unidentified	_____

Amendment:

A new subtitle is added as follows:

SUBTITLE XXX. DCPS AUTHORITY FOR SCHOOL SECURITY

Sec. XXX1. This subtitle may be cited as the “DCPS Authority for School Security Amendment Act of 2020”.

Sec. XXX2. The School Safety and Security Contracting Procedures Act of 2004, effective April 13, 2005 (D.C. Law 15-350; D.C. Official Code § 5-132.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 5-132.01) is amended as follows:

(1) A new paragraph (1B) is added to read as follows:

“(1B) “MOA” means the Memorandum of Agreement into which DCPS and MPD enter pursuant to section 104.”.

(2) Paragraph (4) is repealed.

(3) Paragraph (5) is amended to read as follows:

“(5) “School security personnel” means individuals, including unarmed security guards, that DCPS hires or contracts to support safety in DCPS schools.”.

(4) A new paragraph (5A) is added to read as follows:

“(5A) “Security-related contract” means any contract to provide physical or personal security services, including school security personnel, at DCPS schools.”.

(5) Paragraph (6) is repealed.

(b) Section 102 (D.C. Official Code § 5-132.02) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “security for the District of Columbia Public Schools” and inserting the phrase “school resource officers to the DCPS schools and public charter schools” in its place.

(2) Subsection (c) is amended to read as follows:

“(c) The School Safety Division shall:

“(1) Hire and train school resource officers;

“(2) Deploy school resource officers to:

“(A) DCPS schools, consistent with the terms of the MOA; and

“(B) Public charter schools;

“(3) Coordinate with DCPS and public charter schools regarding the use and sharing of resources and communications between MPD and school-specific safety teams; and

“(4) Provide recommendations to the Mayor, Council, and the DCPS Chancellor regarding the impact of school closings, consolidations, grade reconfigurations, use of swing space during school reconstruction, and gang and crew violence on the safety and well-being of children.”.

(c) Section 103 (D.C. Official Code § 5-132.03) is amended as follows:

(1) The section heading is amended by striking the phrase “security personnel” and inserting the phrase “resource officers” in its place.

(2) The lead-in language is amended by striking the phrase “security personnel providing security for DCPS” and inserting the phrase “resource officers” in its place.

(3) Paragraph (7) is amended by striking the phrase “, including Board of Education regulations”.

(4) Paragraph (8) is amended by striking the phrase “security personnel” and inserting the phrase “resource officers” in its place.

(d) New sections 103a and 103b are added to read as follows:

“Sec. 103a. DCPS responsibilities for school security.

“(a) DCPS shall be responsible for school security personnel within DCPS schools, and shall:

“(1) Oversee the hiring or contracting of school security personnel for DCPS;

“(2) Deploy school security personnel to DCPS schools;

“(3) Provide oversight over school security personnel and be responsible for administering all disciplinary actions related to school security personnel, including termination;

“(4) Execute, approve, administer, monitor, and provide oversight over any security-related contract for school security personnel; and

“(5) Create and implement school building security and emergency operations plans, in consultation with MPD and the Homeland Security and Emergency Management Agency.

“Sec. 103b. Training for school security personnel.

“(a) For the school year beginning in 2020, DCPS may use the training curriculum adopted by MPD pursuant to section 103 to train its school security personnel.

“(b) By the start of the school year beginning in 2021, DCPS shall adopt a school security personnel training curriculum based on the positive youth development philosophy. The curriculum

shall focus on training supervisory and on-site personnel to provide security services responsive and appropriate to the student, staff, and family populations at each school building. At a minimum, the curriculum shall include training in the following areas, developed with advice from appropriate other

District agencies:

“(1) Child and adolescent development;

“(2) Effective communication skills;

“(3) Behavior management;

“(4) Conflict resolution, including restorative justice practices;

“(5) De-escalation techniques;

“(6) Behavioral health issues for youth and families;

“(7) Child sexual abuse and gender-based violence prevention, identification, and

response;

“(8) Availability of social services for youth;

“(9) District of Columbia laws and regulations;

“(10) Constitutional standards for searches and seizures conducted by school security

personnel on school grounds; and

“(11) Violence prevention, including gang and crew dynamics.”.

(e) Section 104 (D.C. Official Code § 5-132.04) is amended to read as follows:

“Sec. 104. Coordination of school security efforts between DCPS and MPD.

“Within 20 days after the effective date of the Fiscal Year 2020 Revised Local Budget Emergency Amendment Act of 2020, passed on emergency on July 21, 2020 (Bill 23-763), DCPS and MPD shall enter into a Memorandum of Agreement for the purpose of coordinating the agencies’ respective security obligations at DCPS schools. The MOA shall:

“(1) Reflect DCPS’s role as the administrator of any security-related contract;

“(2) Include provisions for effectuating the transfer of any personnel, property, funds, or records necessary to transfer responsibility for any existing security-related contract from MPD to DCPS;

“(3) Delineate lines of authority, supervision, and communication between MPD and DCPS, including how school resource officers deployed at each school will provide security in coordination with the school’s principal and school security personnel; provided, that during emergencies, incident command shall be consistent with the District of Columbia response plan as defined by section 2 of the District of Columbia Public Emergency Act of 1980 (D.C. Law 3-149; D.C. Official Code § 7-2301(1A));

“(4) Include a process for resolving disagreements between DCPS and MPD at all levels; and

“(5) Provide for MPD advice and consultation on DCPS school building security and emergency operations plans.”.

(f) Section 105 (D.C. Official Code § 5-132.05) is amended to read as follows:

“Sec. 105. Authority to issue RFP’s for school security-related contracts.

“(a)(1) Beginning on the effective date of the Fiscal Year 2020 Revised Local Budget Emergency Amendment Act of 2020, passed on emergency on July 21, 2020 (Bill 23-763) DCPS shall be responsible for administering and funding any security-related contract effective during the 2020-2021 school year.

(2) MPD shall transfer to DCPS all personnel, property, funds, or records necessary for DCPS to administer and fund any security-related contract effective during the 2020-2021 school year.

“(b) Responsibility for the issuance of a Request for Proposals for any security-related contract for DCPS for a contract term to begin June 30, 2021, or later shall transfer from the MPD to DCPS as of the effective date of the Fiscal Year 2020 Revised Local Budget Emergency Act of 2020, passed on

emergency on July 21, 2020 (Bill 23-763). DCPS shall be responsible for awarding, executing, administering, and funding a contract resulting from an RFP issued under this subsection.

Sec. XXX2 Applicability.

This subtitle shall apply as of the effective date of this act.

Rationale:

This amendment would add a subtitle unanimously supported by the Committee on Education that aims to reverse aspects of the “The Metropolitan Police Department School Safety and Security Act of 2004” by granting DCPS hiring and contracting authority over security officers in DCPS schools beginning in School Year 2020/2021 while it begins planning and community engagement to reimagine security that relies more on behavioral health. This subtitle will make the transfer of authority effective when the FY2020 Revised LBA becomes effective, allowing the current contract before the Council to be approved with authority for the contract transferring to DCPS.



Council of the District of Columbia
Committee of the Whole

Bill 23-760, Fiscal Year 2021 Budget Support Act of 2020
Grosso Amdt #1 - School Security

Councilmember	Yes	No	Present	Absent
COUNCILMEMBER ALLEN	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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RESET	8	5	0	0
	Yes	No	Present	Absent

Majority Present/Voting Pass	Two-Thirds Present/Voting Fail	Majority Council Pass	Two-Thirds Council Fail
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