

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-315

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 19, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

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To amend, on an emergency basis, due to Congressional review, Chapter 23 of Title 16 of the District of Columbia Official Code to require that factfinding hearings be conducted within specified time frames for juveniles ordered into secure detention or ordered into shelter care, and to require the Council to contract with a nonprofit organization with expertise in juvenile justice to conduct a study evaluating the impact of the required time frames upon the administration of justice in the Family Court of the Superior Court of the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Juvenile Speedy Trial Equity Congressional Review Emergency Amendment Act of 2008".

Sec. 2. Chapter 23 of Title 16 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding the phrase "16-2310.02. Six-month study of time frames." after the phrase "16-2310.01. Separation of young children detained prior to a hearing."

(b) Section 16-2310 is amended as follows:

(1) Subsection (e) is amended as follows:

(A) The lead-in text is amended by striking the phrase "placed in secure detention" and inserting the phrase "ordered into secure detention or ordered into shelter care" in its place.

(B) Paragraph (1) is amended to read as follows:

"(1)(A) Except as provided in subparagraph (B) of this paragraph and paragraph (2) of this subsection, whenever a child has been ordered into secure detention before a factfinding hearing pursuant to §§ 16-2310 through 16-2313, the factfinding hearing set forth in § 16-2316 shall commence not later than 30 days from the date at which the Family Court ordered the child to be detained pursuant to § 16-2312.

Note,
§ 16-2310

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“(B) Except as provided in paragraph (2) of this subsection, whenever a child is charged with murder, assault with intent to kill, first degree sexual abuse, burglary in the first degree, or robbery while armed, and the child has been ordered into secure detention before a factfinding hearing pursuant to §§ 16-2310 through 16-2313, the factfinding hearing set forth in § 16-2316 shall commence not later than 45 days from the date at which the Family Court ordered the child to be detained pursuant to § 16-2312.

“(C) Except as provided in paragraph (2) of this subsection, whenever a child has been ordered into shelter care before a factfinding hearing pursuant to §§ 16-2310 through 16-2313, the factfinding hearing set forth in § 16-2316 shall commence not later than 45 days from the date at which the Family Court ordered the child to be placed in shelter care pursuant to § 16-2312.”.

(C) Paragraph (2) is amended to read as follows:

“(2)(A) Except as provided in subparagraphs (B) and (C) of this paragraph, upon motion of the Attorney General, for good cause shown, the factfinding hearing of a child ordered into secure detention or a child who is ordered into shelter care may be continued, and the child continued in secure detention or shelter care, for only one additional period, not to exceed 30 days.

“(B) Upon motion of the Attorney General, for good cause shown, the factfinding hearing may be continued, and the child continued in secure detention or shelter care, for additional periods not to exceed 30 days each, if:

“(i) The child is charged with murder, assault with intent to kill, or first degree sexual abuse;

“(ii) The child is charged with a crime of violence, as defined in § 23-1331(4), committed while using a pistol, firearm, or imitation firearm; or

“(iii) Despite the exercise of due diligence by the District and the federal agency, DNA evidence, analysis of controlled substances, or other evidence processed by federal agencies has not been completed.

“(C)(i) Upon a motion by or on behalf of the child consistent with the rules of the Superior Court of the District of Columbia, the factfinding hearing of a child ordered into secure detention or a child who is ordered into shelter care may be continued for additional periods not to exceed 30 days each.

“(ii) A motion made under sub-subparagraph (i) of this subparagraph shall not be construed as a waiver of the child’s speedy trial rights under this section nor under the Sixth Amendment of the United States Constitution.

“(D) Additional continuances of the factfinding hearing may be granted to the Office of Attorney General if the child is no longer in either secure detention or shelter care.”.

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(D) Paragraph (4) is amended by striking the phrase "in secure detention shall be released from custody" and inserting the phrase "in secure detention or shelter care shall be released from custody or shelter care" in its place.

(2) A new subsection (f) is added to read as follows:

"(f) No provision of this section shall be interpreted as a bar to any claim of denial of speedy trial as required by the Sixth Amendment of the United States Constitution."

(c) A new section 16-2310.02 is added to read as follows:

"§ 16-2310.02. Six-month study of time frames.

Note,
§ 16-2310.01

"(a) Subject to the availability of appropriations, the Council, no later than January 15, 2008, shall contract with a nonprofit organization with expertise in juvenile justice to conduct a 6-month study evaluating the effect upon the administration of justice in the Family Court of the Superior Court of the District of Columbia of the time frames set forth in § 16-2310(e) for conducting factfinding hearings for children ordered into secure detention or ordered into shelter care. The study shall be done in consultation with the Council, the Superior Court of the District of Columbia, the Attorney General for the District of Columbia, the District of Columbia Department of Youth Rehabilitation Services, and the Public Defender Service of the District of Columbia.

"(b) The study shall review:

"(1) The length of time that children spend in both secure detention and shelter care awaiting a plea or factfinding hearing;

"(2) The length of time that children spend in both secure detention and shelter care awaiting disposition after a factfinding hearing;

"(3) The length of time children ordered to shelter care spend in secure detention while on the shelter home waiting list;

"(4) The effect, if any, the provisions of § 16-2310(e) have on the rate at which securely detained children and children ordered into shelter care have their factfinding hearings;

"(5) Causes for delays in case processing for securely detained children and children ordered into shelter care, including the frequency of and reasons for continuances; and

"(6) The impact the time frames for conducting factfinding hearings set forth in § 16-2310(e) have on public safety.

"(c) The study shall:

"(1) Identify barriers to compliance with the time frames for conducting factfinding hearings set forth in § 16-2310(e);

"(2) Recommend whether the time frames for conducting factfinding hearings set forth in § 16-2310(e) should be adjusted; and

"(3) Make any other recommendations its authors consider appropriate."

Sec. 3. Applicability.

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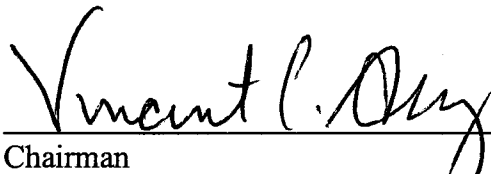
Section 2(b) shall apply as of January 15, 2008.

Sec. 4. Fiscal impact statement.

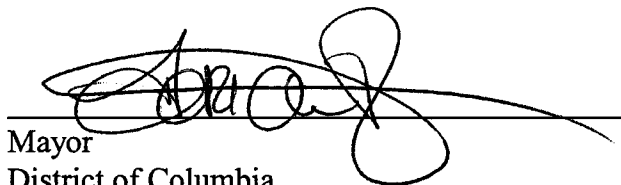
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
March 19, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-316

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 19, 2008

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To amend, on an emergency basis, the Robert F. Kennedy Memorial Stadium and the District of Columbia National Guard Armory Public Safety Act to provide for public safety at the new baseball stadium.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Ballpark Public Safety Emergency Amendment Act of 2008".

Sec. 2. The Robert F. Kennedy Memorial Stadium and the District of Columbia National Guard Armory Public Safety Act, effective November 3, 1977 (D.C. Law 2-37; D.C. Official Code § 3-341 *et seq.*), is amended as follows:

(a) A new section 3a is added to read as follows:

Note,
§ 3-342

"Sec. 3a. Definitions.

"For the purposes of this act, the term "Baseball Stadium" shall have the same meaning as that provided for the term "Ballpark" in D.C. Official Code § 47-2002.05(a)(1)(A)."

(b) Section 4 (D.C. Official Code § 3-343) is amended by striking the word "Stadium" and inserting the phrase "Stadium, the Baseball Stadium," in its place.

Note,
§ 3-343

(c) Section 4a (D.C. Official Code § 3-343.01) is amended as follows:

Note,
§ 3-343.01

(1) Subsection (a) is amended by striking the word "Stadium" and inserting the phrase "Stadium or the Baseball Stadium" in its place.

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

(A) Paragraph (1) is amended as follows:

(i) Strike the phrase "District of Columbia Sports Commission" and insert the phrase "District of Columbia Sports and Entertainment Commission" in its place.

(ii) Strike the word "or" at the end.

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

"(1A) Any person duly authorized or licensed by the District of Columbia Sports and Entertainment Commission or the lessee or operator of the Baseball Stadium to possess, sell, give away, transport, or store alcoholic beverages or containers within any portion of the Baseball Stadium, or to any employee or agent acting for any such duly

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authorized or licensed person; or”.

(d) Section 4b (D.C. Official Code § 3-343.02) is amended as follows:

Note,
§ 3-343.02

(1) Designate the existing language as subsection (a).

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

(A) Strike the phrase “District of Columbia Sports Commission” and insert the phrase “District of Columbia Sports and Entertainment Commission” in its place.

(B) Strike the second sentence.

(3) New subsections (b) and (c) are added to read as follows:

“(b) Unless expressly authorized by the District of Columbia Sports and Entertainment Commission, the lessee or operator of the Baseball Stadium, or their duly authorized agents, no person shall at any time enter onto any portion of the playing field within the Baseball Stadium.

“(c) For the purposes of this section, the term “playing field” means the area encompassed by the seating facilities within the Robert F. Kennedy Memorial Stadium or the Baseball Stadium, as such seating facilities may be arranged from time to time.”.

Sec. 3. Fiscal impact statement.

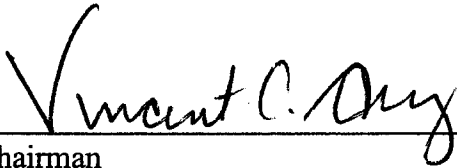
The Council adopts the March 4, 2008 fiscal impact statement of the Chief Financial Officer for the Ballpark Public Safety Amendment Act of 2008, passed on 1st reading on March 4, 2008 (Engrossed version of Bill 17-584), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

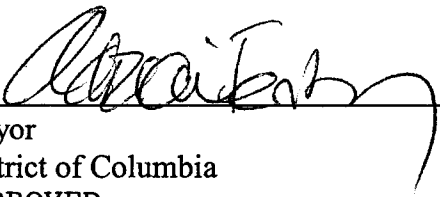
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

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section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
March 19, 2008

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D.C. ACT 17-317IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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To amend, on an emergency basis, due to Congressional review, the Prevention of Child Abuse and Neglect Act of 1977 to establish that an individual with a certain criminal conviction, or who lives with other adults with certain criminal convictions, shall be disqualified from receiving a license, approval, or permission to adopt or foster a child or to otherwise have custody of a child as legal guardian, kinship caregiver, or custodian pursuant to court order under section 16-2320 of the District of Columbia Official Code, to identify a list of felony convictions for which an individual, despite a certain conviction, or the conviction of an adult living in the home of the individual, may qualify for approval, licensure, or permission to adopt or foster a child or to otherwise have custody of a child as legal guardian, kinship caregiver, or custodian pursuant to court order under section 16-2320 of the District of Columbia Official Code, if, after a discretionary agency review, a determination is made that the approval, licensure, or permission would be consistent with the health, safety, and welfare of the child, and to establish that in such cases funds that would otherwise be available under Title IV-E of the Social Security Act for adoption-assistance payments or foster-care-maintenance payments shall not be made on behalf of the child; and to amend section 16-308 of the District of Columbia Official Code to permit the court to dispense with an investigation, report, and interlocutory decree, but not a criminal records check, under specified circumstances.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Adoption and Safe Families Congressional Review Emergency Amendment Act of 2008".

Sec. 2. Section 506 of the Prevention of Child Abuse and Neglect Act of 1977, effective June 27, 2000 (D.C. Law 13-136; D.C. Official Code § 4-1305.06), is amended as follows:

Note,
§ 4-1305.06

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

(1) The lead-in language is amended by striking the phrase "Except as provided in subsection (d) of this section, an" and inserting the word "An" in its place.

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(2) Paragraph (5) is amended by striking the phrase "homicide, assault or battery" and inserting the phrase "or homicide, but not including other physical assault or battery" in its place.

(b) Subsection (c) is amended as follows:

(1) The lead-in language is amended as follows:

(A) Strike the phrase ", or an adult residing in the home of the individual,".

(B) Strike the phrase "check that the individual" and insert the phrase "check that the individual, or an adult residing in the home of the individual," in its place.

(2) Paragraph (1) is repealed.

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

"(d) Notwithstanding the requirements of subsection (c) of this section, an individual may be approved, licensed, or permitted as set forth in subsection (a) of this section if:

"(1) The individual has a felony conviction for any of the offenses listed in subsection (c) of this section and, after a discretionary agency review of the conviction and current circumstances, it is determined that an approval, licensure, or permission would be consistent with the health, safety, and welfare of children; provided, that any adoption-assistance payments or foster-care-maintenance payments made on behalf of a child to an individual pursuant to this paragraph shall not be made with federal funds provided through Title IV-E of the Social Security Act, approved June 17, 1980 (94 Stat. 500; 42 U.S.C. § 670 *et seq.*); or

"(2) An adult residing in the home of the individual, but not the individual who seeks to be approved, licensed, or permitted as set forth in subsection (a) of this section, has a felony conviction for any of the offenses listed in subsection (c) of this section and, after a discretionary agency review of the conviction and current circumstances, it is determined that an approval, licensure, or permission would be consistent with the health, safety, and welfare of children."

Sec. 3. Section 16-308 of the District of Columbia Official Code is amended to read as follows:

"§ 16-308. Investigations when prospective adoptee is adult or petitioner is spouse of natural parent.

Note,
§ 16-308

"(a) The court may dispense with the investigation, report, and interlocutory decree provided for by this chapter when:

"(1) The prospective adoptee is an adult; or

"(2) The petitioner is a spouse of the natural parent of the prospective adoptee and the natural parent consents to the adoption or joins in the petition for adoption.

"(b) In the circumstances specified in subsection (a)(2) of this section, the petition need not contain the information concerning race and religion specified in § 16-305(4) and (5).

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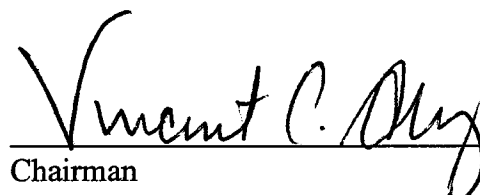
"(c) Nothing in this section shall be construed to waive the requirements of Title V of the Prevention of Child Abuse and Neglect Act of 1977, effective June 27, 2000 (D.C. Law 13-136; D.C. Official Code § 4-1305.01 *et. seq.*), including the requirement of a fingerprint-based criminal records check."

Sec. 4. Fiscal impact statement.

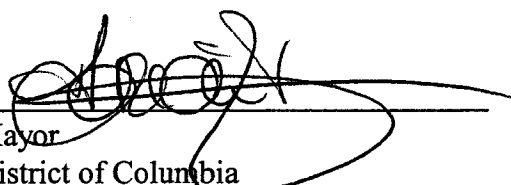
The Council adopts the fiscal impact statement of the Chief Financial Officer for the Adoption and Safe Families Temporary Amendment Act of 2008, signed by the Mayor on February 1, 2008 (D.C. Act 17-284; 55 DCR ____), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia 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 following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
March 19, 2008

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AN ACT

D.C. ACT 17-318

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend, on an emergency basis, the PILOT Authorization Increase and Arthur Capper/Carrollsborg Public Improvements Revenue Bonds Approval Act of 2006 to authorize issuance of a note by the District of Columbia pursuant to section 490 of the District of Columbia Home Rule Act; to amend the District of Columbia Housing Authority Act of 1999 to authorize the issuance, sale, and delivery by the District of Columbia Housing Authority of revenue bonds, notes, or other obligations issued pursuant to section 490 of the District of Columbia Home Rule Act, which is secured by a note issued by the District of Columbia secured by payments in lieu of taxes generated by or related to the Capper/Carrollsborg PILOT Area; to amend the District of Columbia Deed Recordation Tax Act to exempt the transfer of real property from recordation; and to amend Title 47 of the District of Columbia Official Code to exempt certain parcels of land and the improvements on the real property in the area known as the Capper/Carrollsborg PILOT Area from real property taxes and to provide for payments in lieu of taxes for the Capper/Carrollsborg PILOT Area.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Arthur Capper/Carrollsborg Public Improvements Revenue Bonds Technical Correction Emergency Act of 2008".

TITLE I. FINANCING

Sec. 101. The PILOT Authorization Increase and Arthur Capper/Carrollsborg Public Improvements Revenue Bonds Approval Act of 2006, effective March 8, 2007 (D.C. Law 16-244; 54 DCR 609), is amended as follows:

(a) Section 201 is amended as follows:

(1) Paragraph (1) is amended to read as follows:

"(1) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations) authorized to be issued from time to time pursuant to this act."

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

"(1A) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor."

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

"(5) "Capper/Carrollsbury PILOT Area" means land in the southeast quadrant of the District located in Lots 0045, 0046, 0047, and 0048, Square 799; Lots 0020, 0025, 0026, 0027, 0028, 0816, 0818, 0819, and 0820, Square 800; Lots 0037, 0038, and 0039, Square 824; all lots in Squares 737, 739, 767, 768, 769, 797, 798, 825, S825, and 882; any portion of the land known as Reservation 17A which becomes part of Square 737 or 739; and land consisting of streets or alleys located within the Capper/Carrollsbury PILOT Area upon abandonment thereof and reversion to a square or lot included in the Capper/Carrollsbury PILOT Area."

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

"(5A) "Capper/Carrollsbury PILOT Fund" means the nonlapsing fund established under section 204."

(5) Paragraph (6) is amended by striking the phrase "the relocation of certain District facilities located within the Capper/Carrollsbury PILOT Area" and inserting the phrase "the relocation, construction, and redevelopment of certain public facilities located within or serving the Capper/Carrollsbury PILOT Area" in its place.

(6) A new paragraph (8A) is added to read as follows:

"(8A) "DCHA bonds" means the revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations) issued by or on behalf of DCHA secured by bonds authorized by this act."

(7) A new paragraph (8B) is added to read as follows:

"(8B) "Development costs" means all costs and expenses incurred by or on behalf of the District of Columbia or DCHA relating to the development, redevelopment, purchase, acquisition, protection, financing, construction, expansion, reconstruction, restoration, rehabilitation, renovation, repair, furnishing, equipping, and operating of the Capper/Carrollsbury Public Improvements, including:

"(A) The costs of demolishing or removing buildings or structures on, and site preparation of, land acquired or used for, or in connection with, the Capper/Carrollsbury Public Improvements;

"(B) Costs of relocation, construction, and redevelopment of the Capper/Carrollsbury Public Improvements;

"(C) Expenses incurred for utility lines, structures, or equipment charges;

"(D) Interest prior to, and during, construction and for a period as may be necessary for the operation of the Capper/Carrollsbury Public Improvements;

"(E) Provisions for reserves for principal and interest, capitalized interest, and extraordinary repairs and replacements;

"(F) Expenses incurred for architectural, engineering, energy efficiency technology, design and consulting, financial, and legal services;

"(G) Fees for letters of credit, bond insurance, debt service reserve insurance, surety bonds, or similar credit or liquidity enhancement instruments;

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“(H) Costs and expenses associated with the conduct and preparation of specification and feasibility studies, plans, surveys, historic structure reports, and estimates of expenses and revenues;

“(I) Expenses necessary or incident to issuing the bonds and DCHA bonds and determining the feasibility and the fiscal impact of financing the acquisition, construction, or redevelopment of the Capper/Carrollsborg Public Improvements; and

“(J) The provision of a proper allowance for contingencies and initial working capital.”.

(8) Paragraph (9) is amended by striking the phrase “D.C. Official Code § 47-340.21(14)” and inserting the phrase “D.C. Official Code § 47-340.01(14), including such costs incurred by or on behalf of DCHA with respect to the Capper/Carrollsborg Public Improvements and DCHA bonds” in its place.

(9) Paragraph (10) is amended as follows:

(A) Strike the phrase “the documents as the term “financing documents” is” and insert the phrase “closing documents, as the term is defined in D.C. Official Code § 47-340.01(6), and financing documents, as the term is” in its place.

(B) Strike the phrase “, refinancing, or reimbursement of the costs of the Capper/Carrollsborg Public Improvements” and insert the phrase “or refinancing of transactions to be effected through the issuance, sale, and delivery of the bonds” in its place.

(10) Paragraphs (12) through (14) are repealed.

(11) New paragraphs (15), (16), and (17) are added to read as follows:

“(15) “PILOT improvements” means the improvements located on the real property located at Lots 0074 and 0075, Square 737, and Lot 0021, Square 769, but excluding any portion of the land known as Reservation 17A which becomes part of Square 737, and land consisting of streets or alleys located within the Capper/Carrollsborg PILOT Area upon abandonment thereof and reversion to Square 737 or 769 or lot included in Square 737 or 769.

“(16) “PILOT improvement payments” means the excess of the payments in lieu of real property taxes payable pursuant to D.C. Official Code § 47-4611 and allocable to the PILOT improvements, over an amount equal to the special tax provided for in section 481 of the Home Rule Act.

“(17) “Pledged PILOT payments” means the sum of:

“(A) Payments in lieu of real property taxes (including any penalties and interest charges) from the Capper/Carrollsborg PILOT Area (other than the PILOT improvements) payable pursuant to D.C. Official Code § 47-4611; and

“(B) The PILOT improvement payments.”.

(b) Section 202 is amended as follows:

(1) The section heading is amended by striking the word “Findings” and inserting the phrase “Bond terms” in its place.

(2) Subsections (a) through (c) are amended to read as follows:

“(a) Pursuant to section 490 of the Home Rule Act, the Mayor is authorized to issue

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bonds in an aggregate amount not to exceed \$55 million as follows:

“(1) The bond proceeds shall be used as follows:

“(A) An amount not to exceed \$11 million may be used to pay the financing costs incurred by the District and by or on behalf of DCHA and to fund capitalized interest and required reserves; and

“(B) An amount not to exceed \$44 million may be used for development costs of the Capper/Carrollsborg Public Improvements.

“(2) The bonds shall be tax-exempt or taxable as the Mayor shall determine and shall be payable from and secured by pledged PILOT payments and funds (including investments thereof and income thereon) in the Capper/Carrollsborg PILOT Fund.

“(3) The Mayor may pay from the proceeds of the bonds financing costs and reimbursement of development costs incurred by the District or by or on behalf of DCHA.

“(b)(1) The Mayor may take any action (including prescribing terms or conditions not contained in this act) reasonably necessary or appropriate in accordance with this act in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the bonds, including determination of:

“(A) The final form, content, designation, provisions, and terms of the bonds;

“(B) The principal amount of the bonds to be issued and the denomination of the bonds;

“(C) The rate or rate of interest or the method of determining the rate or rates of interest on the bonds;

“(D) The dates or dates of issuance, sale, and delivery of, and the payment of interest on, the bonds, one or more series of the bonds and the maturity date or dates of the bonds;

“(E) The terms under which the bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, or called;

“(F) Provisions for the registration, transfer, and exchange of the bonds and the replacement of mutilated, lost, stolen, or destroyed bonds;

“(G) The creation of any reserve fund, capitalized interest fund, sinking fund, or other fund with respect to the bonds;

“(H) The time and place of payment of the bonds;

“(I) The manner and method of issuing and selling (including sale by negotiation or competitive bid) of the bonds; and

“(J) The rights and remedies of the holders of the bonds upon default.

“(2) The bonds shall contain a legend, which shall provide that the bonds shall be special obligations of the District, shall be without recourse to the District, shall not be a pledge of and shall not involve the faith and credit or taxing power of the District (other than the pledged PILOT payments and funds (including, without limitation, investments thereof and income thereon) in the Capper/Carrollsborg PILOT Fund), shall not constitute a debt of the

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District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

“(3) The bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary’s manual or facsimile signature. The Mayor’s execution and delivery of the bonds shall constitute conclusive evidence of the Mayor’s approval, on behalf of the District, of final form and content of the same.

“(4) The official seal of the District of Columbia, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds.

“(5) The bonds may be issued at any time or from time to time in one or more issues and in one or more series.

“(6) The bonds are declared to be issued for essential public and governmental purposes. The bonds, the interest thereon and the income therefrom, and all monies pledged or available to pay or secure the payment of the bonds, shall at all times be exempt from taxation by the District, except for estate, inheritance, and gift taxes.

“(7) The District does hereby pledge, covenant, and agree with the holders of the bonds that, subject to the provisions of the Financing Documents, the District will not limit or alter the revenues pledged to secure the bonds or the basis on which such revenues are collected or allocated, will not impair the contractual obligations of the District to fulfill the terms of any agreement made with the holders of the bonds, will not in any way impair the rights or remedies of the holders of the bonds, and will not modify in any way the exemptions from taxation provided for in this act, until the bonds, together with interest and premium, if any, thereon, and all costs and expenses in connection with any suit, action, or proceeding by or on behalf of the holders of the bonds are fully met and discharged. This pledge and agreement for the District may be included as part of the contract with the holders of the bonds. This subsection constitutes a contract between the District and the holders of the bonds.

“(c)(1) The bonds shall be issued in the form of a PILOT note to DCHA or its designee, which bonds may secure DCHA bonds or otherwise be applied to finance, refinance or reimburse development costs of the Capper/Carrollsborg Public Improvements.

“(2) The bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the bonds and, if the interest on one or more series of the bonds is expected to be exempt from federal income taxation, the treatment of the interest on the bonds for purposes of federal income taxation.

“(3) Notwithstanding any other provision of law, the aggregate principal amount of bonds that may be issued pursuant to section 6 of the Payments in Lieu of Taxes Act of 2004, effective April 5, 2005 (D.C. Law 15-293; D.C. Official Code § 1-308-05), shall be reduced by the original aggregate principal amount of bonds (other than refunding bonds, notes, or other obligations).”.

(3) Subsection (h) is amended to read as follows:

“(h) Except as may be otherwise provided in this act, the principal of, premium, if any,

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and interest on, the bonds shall be payable solely from proceeds received from the sale of the bonds, income realized from the temporary investment of those proceeds, pledged PILOT payments and receipts and revenues thereof realized by the District and deposited in the Capper/Carrollsborg PILOT Fund, and income realized from the temporary investment of those pledged PILOT payments, receipts and revenues.”.

(4) New subsections (i), (j), (k), and (l) are added to read as follows:

“(i)(1) The Mayor may prescribe the final form and content of all Financing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the bonds.

“(2) The Mayor may execute, in the name of the District and on its behalf, the Financing Documents to which the District is a party by the Mayor’s manual or facsimile signature.

“(3) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds and the other Financing Documents to which the District is a party.

“(j) Copies of the specimen bonds and the final Financing Documents shall be filed in the Office of the Secretary of the District of Columbia.

“(k) Within 3 days after the Mayor’s receipt of the transcript of proceedings relating to the issuance of the bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

“(l) The District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*), and subchapter III-A of Chapter 3 of Title 47 of the District of Columbia Official Code shall not apply to any contract the Mayor may from time to time enter into, or the Mayor may determine to be necessary or appropriate, for purposes of this act.”.

(c) Section 203 is amended to read as follows:

“Sec. 203. Limited liability of District.

“(a)(1) The bonds shall be special obligations of the District. The bonds shall be without recourse to the District. The bonds shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or the taxing power of the District (other than the pledged PILOT payments), shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

“(2) No person, including any bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District to perform any covenant, undertaking, or obligation under this act, the bonds, the Financing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents.

“(b)(1) The elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the bonds or be subject to any personal liability

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by reason of the issuance of the bonds, or for any representations, warranties, covenants, obligation, or agreements of the District contained in this act, the bonds, or the Financing Documents.

“(2) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the bonds or the Financing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the bonds or the Financing Documents.”.

(d) Section 204 is amended to read as follows:

“Sec. 204. Creation of the Capper/Carrollsborg PILOT Fund.

“(a) There is established separate and apart from the General Fund of the District of Columbia as a nonlapsing fund the Capper/ Carrollsborg PILOT Fund. Notwithstanding any other law, pledged PILOT payments shall be paid by the Treasurer of the District of Columbia, or such other person or office as is from time to time responsible for the collection of real property taxes, to the Chief Financial Officer for deposit in the Capper/Carrollsborg PILOT Fund. The Chief Financial Officer shall deposit into the Capper/ Carrollsborg PILOT Fund the pledged PILOT payments from the Capper/Carrollsborg PILOT Area. The Mayor may pledge and create a security interest in the funds in the Capper/Carrollsborg PILOT Fund for the payment of the costs of carrying out any of the purposes described in subsection (b) of this section without further action by the Council as permitted by section 490(f) of the Home Rule Act. Payment shall be made in accordance with the provisions of the Financing Documents entered into by the District in connection with the issuance of the bonds.

“(b)(1) The funds in the Capper/Carrollsborg PILOT Fund may be used as follows:

“(A) To pay debt service on and secure repayment of the bonds, including principal thereof, premium, if any, and interest thereon; and

“(B) To finance, refinance, or reimburse the District or DCHA for financing costs of the bonds and any DCHA bonds.

“(2) Any portion of the pledged PILOT payments (including investment income thereon) in the Capper/Carrollsborg PILOT Fund in excess of the amounts needed to fund either principal, interest, reserves, redemption payments, premium, if any, and other costs associated with the bonds for the upcoming fiscal year, or the costs of the Capper/Carrollsborg Public Improvements, shall be transferred to the General Fund of the District of Columbia annually at the end of the fiscal year.

“(c) Except as provided in subsection (b) of this section, all funds deposited into the Capper/Carrollsborg PILOT Fund, and any interest earned thereon, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (a) of this section without regard to fiscal year limitation, subject to authorization by Congress.

(e) A new section 205 is added to read as follows:

“Sec. 205. Payments in Lieu of Taxes Act not to apply.

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"This act shall apply notwithstanding the provisions of the Payments in Lieu of Taxes Act of 2004, effective April 5, 2005 (D.C. Law 15-293; D.C. Official Code § 1-308.01 *et seq.*)."

Sec. 102. The District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-201 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 6-201) is amended as follows:

Note,
§ 6-201

(1) A new paragraph (7A) is added to read as follows:

"(7A) "Capper/Carrollsborg Public Improvements" means the infrastructure, including streets, sidewalks, walkways, streetscapes, curbs, gutters, and gas, electric, and water utility lines, and other publicly-owned infrastructure, and the relocation, construction, and redevelopment of certain public facilities located within or serving the Capper/Carrollsborg PILOT Area designated pursuant to D.C. Official Code § 47-4611."

(2) A new paragraph (13A) is added to read as follows:

"(13A) "Development costs" means all costs and expenses incurred by or on behalf of the District of Columbia or the Authority relating to the development, redevelopment, purchase, acquisition, protection, financing, construction, expansion, reconstruction, restoration, rehabilitation, renovation, repair, furnishing, equipping, and operating of the Capper/Carrollsborg Public Improvements, including:

"(A) The costs of demolishing or removing buildings or structures on, and site preparation of, land acquired or used for, or in connection with, the Capper/Carrollsborg Public Improvements;

"(B) Costs of relocation, construction, and redevelopment of the Capper/Carrollsborg Public Improvements;

"(C) Expenses incurred for utility lines, structures, or equipment charges;

"(D) Interest prior to, and during, construction and for a period as may be necessary for the operation of the Capper/Carrollsborg Public Improvements;

"(E) Provisions for reserves for principal and interest, capitalized interest, and extraordinary repairs and replacements;

"(F) Expenses incurred for architectural, engineering, energy efficiency technology, design and consulting, financial, and legal services;

"(G) Fees for letters of credit, bond insurance, debt service reserve insurance, surety bonds, or similar credit or liquidity enhancement instruments;

"(H) Costs and expenses associated with the conduct and preparation of specification and feasibility studies, plans, surveys, historic structure reports, and estimates of expenses and revenues;

"(I) Expenses necessary or incident to the District of Columbia or the Authority issuing bonds, notes, or other obligations to finance the acquisition, construction, or redevelopment of the Capper/Carrollsborg Public Improvements and determining the feasibility and the fiscal impact of financing the acquisition, construction, or redevelopment of the

ENROLLED ORIGINAL

Capper/Carrollsborg Public Improvements; and

“(J) The provision of a proper allowance for contingencies and initial working capital.”.

(b) Section 10 (D.C. Official Code § 6-209) is amended by adding a new subsection (n) to read as follows:

Note,
§ 6-209

“(n)(1) Notwithstanding the provisions of subsections (b), (c), (d), and (e) of this section, the Authority may, without submission to Council, adopt inducement resolutions or resolutions authorizing issuance of bonds, notes, or other obligations and, pursuant to this section, may issue bonds, notes, or other obligations to finance, refinance, or reimburse development costs of the Capper/Carrollsborg Public Improvements undertaken by the Authority. The issuance of bonds, notes, or other obligations by or on behalf of the Authority to finance, refinance, or reimburse development costs of the Capper/Carrollsborg Public Improvements is in furtherance of, and not inconsistent with, the purposes of this act.

“(2) The bonds, notes, or other obligations issued under this section may be secured, in whole or in part, by:

“(A) The note, and security provided therefor, issued by the District of Columbia pursuant to the PILOT Authorization Increase and Arthur Capper/Carrollsborg Public Improvements Revenue Bonds Approval Act of 2006, effective March 8, 2007 (D.C. Law 16-244; 54 DCR 609), and section 490 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 809; D.C. Official Code § 1-204.90); and

“(B) Available revenues, assets, or other property of the Authority, subject to pre-existing agreements with HUD.”.

TITLE II. EXEMPTION FROM TAXATION

Sec. 201. Section 302(3) of the District of Columbia Deed Recordation Tax Act, approved March 2, 1962 (76 Stat. 11; D.C. Official Code § 42-1102(3)), is amended by striking the phrase “§ 47-1002(29)” inserting the phrase “§ 47-1002(29) or § 11 47-1002(30)” in its place.

Note,
§ 42-1102

Sec. 202. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-902(3) is amended by striking the phrase “§ 47-1002(29)” and inserting the phrase “§ 47-1002(29) or § 47-1002(30)” in its place.

Note,
§ 47-902

(b) Section 47-1002 is amended as follows:

(1) Paragraph (28) is amended by striking the word “and” at the end.

(2) Paragraph (29) is amended by striking the period at the end and inserting the phrase “; and” in its place.

Note,
§ 47-1002

(3) A new paragraph (30) is added to read as follows:

“(30)(A) Land (other than Lots 0074 and 0075, Square 737, and Lot 0021, Square 769, but excluding any portion of the land known as Reservation 17A which becomes part of Square 737, and land consisting of streets or alleys located within the

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Capper/Carrollsbury PILOT Area established pursuant to § 47-4611 upon abandonment thereof and reversion to Square 737 or 769 or lot included in Square 737 or 769) in the Capper/Carrollsbury PILOT Area and not otherwise exempt under this section and all improvements that are located in the Capper/Carrollsbury PILOT Area and not otherwise exempt under this section, for the period specified in subparagraph (B) of this paragraph. Notwithstanding the foregoing, the improvements on Lots 0074 and 0075, Square 737, and Lot 0021, Square 769 (excluding any portion of the land known as Reservation 17A which becomes part of Square 737 and land consisting of streets or alleys located within the Capper/Carrollsbury PILOT Area established pursuant to "§ 47-4611 upon abandonment thereof and reversion of Square 737 or 769 or lot included in Square 737 or 769) shall not be exempt from the special tax provided in § 1-204.81.

"(B) This paragraph shall expire the day after the bonds, notes, or other obligations issued by the District of Columbia pursuant to the PILOT Authorization Increase and Arthur Capper/Carrollsbury Public Improvements Revenue Bonds Approval Act of 2006, effective March 8, 2007 (D.C. Law 16-244; 54 DCR 609), together with interest and premium, if any, thereon, and all costs and expenses in connection with any suit, action, or proceeding by or on behalf of the holders of the District's bonds, notes or other obligations are fully met and discharged."

(c) Chapter 46 is amended as follows:

(1) The table of contents is amended by adding a new section 47-4611 to read as follows:

"47-4611. Payment in lieu of taxes, Capper/Carrollsbury PILOT Area."

(2) A new section 47-4611 is added to read as follows:

"§ 47-4611. Payments in lieu of taxes, Capper/Carrollsbury PILOT Area.

"(a) For the purposes of this section, the term:

"(1) "Bonds" means any bonds, notes, or other obligations issued by the District pursuant to the PILOT Authorization Increase and Arthur Capper/Carrollsbury Public Improvements Revenue Bonds Approval Act of 2006, effective March 8, 2007 (D.C. Law 16-244; 54 DCR 609), and D.C. Official Code § 1-204.90.

"(2) "Capper/Carrollsbury PILOT Area" means land in the southeast quadrant of the District located in Lots 0045, 0046, 0047, and 0048, Square 799; Lots 0020, 0025, 0026, 0027, 0028, 0816, 0818, 0819, and 0820, Square 800; Lots 0037, 0038, and 0039, Square 824; Squares 737, 739, 767, 768, 769, 797, 798, 825, S825 and 882; any portion of the land known as Reservation 17A which becomes part of Square 737 or 739; and land consisting of streets or alleys located within the Capper/Carrollsbury PILOT Area upon abandonment thereof and reversion to a square or lot included in the Capper/Carrollsbury PILOT Area.

"(3) "DCHA" means the District of Columbia Housing Authority.

"(4) "Improvement Parcels" means Lots 0074 and 0075, Square 737, and Lot 0021, Square 769, but excluding any portion of the land known as Reservation 17A which becomes part of Square 737, and land consisting of streets or alleys located within the

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Capper/Carrollsbury PILOT Area upon abandonment thereof and reversion to Square 737 or 769 or lot included in Square 737 or 769.

“(5) “Owner” means those persons who may, from time to time, own all or a part of the Capper/Carrollsbury PILOT Area.

“(7) “Payment in lieu of taxes” or “PILOT” means payments made in lieu of real property taxes pursuant to this section.

“(8) “PILOT period” means the period commencing April 1, 2007, and ending on the earlier of March 31, 2037, or the day after the principal of bonds, together with interest and premium, if any, thereon, and all costs and expenses in connection with any suit, action, or proceeding by or on behalf of the holders of the bonds are fully met and discharged.

“(b) During the PILOT period, the real property in the Capper/Carrollsbury PILOT Area (other than the Improvement Parcels) shall be exempt from real property taxation. The improvements on the real property within the Improvement Parcels shall be exempt from real property taxation, but shall not be exempt from special tax provided for in § 1-204.81. The land within the Improvement Parcels shall not be exempt from real property taxation pursuant to this section. Real property and improvements within the Capper/Carrollsbury PILOT Area which in the absence of this section would be subject to business improvement district assessments and other special assessments shall not be exempt from such assessments pursuant to this section or § 47-1002(30). Each owner of a parcel in the Capper/Carrollsbury PILOT Area shall make a PILOT in an amount equal to the real estate taxes, if any, that the owner would be obligated to pay on such parcel in the Capper/Carrollsbury PILOT Area in the absence of this section or in the case of the Improvement Parcels on the improvements on such parcel in the absence of this section. The PILOT shall be made in the same manner and at such times as annual real property taxes under Chapter 8 of this title.

“(c) The PILOT shall be subject to the same penalty and interest provisions as unpaid real property taxes under Chapter 8 of this title.

“(d) All PILOT shall be made to the District or its designee.

“(e) The PILOT shall be paid on such dates that the annual real property taxes would have been due and payable on such parcel. An owner shall have at least 30 days from the date of issuance of a bill to pay any PILOT installment. The owner shall deliver such PILOT to the address identified for delivery of such payment on the applicable bill.

“(f) A lien for unpaid PILOT, including penalty and interest, shall attach to the applicable lot within the Capper/Carrollsbury PILOT Area in the same manner and with the same priority as a lien for delinquent real property tax under Chapter 13A of this title. An unpaid PILOT may be collected in accordance with Chapter 13A of this title.

“(g) The owner of a lot within the Capper/Carrollsbury PILOT Area shall have the right to challenge any assessment or reassessment of such lot in accordance with the provisions of Chapter 8 of this title and the applicable PILOT shall reflect the result of such challenge.”.

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TITLE III. FISCAL IMPACT STATEMENT

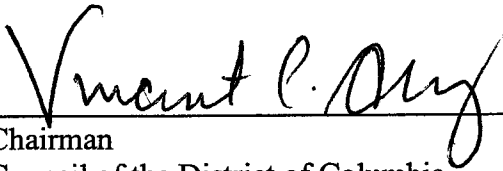
Sec. 301. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer, dated January 8, 2008, 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)).

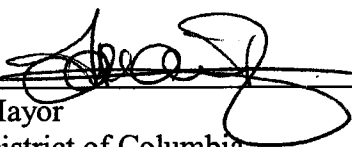
TITLE IV. EFFECTIVE DATE

Sec. 401. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
March 19, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-319IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
MARCH 19, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Summer
Supp.West Group
Publisher

To amend, on an emergency basis, due to Congressional review, the Health Services Planning Program Re-establishment Act of 1996 to set the certificate of need application fee for Medical Homes DC projects.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Health Services Planning Program Congressional Review Emergency Amendment Act of 2008".

Sec. 2. Section 21 of the Health Services Planning Program Re-establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-191; D.C. Official Code § 44-420), is amended by striking the phrase "application fee." and inserting the phrase "application fee. The certificate of need application fee for any project receiving funds through the Medical Homes DC initiative, as operated by the District of Columbia Primary Care Association, shall be \$5,000." in its place.

Note,
§ 44-420

Sec. 3. Fiscal impact statement.

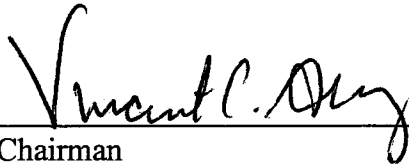
The Council adopts the fiscal impact statement in the committee report for the Health Services Planning Program Amendment Act of 2008, signed by the Mayor on January 23, 2008 (D.C. Act 17-259; 55 DCR 1280), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

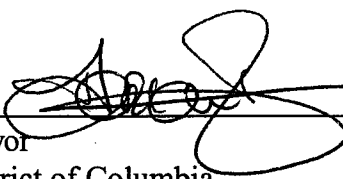
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
March 19, 2008

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AN ACT
D.C. ACT 17-320IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
MARCH 19, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Summer
Supp.West Group
Publisher

To establish a performance parking pilot program to protect neighborhood parking, to manage the imminent demand for curbside parking created by new major retail and entertainment destinations, to promote retail patronage, and to limit congestion, to establish an Adams Morgan Taxicab Zone Pilot Program, and to establish a Mount Pleasant Visitor Pass Pilot Program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Performance Parking Pilot Zone Emergency Act of 2008".

Sec. 2. Authorization of Performance Parking Pilot Program

(a) The Mayor is authorized to establish a Performance Parking Pilot Program for the purpose of managing curbside parking and reducing congestion within and around established performance parking pilot zones.

(b) The Mayor shall establish performance parking pilot zone-specific parking management targets, and implement regulations, to achieve the following performance parking pilot zone goals:

- (1) Protect resident parking in residential zones;
- (2) Facilitate regular parking turnover in busy commercial areas;
- (3) Promote the use of non-auto transportation; and
- (4) Decrease vehicular congestion within each zone.

(c) Within each performance parking pilot zone, and notwithstanding any other provision of law or regulation, the Mayor is authorized to employ the following to achieve the goals and targets established pursuant to subsection (b) of this section:

- (1) Set or adjust curbside parking fees;
- (2) Set or adjust the days and hours during which curbside parking fees apply;
- (3) Adjust parking fines, as needed, to dissuade illegal parking; and
- (4) Exempt vehicles displaying valid in-zone resident Residential Parking

Permit ("RPP") stickers from meter payment, as needed.

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(d) When increasing curbside parking fees within a performance parking pilot zone, the Mayor shall:

(1) Monitor curbside parking availability rates on commercial streets to establish a need for any fee increase;

(2) Except for fees in loading zones, not increase any fee by more than \$0.50 in any one-month period, or more than once per month; and

(3) Except for fees in loading zones, provide notice to the affected Ward Councilmember and Advisory Neighborhood Commission ("ANC") of any changes in curbside parking fees at least 10 days before implementation.

(e) Curbside signage, meter decals, and electronic displays shall provide sufficient notice of changes to restrictions within a performance parking pilot zone, except for changes to curbside parking fees pursuant to subsection (c) of this section.

(f) The Mayor shall designate a project manager who will serve as the main point of contact for the public on matters related to each performance parking pilot zone.

(g) The Mayor shall publish a public web site that includes the following: pilot zone boundaries, rules or regulations, information about how to use new parking fee technologies, and a parking pilot project manager's name and contact information.

(h) The Performance Parking Pilot Program shall terminate 2 years from the effective date of this act.

Sec. 3. Ballpark Performance Parking Pilot Zone.

(a) The Ballpark Performance Parking Pilot Zone is designated as the area bounded by:

(1) The Southeast/Southwest Freeway on the north, 10th Street, S.E., on the east, 12th Street, S.W., on the west, and the Washington Channel and Anacostia River on the south, including both sides of boundary streets, but not including the Southeast/Southwest Freeway; and

(2) East Capitol Street on the north, 11th Street, S.E., on the east, Washington Avenue, S.W., and South Capitol Street on the west, and the Southeast/Southwest Freeway on the south, including both sides of boundary streets, but not including the Southeast/Southwest Freeway.

(b) The Mayor shall assign parking control and traffic control officers for implementation of the pilot plan within the Ballpark Performance Parking Pilot Zone, and enhanced enforcement on stadium event days;

(c) Pursuant to section 2(d), the Mayor shall adjust fees to achieve 10% to 20% availability of curbside parking spaces.

(d) Notwithstanding section 2(d)(2), for curbside parking spaces where there are not established parking fees on the effective date of this act, the Mayor may increase fees up to once per month by an amount up to 50% of the initial fee set for this parking pilot zone.

(e) Notwithstanding section 2(c)(1) and except south of the Southeast/Southwest Freeway, where curbside fees existed before the establishment of the performance, the Mayor

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shall not set the initial performance parking pilot zone fee higher than the existing fee.

(f) Notwithstanding any other provision of this act, the Mayor may elect not to charge curbside parking fees on District or federal holidays.

(g) Within the first 30 days of implementation of the Ballpark Performance Parking Pilot Zone, the Mayor may issue warning citations for curbside parking violations related to the pilot program.

Sec. 4. Columbia Heights Retail Performance Parking Pilot Zone.

(a) The Columbia Heights Retail Performance Parking Pilot Zone is designated as:

(1) The area bounded by:

(A) 1100 through 1500 blocks of Monroe Street, N.W.;

(B) 1100 through 1500 blocks of Harvard Street, N.W.;

(C) 2900 through 3400 blocks of 11th Street, N.W.; and

(D) 2900 through 3300 blocks of 16th Street N.W.;

including both sides of boundary streets; and

(2) Both sides of the 2900 through 3400 blocks of 14th Street, N.W.

(b) The Mayor shall take the following actions for the Columbia Heights Retail Performance Parking Pilot Zone:

(1) Install, on all residential streets in the zone and all other approaches to the municipal parking garage, signs that direct traffic toward off-street parking within the retail complex on the west side of the 3100 block of 14th Street, N.W., state the price for such off-street parking, and encourage public transportation use;

(2) Assign a sufficient number of parking control officers and traffic control officers to enforce parking regulations 7 days per week; and

(3) Implement revisions to residential permit parking zones.

(c) Notwithstanding section 2(c)(1), any curbside parking fee set within the Columbia Heights Retail Performance Parking Pilot Zone at the initiation of the pilot program shall not exceed \$2 per hour.

(d) Notwithstanding section 2(c)(3), any increases in parking fines in the Columbia Heights Retail Performance Parking Pilot Zone shall be subject to Council review and the approval requirements of section 12 of the District of Columbia Motor Vehicle Parking Facility Act of 1942, effective July 21, 2006 (D.C. Law 16-175; D.C. Official Code § 50-2610).

(e) Within the first 30 days of implementation of the Columbia Heights Retail Performance Parking Pilot Zone, the Mayor shall only issue warning citations for curbside parking violations related to the pilot program in this zone.

Sec. 5. Expenditure of Performance Parking Pilot Program revenue.

(a) One hundred percent of annual curbside parking fee revenue from each performance parking pilot zone shall be used for the following purposes:

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(1) Twenty percent shall be for general purposes of the District Department of Transportation ("DDOT") Operating Fund.

(2) Up to 60% shall be used to repay the cost of procurement and maintenance of new meters and related signage for the pilot program in that zone.

(b) Once the cost of meter procurement is paid in full for a zone, up to 5% shall be used to pay for meter maintenance and related signage in that zone.

(c) The remaining balance of curbside parking revenues shall be used solely for the purpose of non-automobile transportation improvements in that pilot zone. The Mayor shall involve pilot zone residents, businesses, ANCs, and Ward Councilmembers in prioritizing the improvements. The improvements may include:

(1) Enhancements to bus and rail facilities to improve access and level of service, such as electronic real-time schedule displays outside of stations and stops, display of large, full-color bus and rail maps, bus-only and bus-priority lanes, and programs to increase electronic fare payment technologies;

(2) Enhancements to increase the safety, convenience, and comfort of pedestrians, such as new or improved sidewalks, lighting, signage, benches, improved streetscapes, countdown crosswalk signals, and neighborhood traffic calming; and

(3) Improvements to bicycling infrastructure, such as painted and separated bicycle lanes, installation of public bicycle racks, and way-finding signage for bicyclists.

Sec. 6. Reporting requirements and oversight of performance parking pilot zones.

(a) Before implementation, or upon the effective date of this act, whichever is later, DDOT shall transmit a detailed pilot zone plan to the Council and to the Chairs of all ANCs within a performance parking pilot zone. The plan shall set zone-specific parking management targets and shall detail parking changes, which may include new parking restrictions and curbside parking fees.

(b) During the term of a performance parking pilot zone, DDOT, in collaboration with the Ward councilmember, shall conduct quarterly public meetings, to provide an update on all parking management targets within the zone, and an opportunity for public comment on the program.

(c) If a performance parking pilot zone is not meeting established parking management targets after the 2nd quarter of operation, DDOT shall re-evaluate the strategies used and implement a revised plan. Within 30 days after the 2nd quarter of operation, any revised plan shall be implemented and transmitted to the Council and ANCs, pursuant to subsection (a) of this section.

(d) The Mayor shall submit an annual report for the prior fiscal year on each performance parking pilot zone. The report shall be transmitted to the Council within 30 days after the 4th quarter for each performance parking pilot zone, and shall provide an update on all parking management targets within the zone. At a minimum, the report shall include:

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- (1) Any changes to established parking fees;
- (2) A description of curbside parking availability;
- (3) A description of parking turnover rates on retail streets;
- (4) Congestion and double-parking statistics for retail streets;
- (5) Statistics on use of pay-by-phone technology;
- (6) Number, location, and nature of parking violations and citations issued;
- (7) Total revenue from the pilot zone;
- (8) An itemization of expenditures for meter procurement and maintenance, enhanced enforcement, and non-auto transportation improvements in each pilot zone; and
- (9) Any recommendations for legislative or regulatory initiatives to improve curbside parking efficiency.

(e) Sixty days before the expiration of a performance parking pilot zone, the Mayor shall issue a final report evaluating the success of the performance parking pilot zone, including recommendations for continuation of some or all aspects of the pilot within the zone.

Sec. 7. Adams Morgan Taxicab Zone Pilot Program.

(a) The Mayor shall establish a taxicab zone in Adams Morgan by May 15, 2008, which shall extend the width of 18th Street, N.W., from 18th Street, N.W., and Kalorama Road, N.W., to 18th Street, N.W., and Columbia Road, N.W.

(b) Except as provided in this section, Title 31 of the District of Columbia Municipal Regulations shall apply to the established taxicab zone.

(c) The Mayor shall post signage throughout the zone identifying zone hours, zone restrictions, and taxicab stand locations, and give notice of the same to the District of Columbia Taxicab Commission, affected ANCs and business organizations before implementation of the Adams Morgan Taxicab Zone Pilot Program.

(d) A taxicab, as defined in Article XI of Title II of the Washington Metropolitan Area Transit Regulation Compact, approved September 15, 1960 (74 Stat. 1031; D.C. Official Code § 9-1103.01), shall not pick up a passenger for hire within a designated taxicab zone during taxi zone hours, except at a designated taxicab stand.

(e) For the purposes of this section, the term "taxi zone hours" shall mean from 9:00 p.m. Thursday through 4:00 a.m. Friday; from 9:00 p.m. Friday through 4:00 a.m. Saturday; and from 9:00 p.m. Saturday through 4:00 a.m. Sunday.

(f) The Mayor shall establish 2 taxicab stands within the Adams Morgan taxicab zone. Taxicab stands shall:

- (1) Be clearly identified with signage;
- (2) Have adequate queue space for a maximum number of taxicabs, as identified by the Mayor; and
- (3) Have adequate space for taxicab patrons to queue.

(g) Taxicabs shall stand in taxicab stands established pursuant to subsection (f) of this

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section only while awaiting passengers for hire.

(h) The provisions of this act shall be enforced pursuant to the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-312(f) and (g)).

(i) The Adams Morgan Taxicab Zone Pilot Program shall terminate on October 1, 2010.

(j) On July 1, 2010, the Mayor shall present a report to the Council on the efficacy of the program, which shall include recommendations on the continued need for a designated taxicab zone in Adams Morgan.

Sec. 8. Mount Pleasant Visitor Pass Pilot Program.

(a) The Mayor shall implement a one year visitor parking pilot program for visitor parking permit areas within ANC1D boundaries.

(b) For the purposes of this pilot program, DDOT is authorized to:

(1) Charge a fee for each permit issued pursuant to this program; and

(2) Limit the hours for which a visitor parking permit sticker is valid.

(c) The Mayor shall publish proposed regulations to implement the program within 90 days of the effective date of this act. After a 30-day period of review, or upon Council approval, whichever comes sooner, the proposed regulations shall be in effect.

Sec. 9. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director 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. 10. Effective date.

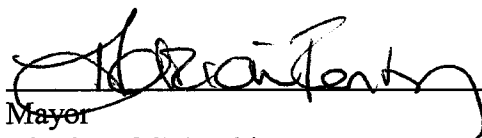
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than

ENROLLED ORIGINAL

90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
March 19, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-321

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 20, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Summer
Supp.West Group
Publisher

To authorize, on an emergency basis, the Mayor to establish retirement incentives during the remainder of calendar year 2008.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Retirement Incentive Emergency Act of 2008".

Sec. 2. Easy out retirement incentive.

(a) Notwithstanding section 1106 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.06) ("CMPA"), the Council adopts changes to the compensation system for the Career, Excepted, Legal, and Management Supervisory Services under section 1104 of the CMPA that authorize the Mayor to establish a retirement incentive program for certain District employees.

Note,
§ 1-611.06
Note,
§ 1-626.01

(b) The changes to the compensation system are as follows:

(1) The Mayor is authorized to establish an easy out retirement incentive program ("Easy Out Program") which may apply to eligible employees under the personnel authority of the Mayor and employees of any other personnel authority that is under the pay authority of the Mayor if the personnel authority chooses to participate in the Easy Out Program.

(2) The Easy Out Program may be implemented by the appropriate personnel authority at any time during calendar year 2008 after the effective date of this act.

(3) The Easy Out Program shall be limited to employees retiring under the retirement provisions of the Civil Service Retirement System (Chapter 83 of Title 5 of the U.S. Code), except an employee retiring under the discontinued service/involuntary retirement provisions of 5 U.S.C. § 8336(d)(1) or under the disability retirement provisions of 5 U.S.C. § 8337.

(4) The Easy Out Program shall offer a retirement incentive of 50% of an employee's annual rate of basic pay from the employee's salary or pay schedule which was in effect on October 14, 2007, not to exceed \$25,000.

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(5) Retirement incentive payments shall be prorated in the case of a part-time employee.

(6) Retirement incentive payments shall not be considered basic pay for computing retirement entitlement, insurance entitlement, any category of premium pay entitlement, lump-sum leave, or any other entitlement that is computed on basic pay.

(7) No incentive pay shall be paid to:

(A) An employee retiring under the discontinued service/involuntary retirement provisions of 5 U.S.C. § 8336(d)(1) or the disability retirement provisions of 5 U.S.C. § 8337;

(B) An employee who is a reemployed annuitant under the provisions of 5 U.S.C. § 8344;

(C) An employee who is in a critical position as defined by rules promulgated by the Mayor;

(D) An employee who is under indictment or who is charged by information with or who has been convicted of a felony or who has been convicted after a plea of *nolo contendere* to a felony related to his or her employment duties; provided, that any employee who ultimately is acquitted or cleared of any charge that caused his or her ineligibility shall be eligible for all benefits as if that employee had never been indicted for or charged by information with a felony;

(E) An employee who, based on conduct related to his or her employment duties, has been convicted of a misdemeanor or who has plead guilty or has been convicted after a plea of *nolo contendere* to a misdemeanor; provided, that any employee who is ultimately acquitted or cleared of any charge which caused his or her ineligibility shall be eligible for all benefits as if that employee had never been charged with a misdemeanor; or

(F) An employee who is a sworn member of the Metropolitan Police Department or the Fire and Emergency Medical Services Department.

(8) For the purposes of paragraph (7)(D) of this subsection, the term "felony" means an offense that is punishable by a term of imprisonment that exceeds one year or a fine of at least \$1,000.

(9) An employee who receives an incentive payment under the Easy Out Program shall not be eligible for reemployment with the District government for 5 years from the date of retirement, or hired or retained as a sole source consultant or personal services contractor for 5 years from the date of retirement, unless he or she repays the incentive received if reemployed or hired or retained as a sole source consultant or personal services contractor before the end of the 5-year period.

(10) Notwithstanding the provisions of paragraph (9) of this subsection, and on a case-by-case basis, the Director of the D.C. Department of Human Resources or independent personnel authority may waive repayment of the incentive; provided, that in the case of an emergency situation involving a direct threat to life or property, the person has knowledge, skills, or abilities directly related to resolving the emergency situation and will serve on a

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temporary basis not to exceed 60 days.

Sec. 3. Early out retirement incentive.

(a) Notwithstanding section 1106 of the CMPA the Council adopts changes to the compensation system for the Career, Excepted, Legal, and Management Supervisory Services under section 1104 of the CMPA that authorize the Mayor to establish a retirement incentive program for certain District employees.

(b) The changes to the compensation system are as follows:

(1) The Mayor is authorized to establish an early out retirement incentive program ("Early Out Program") which may apply to eligible employees under the personnel authority of the Mayor and employees of any other personnel authority that is under the pay authority of the Mayor if the personnel authority chooses to participate in the Early Out Program.

(2) The Early Out Program may be implemented by the appropriate personnel authority at any time during calendar year 2008 after the effective date of this act.

(3) The Early Out Program shall be limited to employees retiring under the early retirement provisions of 5 U.S.C. § 8414 (b)(1)(B).

(4) The Early Out Program shall offer a retirement incentive of 50% of an employee's annual rate of basic pay from the employee's salary or pay schedule which was in effect on October 14, 2007, not to exceed \$25,000.

(5) Retirement incentive payments shall be prorated in the case of a part-time employee.

(6) Retirement incentive payments shall not be considered basic pay for computing retirement entitlement, insurance entitlement, any category of premium pay entitlement, lump-sum leave, or any other entitlement that is computed on basic pay.

(7) No retirement incentive pay shall be paid under this section to:

(A) An employee retiring under the law enforcement or firefighter provisions of 5 U.S.C. § 8336(c), the discontinued service/involuntary retirement provisions of 5 U.S.C. § 8336(d)(1), or the disability retirement provisions of 5 U.S.C. § 8337;

(B) An employee who is a reemployed annuitant under the provisions of 5 U.S.C. § 8344;

(C) An employee who is in a critical position as defined by rules promulgated by the Mayor;

(D) An employee who is under the indictment or who is charged by information with or who has been convicted of a felony or who has been convicted after a plea of *nolo contendere* to a felony related to his or her employment duties; provided, that any employee who ultimately is acquitted or cleared of any charge that cause his or her ineligibility shall be eligible for all benefits as if that employee had never been indicted for or charged by information with a felony;

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(E) An employee who, based on conduct related to his or her employment duties, has been convicted of a misdemeanor or who has plead guilty or has been convicted after a plea of *nolo contendere* to a misdemeanor; provided, that any employee who is ultimately acquitted or cleared of any charge which caused his or her ineligibility shall be eligible for all benefits as if that employee had never been charged with a misdemeanor; or

(F) An employee who is a sworn member of the Metropolitan Police Department or the Fire and Emergency Medical Services Department.

(8) For the purposes of paragraph (7)(D) of this subsection, the term "felony" means an offense that is punishable by a term of imprisonment that exceeds one year or a fine of at least \$1,000.

(9) An employee who receives an incentive payment under the Early Out Program shall not be eligible for reemployment with the District government for 5 years from the date of retirement, or hired or retained as a sole source consultant or personal services contractor for 5 years from the date of retirement, unless he or she repays the incentive if reemployed or rehired or retained as a sole source consultant or personal services contractor before the end of the 5-year period.

(10) Notwithstanding the provisions of paragraph (9) of this subsection, and on a case-by-case basis, the Director of the D.C. Department of Human Resources or independent personnel authority may waive repayment of the incentive; provided, that in the case of an emergency situation involving a direct threat to life or property, the person has knowledge, skills, or abilities directly related to the resolving the emergency situation and will serve on a temporary basis not to exceed 60 days.

Sec. 4. Retirement incentives for employees covered under other retirement systems.

(a) Notwithstanding section 1106 of the CMPA, the Council adopts changes to the compensation system for the Career, Excepted, Legal, and Management Supervisory Services under section 1104 of the CMPA that authorize the Mayor to establish a retirement incentive program for the following employees:

(1) Employees first employed by the District government after September 30, 1987 who have completed at least 5 years of creditable service with the District government, have vested under the Defined Contribution Plan as provided in section 2610 of the CMPA, and are separating from District government service after becoming entitled to retirement benefits under the Social Security Act; and

(2) Employees retiring under any of the other District government retirement systems.

(b) Retirement incentives under this section may be implemented by the appropriate personnel authority at any time during calendar year 2008 after the effective date of this act.

(c) Retirement incentives under this section shall consist of 50% of an employee's annual rate of basic pay from the employee's salary or pay schedule which was in effect on October 14, 2007, not to exceed \$25,000.

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(d) Retirement incentive payments shall be prorated in the case of a part-time employee.

(e) Retirement incentive payments shall not be considered basic pay for computing retirement entitlement, insurance entitlement, any category of premium pay entitlement, lump-sum leave, or any other entitlement that is computed on basic pay.

(f) No retirement incentive under this section shall be paid to:

(1) An employee who is in a critical position as defined by rules promulgated by the Mayor;

(2) An employee who is under the indictment or who is charged by information with or who has been convicted of a felony or who has been convicted after a plea of *nolo contendere* to a felony related to his or her employment duties; provided, that any employee who ultimately is acquitted or cleared of any charge that cause his or her ineligibility shall be eligible for all benefits as if that employee had never been indicted for or charged by information with a felony;

(3) An employee who, based on conduct related to his or her employment duties, has been convicted of a misdemeanor or who has plead guilty or has been convicted after a plea of *nolo contendere* to a misdemeanor; provided, that any employee who is ultimately acquitted or cleared of any charge which caused his or her ineligibility shall be eligible for all benefits as if that employee had never been charged with a misdemeanor; or

(4) An employee who is sworn member of the Metropolitan Police Department or the Fire and Emergency Medical Services Department.

(g) For the purposes of paragraph (f)(2) of this section, the term "felony" means an offense that is punishable by a term of imprisonment that exceeds one year or a fine of at least \$1,000.

(h) An employee who receives an incentive payment under this section shall not be eligible for reemployment with the District government for 5 years from the date of retirement, or hired or retained as a sole source consultant or personal services contractor for 5 years from the date of retirement, unless he or she repays the incentive if reemployed or rehired or retained as a sole source consultant or personal services contractor before the end of the 5-year period.

(i) Notwithstanding the provisions of paragraph (h) of this section, and on a case-by-case basis, the Director of the D.C. Department of Human Resources or independent personnel authority may waive repayment of the incentive; provided, that in the case of an emergency situation involving a direct threat to life or property, the person has knowledge, skills, or abilities directly related to the resolving the emergency situation and will serve on a temporary basis not to exceed 60 days.

Sec. 5. Retention award.

The Mayor shall issue rules to create, and shall implement, a Retention Award for Sustained Superior Performance for up to \$25,000 for the remainder of the calendar year 2008.

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Sec. 6. Not an entitlement or private right of action.

No provision of this act shall be construed to create an entitlement or private right of action on the part of any District government employee with respect to the easy out retirement incentive or early out retirement incentive.

Sec. 7. Rules.

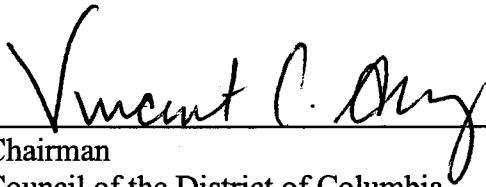
The Mayor shall issue rules to implement the provisions of sections 2, 3, 4 and 5.

Sec. 8. Fiscal impact statement.

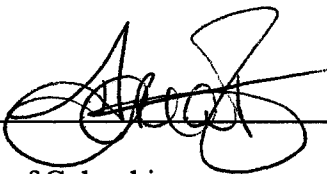
The Council adopts the fiscal impact statement of the Budget Director, dated March 4, 2008, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 9. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
March 20, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-322

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 19, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Summer
Supp.West Group
Publisher

To authorize, on an emergency basis, the Mayor to regulate vending in the District of Columbia, to require vendors to vend only from designated locations, to authorize development areas within which alternative forms of regulation of vending may be tested, to authorize the Mayor to charge fees for licenses and other authorizations to vend from public space, to authorize the imposition of civil fines for the violation of this act or rules promulgated pursuant to this act, and to authorize the regulation of public markets; and to amend An act to authorize the Commissioners of the District of Columbia to make police regulations for the government of said District, the Fiscal Year 1997 Budget Support Act of 1996, Title 47 of the District of Columbia Official Code, and An Act Relating to the adulteration of food and drugs in the District of Columbia, to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Vending Regulation Emergency Act of 2008".

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) "Vending location" means the specific locations on sidewalks, roadways, and other public space from which a person may vend.
- (2) "Vending site permit" means a permit or other authorization to vend from a vending location.

Sec. 3. Vending from public space.

(a) Except as set forth in subsection (b) of this section, a person shall not vend from a sidewalk, roadway, or other public space in the District of Columbia unless the person holds:

- (1) A basic business license properly endorsed for sidewalk or roadway vending;
- (2) A vending site permit; and
- (3) Such other licenses, permits, and authorizations as the Mayor may require by rule.

(b) The Mayor may authorize the following persons to vend from public space without

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a basic business license or vending site permit:

- (1) An employee or youth assistant of a licensed vendor;
- (2) A person vending at a licensed special event; and
- (3) A person vending from a public market holding a valid permit issued by the

Mayor.

Sec. 4. Vending locations and assignment.

(a) The Mayor shall designate vending locations; provided, that no vending locations shall be established in Ward 2 of the District of Columbia other than those previously authorized under the District of Columbia Department of Transportation and Department of Consumer and Regulatory Affairs Vending Consolidation of Public Space and Licensing Authorities Temporary Act of 2006, effective March 8, 2007 (D.C. Law 16-252; 54 DCR 631), who are vending in a location that is in compliance with Chapter 5 of Title 24 of the District of Columbia Municipal Regulations, except as may be established through a vending development zone authorized under section 5; provided further, that no more than 350 vending locations shall be permitted in any single Ward of the District of Columbia.

(b) A person shall not vend from a location other than a vending location unless the person is vending at a special event or public market holding a valid license or permit issued by the Mayor.

(c) A person shall not vend from a vending location without first obtaining a vending site permit from the Mayor.

(d)(1) Except as provided in paragraph (2) of this subsection, vending locations shall be assigned by lottery, unless:

(A) The Mayor establishes an alternate means of assignment by rule; or

(B) The vending location is located in a vending development zone, in which case the vending location may be assigned by lottery or such other means as may be established for the vending development zone pursuant to section 5.

(2) Vendors who received vending site permits for a vending location pursuant to the District of Columbia Department of Transportation and Department of Consumer and Regulatory Affairs Vending Consolidation of Public Space and Licensing Authorities Temporary Act of 2006, effective March 8, 2007 (D.C. Law 16-252; 54 DCR 631), who are vending in a location that is in compliance with Chapter 5 of Title 24 of the District of Columbia Municipal Regulations, shall have first right of preference for the issuance of a vending site permit for the same vending location.

Sec. 5. Vending development zones.

The Mayor may establish vending development zones, upon application and after public hearing, in which the Mayor may waive the regulatory provisions, such as the design standards, the standards for designation of vending locations, and the procedure for assigning vending locations, otherwise applicable to vendors; provided, that the Mayor shall establish, by rule, a

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procedure for reviewing applications for the establishment of a vending development zone.

Sec. 6. Public markets.

The Mayor may require the permitting of public markets on public space and may require the licensing of managers of public markets on public space and private space.

Sec. 7. Fees and funding.

(a) The Mayor may establish fees, by rule, for the application for, and issuance of, each license, permit, and authorization required under this act or the rules promulgated pursuant to this act. The Mayor may differentiate the fees based on the class of license, vending location, and other relevant factors.

(b)(1) There is established as a nonlapsing fund within the General Fund of the District of Columbia the Vending Regulation Fund ("Fund"), which shall be used solely for the purposes set forth in this section.

(2) Deposits into the Fund shall include:

(A) Fees paid for the application for, and issuance or renewal of, a vending permit;

(B) Fees paid for the application for, and issuance or renewal of, the permit or other authorization issued by the Mayor setting forth the specific location on public space from which a person may vend;

(C) Funds authorized by an act of Congress, reprogramming, or intra-District transfer to be deposited into the Fund;

(D) Any other funds designated by law or rule to be deposited into the Fund; and

(E) Interest on funds deposited in the Fund.

(3) All funds deposited into the Fund shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of any fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in paragraph (4) of this subsection, subject to authorization by Congress.

(4) Funds in the Fund may be used to pay the costs of administering this act, including costs associated with the issuance of licenses and permits described in paragraph (2)(A) and (B) of this subsection and the administration and enforcement of any rules promulgated under this act.

Sec. 8. Penalties.

The Mayor may establish civil penalties for the violation of this act and rules promulgated pursuant to this act, including the establishment of civil penalties pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*).

ENROLLED ORIGINAL

Sec. 9. Rules.

The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement this act, including rules regulating the design and maintenance of vendor carts, stands, vehicles, and other equipment and rules requiring that persons vending from public space maintain insurance in such form and amount as may be required by the Mayor. The proposed rules shall be submitted to the Council for a 60-day period of review, excluding weekends, holidays, and days of Council recess; provided, that rules regarding fees shall be submitted separately. If the Council does not approve or disapprove the proposed rules, by resolution, within the 60-day review period, the proposed rules shall be deemed disapproved.

Sec. 10. Conforming amendments.

(a) The third paragraph of section 1 of An act to authorize the Commissioners of the District of Columbia to make police regulations for the government of said District, approved January 26, 1887 (24 Stat. 368; D.C. Official Code § 1-303.01(3)), is repealed.

Note,
§ 1-303.01

(b) Section 602(2) of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 10-1141.02(2)), is amended by striking the phrase "pursuant to paragraph 36 of section 7 of An Act making appropriations for the fiscal year ending June thirtieth, nineteen hundred and three and for other purposes, approved July 1, 1902 (32 Stat. 627; D.C. Code § 47-2834)" and inserting the phrase "issued by the Mayor pursuant to the Vending Regulation Emergency Act of 2008, passed on emergency basis on March 4, 2008 (Enrolled version of Bill 17-652)" in its place.

Note,
§ 10-1141.02

(c) Title 47 of the District of Columbia Official Code is amended as follows:

(1) Section 47-2002.01 is amended as follows:

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

Note,
§ 47-2002.01

"(a) For the purposes of this section, the term "street vendor" means a person licensed to vend from a sidewalk, roadway, or other public space under the Vending Regulation Emergency Act of 2008, passed on emergency basis on March 4, 2008 (Enrolled version of Bill 17-652)."

(B) Subsection (b) is amended as follows:

(i) Paragraph (2) is amended by striking the phrase "Class A license, Class B license, Class C nonfood license, Class C food license, or any combination of these licenses" and inserting the phrase "license authorizing the vending of merchandise, food, or services from public space or from door to door, including a temporary license," in its place.

(ii) Paragraph (4) is repealed.

Note,
§ 47-2020
Note,
§ 47-2834
Note,
§ 48-102

(2) Sections 47-2020(d) and 47-2834 are repealed.

(d) Section 2(5)(A)(iii) of An Act Relating to the adulteration of foods and drugs in the District of Columbia, approved February 17, 1898 (30 Stat. 246; D.C. Official Code § 48-102(5)(A)(iii)), is amended by striking the phrase "unless the vending locations are authorized by the Council pursuant to An act to authorize the Commissioners of the District of Columbia

ENROLLED ORIGINAL

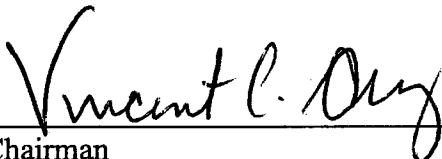
to make police regulations for the government of said District, approved January 26, 1887 (24 Stat. 368; D.C. Official Code § 1-303.01)" and inserting the phrase "unless the vending locations are licensed by the Mayor pursuant to the Vending Regulation Emergency Act of 2008, passed on emergency basis on March 4, 2008 (Enrolled version of Bill 17-652)" in its place.

Sec. 11. Fiscal impact statement.

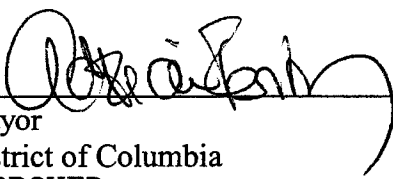
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 12. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
March 19, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-323

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 19, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Summer
Supp.West Group
Publisher

To require the Mayor to establish a low-emissions vehicle program by adopting California emissions standards and compliance requirements and work in cooperation with other states to administer the requirements, applicable to vehicles of model year 2012 and each model year thereafter, that are registered in the District.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Clean Cars Act of 2008".

Sec. 2. Establishment of the low-emissions vehicle program.

The Mayor:

(1) Shall establish and maintain a low-emissions vehicle program by adopting California emissions standards and compliance requirements applicable to vehicles of model year 2012, and each model year thereafter, pursuant to section 177 of the Clean Air Act, approved August 7, 1977 (91 Stat. 750; 42 U.S.C. § 7507);

(2) May adopt, by rule, motor vehicle emissions inspection, recall, and warranty requirements;

(3) May work in cooperation with, and enter into agreements with, other states to administer requirements of the program;

(4) Shall work in conjunction with other states to promote and facilitate the regional adoption of similar low-emissions vehicle programs; and

(5) Shall educate the residents of the District on the requirements of any adopted low-emissions vehicle program.

Sec. 3. Prohibition on registering motor vehicles not in compliance.

The Mayor shall not register a motor vehicle that is subject to the provisions of this act if the motor vehicle does not comply with this act, or any rule promulgated under this act.


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Sec. 4. Fiscal impact statement.

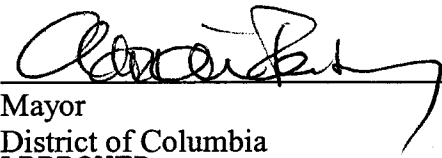
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
March 19, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-324

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 19, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Summer
Supp.West Group
Publisher

To require employers in the District of Columbia to provide paid leave to employees for illness and for absences associated with domestic violence or sexual abuse.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Accrued Sick and Safe Leave Act of 2008".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Domestic violence" means an intrafamily offense as defined in D.C. Official Code § 16-1001(5).

(2)(A) "Employee" shall have the same meaning as provided in section 2(1) of the District of Columbia Family and Medical Leave Act of 1990, effective October 3, 1990 (D.C. Law 8-181; D.C. Official Code § 32-501(1)).

(B) The term "employee" shall not include:

- (i) An independent contractor;
- (ii) A student;
- (iii) Health care workers who choose to participate in a premium pay program; or
- (iv) Restaurant wait staff and bartenders who work for a combination of wages and tips.

(3)(A) "Employer" means a legal entity (including a for-profit or nonprofit firm, partnership, proprietorship, sole proprietorship, limited liability company, association, or corporation), or any receiver or trustee of an entity (including the legal representative of a deceased individual or receiver or trustee of an individual), who employs an employee.

(B) The term "employer" shall include the District government.

(4) "Family member" means:

(A)(i) A spouse, including the person identified by an employee as his or her domestic partner, as defined in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3));

ENROLLED ORIGINAL

- (ii) The parents of a spouse;
- (iii) Children (including foster children and grandchildren);
- (iv) The spouses of children;
- (v) Parents;
- (vi) Brothers and sisters; and
- (vii) The spouses of brothers and sisters.

(B) A child who lives with an employee and for whom the employee permanently assumes and discharges parental responsibility; or

(C) A person with whom the employee shares or has shared, for not less than the preceding 12 months, a mutual residence and with whom the employee maintains a committed relationship, as defined in section 2(1) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(1)).

(5) "Paid leave" means accrued increments of compensated leave provided by an employer for use by an employee during an absence from employment for any of the reasons specified in section 3(b).

(6) "Premium pay program" means a plan offered by an employer pursuant to which an employee may elect to receive extra pay in lieu of benefits.

(7) "Sexual abuse" means any offense described in the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001 *et seq.*).

(8) "Student" means an employee who:

(A)(i) Is a full-time student, as defined by an accredited institution of higher education;

(ii) Is employed by the institution at which the student is enrolled;

(iii) Is employed for less than 25 hours per week; and

(iv) Does not replace an employee subject to this act; or

(B) Is employed as part of the Year Round Program for Youth, as established by the Department of Employment Services.

Sec. 3. Provision of paid leave.

(a)(1) An employer with 100 or more employees shall provide for each employee not less than one hour of paid leave for every 37 hours worked, not to exceed 7 days per calendar year.

(2) An employer with at least 25, but not more than 99, employees shall provide for each employee not less than one hour of paid leave for every 43 hours worked, not to exceed 5 days per calendar year.

(3) An employer with 24 or fewer employees shall provide not less than one hour of paid leave for every 87 hours worked, not to exceed 3 days per calendar year.

(4) For the purposes of paragraphs (1) through (3) of this subsection, the number of employees of an employer shall be determined by the average monthly number of

ENROLLED ORIGINAL

full-time equivalent employees for the prior calendar year. The average monthly number shall be calculated by adding the total monthly full-time equivalent employees for each month and dividing by 12.

(5) In the case of employees who are exempt from overtime payment under section 213(a)(1) of the Fair Labor Standards Act of 1938, approved June 25, 1938 (52 Stat. 1060; 29 U.S.C. § 201 *et seq.*), employees shall not accrue leave for hours worked beyond a 40-hour work week.

(b) Paid leave accrued under this section may be used by an employee for any of the following:

(1) An absence resulting from a physical or mental illness, injury, or medical condition of the employee;

(2) An absence resulting from obtaining professional medical diagnosis or care, or preventive medical care, for the employee, subject to the requirement of subsection (d) of this section;

(3) An absence for the purpose of caring for a child, a parent, a spouse, domestic partner, or any other family member who has any of the conditions or needs for diagnosis or care described in paragraph (1) or (2) of this subsection; or

(4) An absence if the employee or the employee's family member is a victim of stalking, domestic violence, or sexual abuse; provided, that the absence is directly related to social or legal services pertaining to the stalking, domestic violence, or sexual abuse, to:

(A) Seek medical attention for the employee or the employee's family member to recover from physical or psychological injury or disability caused by domestic violence or sexual abuse;

(B) Obtain services from a victim services organization;

(C) Obtain psychological or other counseling;

(D) Temporarily or permanently relocate;

(E) Take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from the domestic violence or sexual abuse; or

(F) Take other actions to enhance the physical, psychological, or economic health or safety of the employee or the employee's family member or to enhance the safety of those who associate or work with the employee.

(c)(1) Paid leave under this section shall accrue in accordance with the employer's established pay period. An individual shall accrue paid leave at the beginning of his or her employment. An employee may begin to access paid leave after 90 days of service with his or her employer.

(2) An employee's unused paid leave accrued during a 12-month period shall carry over annually. An employee shall not use in one year more than the maximum hours as allowed in subsection (a)(1), (2), and (3) of this section, unless the employer chooses otherwise. Unused paid leave accrued under this act shall not be reimbursed upon the termination or

ENROLLED ORIGINAL

resignation of any employee.

(3) An employee who is discharged after the completion of a 90-day probationary period and is rehired within 12 months may access paid leave immediately.

(4) Upon mutual consent by the employee and the employer, an employee who chooses to work additional hours or shifts during the same or next pay period in lieu of hours or shifts missed, shall not use paid leave; provided, that the employer does not require the employee to work such additional hours or shifts.

(d) An employee shall make a reasonable effort to schedule paid leave under subsection (b) of this section in a manner that does not unduly disrupt the operations of the employer.

(e) If an employee does not suffer a loss of income when absent from work, for the number of days up to the days of paid leave provided for in subsection (a)(1), (2), and (3) of this section, an employer shall not be required to provide paid leave for such employee in accordance with this act. Notwithstanding the foregoing sentence, the provisions of section 9 shall apply to employees who do not suffer a loss of income when absent from work.

(f) If employees of beauty, hair, and nail salons are paid by commission (whether commission only or base wage plus commission), the sick leave rate of pay shall be calculated as follows: divide the employee's total earnings in base wages and commissions for the prior calendar year by the total hours worked as a commissioned employee during the prior calendar year. If employees do not have a prior calendar year's work history, divide the employee's total earnings in base wages and commissions since the employee's date of hire by the total hours worked as a commissioned employee since that date.

Sec. 4. Notification.

Paid leave shall be provided upon the written request of an employee upon notice as provided in this section. The request shall include a reason for the absence involved and the expected duration of the paid leave. If the paid leave is foreseeable, the request shall be provided at least 10 days, or as early as possible, in advance of the paid leave. If the paid leave is unforeseeable, an oral request for paid leave shall be provided prior to the start of the work shift for which the paid leave is requested. In the case of an emergency, the employer shall be notified prior to the start of the next work shift or within 24 hours of the onset of the emergency, whichever occurs sooner.

Sec. 5. Certification.

(a)(1) An employer may require that paid leave under section 3(b) for 3 or more consecutive days be supported by reasonable certification.

(2) Reasonable certification may include:

(A) A signed document from a health care provider, as defined in section 2(5) of the District of Columbia Family and Medical Leave Act of 1990, effective October 3, 1990 (D.C. Law 8-181; D.C. Official Code § 32-501(5)), affirming the illness of the employee;

(B) A police report indicating that the employee was a victim of

ENROLLED ORIGINAL

stalking, domestic violence, or sexual abuse;

(C) A court order; or

(D) A signed statement from a victim and witness advocate, or domestic violence counselor, as defined in D.C. Official Code § 14-310(a)(2), affirming that the employee is involved in legal action related to stalking, domestic violence, or sexual abuse.

(3) If certification is required by an employer, the employee shall provide a copy of the certification to the employer upon the employee's return to work.

(b)(1) This act shall not require a health care professional to disclose information in violation of section 1177 of the Social Security Act, approved August 21, 1996 (110 Stat. 2029; 42 U.S.C. § 1320d-6), or the regulations promulgated pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996, approved August 21, 1996 (110 Stat. 2033; 42 U.S.C. § 1320d-2, note).

(2) All information provided to the employer under section 3 shall not be disclosed by the employer, except to the extent that the disclosure is:

(A) Requested or consented to by the employee;

(B) Ordered by a court or administrative agency; or

(C) Otherwise required by applicable federal or local law.

Sec. 6. Current paid leave policies.

(a) An employer with a paid leave policy providing paid leave options, such as a paid time-off program or universal leave policy, shall not be required to modify such policy if the policy offers an employee the option, at the employee's discretion, to accrue and use leave under terms and conditions that are at least equivalent to the paid leave prescribed in this act.

(b) The terms and conditions of an employer's policy shall be presumed equivalent if they allow an employee to:

(1) Access and accrue paid leave at least at the same rate as or greater than the hours of paid leave provided in section 3(a)(1), (2), and (3); or

(2) Use the paid leave for the same purposes as those set forth in section 3(b), including unscheduled leave.

Sec. 7. Effect on existing employment benefits.

(a) This act shall not diminish the obligation of an employer to comply with any contract, collective bargaining agreement, or any employment benefit program or plan that provides greater paid leave rights to employees than the rights established under this act.

(b) The paid leave requirements under this act shall not be waived for less than 3 paid leave days by the written terms of a bona fide collective bargaining agreement.

Sec. 8. Encouragement of more generous paid leave policies.

This act shall not prevent an employer from the adoption or retention of a paid leave policy more generous than the one required by this act.

ENROLLED ORIGINAL

Sec. 9. Prohibited acts.

(a) A person shall not interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided by this act.

(b) An employer shall not discharge or discriminate in any manner against an employee because the employee:

(1) Opposes any practice by an employer made unlawful by this act;

(2) Pursuant or related to this act:

(A) Files or attempts to file a charge;

(B) Institutes or attempts to institute a proceeding; or

(C) Facilitates the institution of a proceeding;

(3) Gives any information or testimony in connection with an inquiry or proceeding related to this act; or

(4) Uses paid leave provided under this act.

(c) Nothing in this act shall prohibit an employer from establishing and enforcing a lawful policy relating to improper use of paid leave or from seeking more frequent certifications from an employee if there is evidence of a pattern of abuse of paid leave.

Sec. 10. Posting requirement.

(a) The Mayor shall prescribe, and the Mayor shall provide to employers, in languages in accordance with the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1931 *et seq.*), and an employer shall post and maintain in a conspicuous place, a notice that sets forth excerpts from or summaries of the pertinent provisions of this act and information that pertains to the filing of a complaint under this act. The notice shall be published in all languages spoken by 3% of or 500 individuals in the District of Columbia population, whichever is less.

(b)(1) An employer who willfully violates this section shall be assessed a civil penalty not to exceed \$100 for each day that the employer fails to post the notice; provided, that the total penalty shall not exceed \$500.

(2) No liability for failure to post notice will arise under this section if the Mayor has failed to provide to the business the notice required by this section.

(c) An employer shall post the notice in English and all languages spoken by employees with Limited or no-English Proficiency, as defined in section 2(5) of the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1931(5)).

(d) Employers shall be furnished copies or summaries of this act prepared by the Mayor on request.

Sec. 11. Administration.

This act shall be administered by the Department of Employment Services.

ENROLLED ORIGINAL

Sec. 12. Effect on other laws.

This act shall not:

- (1) Supersede any provision of law or contract that provides greater employee paid leave rights than the rights established under this act; or
- (2) Modify or affect any federal or District law prohibiting discrimination on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family responsibilities, genetic information, disability, matriculation, or political affiliation.

Sec. 13. Penalties.

Except as provided in section 10(b), an employer who willfully violates the requirements of this act shall be subject to a civil penalty of \$500 for the 1st offense, \$750 for the 2nd offense, and \$1000 for the 3rd and each subsequent offense.

Sec. 14. Rules.

The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this act within 60 days after its effective date. If rules are promulgated, the Mayor shall submit the proposed rules to the Council for a 30-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution, within this 30-day review period, the proposed rules shall be deemed approved.

Sec. 15. Hardship exemption.

The Mayor shall exempt, by rule, businesses that can prove hardship as a result of this act. The Mayor shall submit the proposed hardship exemption rules to the Council for a 45-day period of review, excluding Saturdays, Sunday, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution, within the 45-day review period, the proposed rules shall be deemed disapproved.

Sec. 16. Report by the District of Columbia Auditor.

The District of Columbia Auditor shall prepare and submit to the Mayor and Council, annually, a report of this act's economic impact on the private sector. Among other things, the District of Columbia Auditor shall audit a sample of District businesses to determine:

- (1) The compliance level of businesses with the posting requirements; and
- (2) Whether companies are utilizing staffing patterns to circumvent the intention of this act.

ENROLLED ORIGINAL

Sec. 17. Applicability.

(a) This act shall apply 6 months after its effective date.

(b) In the case of a collective bargaining agreement in effect on the effective date set forth in subsection (a) of this section, this act shall apply on the earlier of the date of the termination of the agreement or the date that occurs 18 months after the date of the effective date of this act.

Sec. 18. Appropriations contingency.

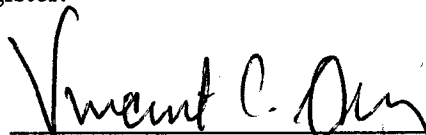
This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 19. Fiscal impact statement.

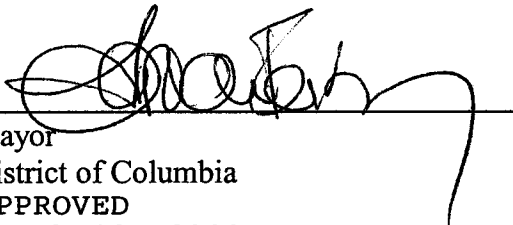
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 20. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
March 19, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-325

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 19, 2008

*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Summer
Supp.West Group
Publisher

To amend section 47-4509 of the District of Columbia Official Code to increase the maximum individual income tax deduction for contributions to the District of Columbia College Savings Program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "College Savings Program Increased Tax Benefit Act of 2008".

Sec. 2. Section 47-4509(a) and (b) of the District of Columbia Official Code is amended by striking the figure "\$3,000" wherever it appears and inserting the figure "\$4,000" in its place.

Amend
§ 47-4509

Sec. 3. Applicability.

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

Sec. 4. Fiscal impact statement.

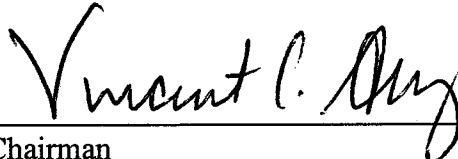
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

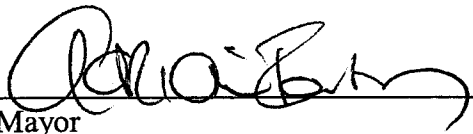
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
March 19, 2008