ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-338

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 14, 2008

Codification District of Columbia Official Code

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To amend the Taxicab Drivers Protection Act of 2000 to provide enhanced penalties for the commission of certain enumerated offenses against a transit operator or Metrorail station manager while in the performance of duty; to amend section 3 of An act for the preservation of the public peace and the protection of property within the District of Columbia to increase the penalty for throwing a stone or other missile in enumerated locations; and to require that notices of the enhanced penalties for the commission of certain enumerated offenses against a transit operator or Metrorail station manager be posted on Metrobuses and Metrorail trains, in Metrorail stations, and on the DC Circulator.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Transit Operator Protection and Enhanced Penalty Amendment Act of 2008".

Sec. 2. The Taxicab Drivers Protection Act of 2000, effective June 9, 2001 (D.C. Law 13-307; D.C. Official Code § 22-3751 *et seq.*), is amended as follows:

Amend § 22-3751

(a) Section 2 (D.C. Official Code § 22-3751) is amended as follows:

(1) The section heading is amended by striking the period and inserting the phrase "for offenses committed against taxicab drivers." in its place.

(2) Strike the word "lawfully".

(b) A new section 2a is added to read as follows:

"Sec. 2a. Enhanced penalties for offenses committed against transit operators and Metrorail station managers.

"(a) Any person who commits an offense enumerated in section 3 of this section against a transit operator, who, at the time of the offense, is authorized to operate and is operating a mass transit vehicle in the District of Columbia, or against Metrorail station manager while on duty in the District of Columbia, may be punished by a fine of up to one and ½ times the maximum fine otherwise authorized for the offense and may be imprisoned for a term of up to one and ½ times the maximum term of imprisonment otherwise authorized by the offense, or both.

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

"(1) "Mass transit vehicle" means any publicly or privately owned or operated commercial vehicle for the carriage of 6 or more passengers, including any Metrobus, Metrorail, Metroaccess, or DC Circulator vehicle or other bus, trolley, or van operating within the District of Columbia.

"(2) "Metrorail station manager" means any Washington Metropolitan Area Transit Authority employee who is assigned to supervise a Metrorail station from a kiosk at that station.

"(3) "Transit operator" means a person who is licensed to operate a mass transit vehicle.

(c) Section 3 (D.C. Official Code § 22-3752) is amended to read as follows: **Amend § 22-3752**

"Sec. 3. Enumerated offenses.

"The provisions of sections 2 and 2a shall apply to the following offenses or any attempt or conspiracy to commit any of the following offenses: murder, manslaughter, aggravated assault, assault with a dangerous weapon, mayhem or maliciously disfiguring, threats to do bodily harm, first degree sexual abuse, second degree sexual abuse, third degree sexual abuse, fourth degree sexual abuse, misdemeanor sexual abuse, robbery, carjacking, and kidnapping.".

Sec. 3. Section 3 of An act for the preservation of the public peace and the protection of property within the District of Columbia, approved July 29, 1892 (27 Stat. 322; D.C. Official Code § 22-1309), is amended by striking the phrase "five dollars" and inserting the phrase "$500" in its place. **Amend § 22-1309**

Sec. 4. Notice of enhanced penalties for commission of offenses against transit operators and Metrorail station managers.

(a)(1) The Washington Metropolitan Area Transit Authority shall post or otherwise provide conspicuous notice of the enhanced penalties for the commission of certain offenses against transit operators and Metrorail station managers in the District of Columbia pursuant to section 2a of the Taxicab Drivers Protection Act of 2000, passed on 2nd reading on April 1, 2008 (Enrolled version of Bill 17-233) ("Act"), on all Metrobus buses and Metrorail trains operating in the District of Columbia, and at or near all Metrorail station kiosks within the District of Columbia.

(2) The Mayor shall post or otherwise provide similar notice on all DC Circulator buses.

(b) The absence of notice on a vehicle or at a Metrorail station required under this section shall not constitute a defense to or otherwise invalidate or prevent the imposition of the enhanced penalties provided in section 2a of the Act.

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Sec. 5. Fiscal impact statement.

The Council adopts the March 4, 2008 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. 6. 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 60-day period of Congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.

Vincent C. Gray

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
April 14, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-339

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 14, 2008

Codification District of Columbia Official Code

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To amend An Act Making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and the Telecommunications Competition Act of 1996 to exempt Voice Over Internet Protocol Service and Internet Protocol-enabled service from regulation as a telecommunications service in the District of Columbia.

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

Sec. 2. The first sentence of section 8(92) of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, approved March 4, 1913 (37 Stat. 993; D.C. Official Code § 34-403), is amended by striking the period and inserting the phrase "; provided further, that Internet Protocol-enabled Service, as defined in section 2(7A) of the Telecommunications Competition Act of 1996, effective September 9, 1996 (D.C. Law 11-154; D.C. Official Code § 34-2001(7A)), or Voice Over Internet Protocol-enabled Service, as defined in section 2(23) of the Telecommunications Competition Act of 1996, effective September 9, 1996 (D.C. Law 11-154; D.C. Official Code § 34-2001(23)), shall not be regulated by the Commission." in its place.

Amend § 34-403

Sec. 3. The Telecommunications Competition Act of 1996, effective September 9, 1996 (D.C. Law 11-154; D.C. Official Code § 34-2001 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 34-2001) is amended as follows:

Amend § 34-2001

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

"(7A) "Internet Protocol-enabled Service" means any service, capability, functionality, or application provided using Internet protocol (or any successor protocol), that enables an end user to send or receive a communication in Internet protocol format (or any successor format), regardless of whether the communication is voice, data, or video.".

(2) A new paragraph (19A) is added to read as follows:

"(19A) "Telecommunications Relay Service" means a transmission service that provides the hearing-impaired or speech-impaired the ability to engage in communication by

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wire or radio with a non-hearing-impaired individual. The term "Telecommunications Relay Service" shall include services that enable 2-way communication between an individual who uses a telecommunications device for the deaf or other non-voice terminal device and an individual who does not use such a device.".

(3) A new paragraph (23) is added to read as follows:

"(23)(A) "Voice Over Internet Protocol Service" means any service that:

"(i) Enables real-time 2-way voice communications that originate or terminate from the user's location using Internet protocol or a successor protocol; and

"(ii) Uses a broadband connection from the user's location.

"(B) The term "Voice Over Internet Protocol Service" shall include any service that permits users to receive calls that originate on the public-switched telephone network and to terminate calls on the public-switched telephone network.".

(b) Section 4(b) (D.C. Official Code § 34-2003(b)) is amended as follows: **Amend § 34-2003**

(1) Strike the phrase "local exchange carriers" and insert the phrase "local exchange carriers and Voice Over Internet Protocol Service providers" in its place.

(2) Strike the phrase "LEC's share" and insert the phrase "LEC's share and Voice Over Internet Protocol Service provider's share" in its place.

(c) Section 7 (D.C. Official Code § 34-2006) is amended by adding a new subsection (c) to read as follows: **Amend § 34-2006**

"(c) This act shall not:

"(1) Apply to the provision, rates, charges, or terms of service of Voice Over Internet Protocol Service or Internet Protocol-enabled Service;

"(2) Alter the authority of the Commission to enforce the requirements as are otherwise provided for, or allowed by, federal law, including the collection of Telecommunications Relay Service fees and universal service fees;

"(3) Alter the authority of the Office of Cable Television and Telecommunications with respect to the provision of video services in the District of Columbia; or

"(4) Alter the Commission's existing authority over the regulation of circuit-switched local exchange services in the District of Columbia.".

(d) Section 10 (D.C. Official Code § 34-2008) is amended by adding a new subsection (d) to read as follows: **Amend § 34-2008**

"(d) Two years after the effective date of the Telecommunications Competition Amendment Act of 2008, passed on 2nd reading on April 1, 2008 (Enrolled version of Bill 17-332) ("VOIP act"), the People's Counsel shall issue a report on the effect of the absence of local regulation of Voice Over Internet Protocol Service telecommunications service in the District of Columbia. The report shall be a general analysis of the impacts and effects of the VOIP act on consumers. The report shall also include an examination of the market availability of Voice Over Internet Protocol Service technology to consumers.".

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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.

Vincent C. Gray

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
April 14, 2008

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Codification District of Columbia Official Code

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AN ACT

D.C. ACT 17-340

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 14, 2008

To prohibit every health benefits plan offered, issued, or renewed in the District of Columbia from denying payment for coverage of routine patient care cost of a health care service, item, or drug for a qualified individual participating in an approved clinical trial if the service, item, or drug would have been covered had it not been administered in a clinical trial.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Clinical Trials Insurance Coverage Act of 2008".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Approved clinical trial" means:

(A) A clinical research study or clinical investigation approved or funded in full or in part by one or more of the following:

(i) The National Institutes of Health;

(ii) The Centers for Disease Control and Prevention;

(iii) The Agency for Health Care Research and Quality;

(iv) The Centers for Medicare and Medicaid Services;

(v) A bona fide clinical trial cooperative group, including the National Cancer Institute Clinical Trials Cooperative Group, the National Cancer Institute Community Clinical Oncology Program, the AIDS Clinical Trials Group, and the Community Programs for Clinical Research in AIDS; or

(vi) The Department of Defense, the Department of Veterans Affairs, ~~or~~ the Department of Energy, or a qualified nongovernmental research entity to which the National Cancer Institute has awarded a support grant;

(B) A study or investigation approved by the Food and Drug Administration ("FDA"), including those conducted under an investigational new drug or device application reviewed by the FDA; or

(C) An investigation or study approved by an Institutional Review Board registered with the Department of Health and Human Services that is associated with an

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institution that has a federal-wide assurance approved by the Department of Health and Human Services specifying compliance with 45 C.F.R. Part 46.

(2) "Health benefit plan" means any accident and health insurance policy or certificate, hospital and medical services corporation contract, health maintenance organization subscriber contract, plan provided by a multiple employer welfare arrangement, or plan provided by another benefit arrangement. The term "health benefit plan" shall not include accident-only, credit, or disability insurance; coverage of Medicare services or federal employee health plans, pursuant to contracts with the United States government; Medicare supplemental or long-term care insurance; dental-only or vision-only insurance; specified disease insurance; hospital confinement indemnity coverage; limited benefit health coverage; coverage issued as a supplement to liability insurance, insurance arising out of a workers' compensation or similar law; automobile medical payment insurance; medical expense and loss of income benefits; or insurance under which benefits are payable with or without regard to fault and that is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

(3) "Health insurer" means:

(A) Any person that provides one or more health benefit plans or insurance in the District, including an insurer, a hospital and medical services corporation, a fraternal benefit society, a health maintenance organization, a multiple employer welfare arrangement, or any other person providing a plan of health insurance subject to the authority of the Commissioner;

(B) A provider service organization;

(C) The District of Columbia Medicaid agency;

(D) Other governmental medical assistance programs, including their contracted insurers, whether providing services on a managed care or fee-for-service basis;

(E) The District's children's health insurance program; or

(F) Any other plans covering public employees.

(4) "Qualified individual" means:

(A)(i) An individual who is a policyholder, subscriber, insured, certificate holder, or enrollee of a health benefit plan;

(ii) A beneficiary of a District of Columbia public health program; or

(iii) A covered dependent of a policyholder, subscriber, insured, certificate holder, or enrollee; and

(B) Who meets the following conditions:

(i) The individual is eligible to participate in an approved clinical trial; and

(ii) The approved clinical trial is undertaken for the purposes of the prevention, early detection, treatment, or monitoring of cancer, chronic disease, or life-threatening illness.

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(5)(A) "Routine patient care costs" means:

(i) Items, drugs, and services that are typically provided absent a clinical trial;

(ii) Items, drugs, and services required solely for the provision of the investigational item or service (such as the administration of a non-covered chemotherapeutic agent), the clinically appropriate monitoring of the effects of the item or service, or the prevention of complications; and

(iii) Items, drugs, and services needed for reasonable and necessary care arising from the provision of an investigational item or service, including the diagnosis or treatment of complications.

(B) Routine patient care costs shall not include:

(i) The cost of tests or measurements conducted primarily for the purpose of the clinical trial involved or items, drugs, or services provided solely to satisfy data collection and analysis needs; or

(ii) Items, drugs, or services customarily provided by the research sponsors free of charge for any qualified individual enrolled in the trial.

Sec. 3. Covered trials.

(a) A health insurer shall not limit or deny coverage, or impose additional conditions on the payment for the coverage, of routine patient care costs of items, drugs, and services furnished to a qualified individual in connection with participation in an approved clinical trial. A health insurer shall not be required to pay for costs of items, services, or drugs that are customarily provided by the sponsors of an approved clinical trial.

(b) In the case of health care services provided by a participating provider, the payment rate shall be at the network negotiated rate, based on the member's plan design. In case of a non-participating provider, the payment shall be at the rate that the member's plan would otherwise pay to a non-participating provider for the same services, less any applicable co-payments and deductibles.

Sec. 4. Right to file grievance.

This act shall not limit, prohibit, or modify a qualified individual's right to:

(1) File a grievance and use an independent review process, if available; or

(2) Use the independent medical review system.

Sec. 5. 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)).

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Sec. 6. 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
April 14, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-341

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 14, 2008

Codification District of Columbia Official Code

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To amend the Community Access to Health Care Amendment Act of 2006 to authorize the Mayor to capitalize a public-private partnership in an amount not to exceed $79 million; and to amend the Health Services Planning Program Re-Establishment Act of 1996 to limit certificate of need application fees paid by Specialty Hospitals of America, LLC, or certain of its subsidiary entities.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "East of the River Hospital Revitalization Amendment Act of 2008".

Sec. 2. Section 102 of the Community Access to Health Care Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-288; D.C. Official Code § 7-1932), is amended as follows: **Amend § 7-1932**

(a) Subsection (b)(1) is amended by striking the phrase "*et seq.*);" and inserting the phrase "*et seq.*). Notwithstanding the preceding provisions of this paragraph, the Mayor may invest, subject to approval by the Council, up to $79 million to capitalize a public-private partnership by non-competitive negotiations with Specialty Hospitals of America, LLC, or certain of its subsidiary entities, to acquire, improve, and operate Greater Southeast Community Hospital;" in its place.

(b) Subsection (c)(3) is amended by striking the phrase "and the findings of the comprehensive assessment described in subsection (b)(7) of this section".

Sec. 3. Section 21 of the Health Services Planning Program Re-Establishment Act of 1996, effective April 19, 1997 (D.C. Law 11-191; D.C. Official Code § 44-420), is amended as follows: **Amend § 44-420**

(a) Designate the existing text as subsection (a).

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

"(b) Notwithstanding the provisions of subsection (a) of this section, the maximum application fee that may be collected from Specialty Hospitals of America, LLC, or certain of its subsidiary entities, for facilities located in Lots 3 and 4, Square 5919, related to the acquisition of Greater Southeast Community Hospital shall be $300,000.".

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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.

Vincent C. Gray

Chairman
Council of the District of Columbia

Adrian Fenty

Mayor
District of Columbia
APPROVED
April 14, 2008

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AN ACT

D.C. ACT 17-342

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 14, 2008

To amend the Pesticide Operations Act of 1977 to require that pesticide operators provide information to customers concerning the type of pesticide to be used, to require the owners of multi-unit properties to provide notice to residents prior to the application of pesticides and information concerning that pesticide, and to require the Mayor to publish a list of reduced-risk pesticides and methods of pest control.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Loretta Carter Hanes Pesticide Consumer Notification Amendment Act of 2008".

Sec. 2. The Pesticide Operations Act of 1977, effective April 18, 1978 (D.C. Law 2-70; D.C. Official Code § 8-401 *et seq.*), is amended by adding new sections 4a through 4d to read as follows:

"Sec. 4a. Information to be supplied customers.

"(a) Before a pesticide is applied, the pesticide operator shall provide the customer with the following written information:

"(1) Name of pesticide operator;

"(2) Name of pesticide applicator applying pesticides if different from that of the operator;

"(3) District of Columbia pesticide operator license number;

"(4) Telephone number of pesticide operator;

"(5) National Capital Poison Control Center hotline number;

"(6) Re-entry period specified on the pesticide label, if applicable;

"(7) Pest to be controlled;

"(8) Common name of pesticide or active ingredient to be applied;

"(9) The following statement: "District of Columbia law requires that you be given the following information:

"Notice of Pesticide Application:

"CAUTION – PESTICIDES MAY CONTAIN TOXIC CHEMICALS. Companies that apply pesticides are licensed by the Department of Consumer and Regulatory Affairs and regulated by the District Department of the Environment ("DDOE"). The Environmental

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Protection Agency and DDOE approve pesticides for use. At your request, the company conducting your pest control will provide you with either or both of the Material Safety Data Sheet(s) or the pesticide label(s), both of which provide further information about the approved uses of and recommended precautions for the pesticide being applied on your property. Neither of these documents is guaranteed to list every danger associated with a pesticide. DDOE maintains a list of pesticides that present a reduced risk to humans and the environment, and encourages the use of such pesticides whenever possible. The pesticide company

□ HAS
□ HAS NOT

chosen to apply reduced-risk pesticide(s). The District of Columbia government encourages the use of non-chemical and reduced-risk methods of pest control by residents and commercial pest control companies. Even when using reduced-risk pesticides, residents should familiarize themselves with safety information for pesticide products, and should avoid exposure to pesticides."; and

"(10) At the request of the customer, both or either of:

"(A) An original or legible copy of the current pesticide product label; or

"(B) A Material Safety Data Sheet.

"(b) Upon the customer's request, the pesticide operator shall provide the customer with advance notice of a pesticide application.

"(c) When the pesticide is to be applied on a multi-unit property, the pesticide operator shall provide the information listed in subsection (a) of this section to the customer at least 48 hours before the pesticide is to be applied.

"Sec. 4b. Information to be supplied multi-unit property residents and tenants.

"At least 24 hours, and not more than 7 days, before the application of pesticides on a multi-unit property, the owner of the property shall provide each resident and tenant of the property that will be treated with the information listed in section 4a by:

"(1) Delivering the information to each resident's door or mailbox, or to each resident through electronic mail or facsimile; and

"(2) Posting the information conspicuously in common spaces on the property, in reasonably close proximity to the locations where pesticide will be applied.

"Sec. 4c. Signs posted for exterior application.

"(a) Any person applying pesticides to a lawn or to exterior landscape plants shall post at the time of application a sign containing a uniform statement approved by the Mayor.

"(b) The sign shall remain for 48 hours following the pesticide application, after which time the property owner shall be responsible for the removal of the sign.

"(c) The sign shall be clearly visible:

"(1) From the principal places of access to the property; and

"(2) On the portion of the property where the pesticide is applied.

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"Sec. 4d. Reduced-risk pesticides and methods of pest control.

"(a) If a pesticide designated by the Mayor as reduced-risk pursuant to subsection (b) of this subsection is applied, the operator shall indicate on the customer notice provided in section 4a(a)(9) that the customer has selected a reduced-risk pesticide.

"(b) Within 6 months of the effective date of the Loretta Carter Hines Pesticide Consumer Notification Amendment Act of 2008, passed on 2nd reading on April 1, 2008 (Enrolled version of Bill 17-493), the Mayor shall approve a list of reduced-risk pesticides and methods of pest control.".

Sec. 3. 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. 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), 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.

Vincent C. Gray

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
April 14, 2008

ENROLLSED ORIGINAL

AN ACT

D.C. ACT 17-343

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 14, 2008

Codification District of Columbia Official Code

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2008 Fall Supp.

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To amend the Robert F. Kennedy Memorial Stadium and 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 Amendment Act of 2008".

Sec. 2. The Robert F. Kennedy Memorial Stadium and 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:

"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. **Amend § 3-343**

(c) Section 4a (D.C. Official Code § 3-343.01) is amended as follows: **Amend § 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 authorized or licensed person; or".

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

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(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 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), 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.

Vincent C. Orange

Chairman
Council of the District of Columbia

Adrian Fenty

Mayor
District of Columbia
APPROVED
April 14, 2008

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AN ACT

D.C. ACT 17-344

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 14, 2008

To establish, on a temporary basis, 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 Temporary 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, the Mayor shall designate residential permit parking zones on currently undesignated residential blocks.

(d) 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

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

(e) 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.

(f) 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 (d) of this section.

(g) 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.

(h) 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.

(i) The Performance Parking Pilot Program shall terminate 2 years from March 19, 2008.

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(e), the Mayor shall adjust fees to achieve 10% to 20% availability of curbside parking spaces.

(d) Notwithstanding section 2(e)(2), for curbside parking spaces where there are not established parking fees as of March 19, 2008, 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(d)(1) and except south of the Southeast/Southwest

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Freeway, where curbside fees existed before the establishment of the performance, the Mayor 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., and both sides of the 1400 block of Girard 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(d)(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(d)(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

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parking pilot zone shall be used for the following purposes:

(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 March 19, 2008, 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 is authorized, after 180 days of operation of each performance parking pilot zone, with the approval of the Ward Councilmember, to expand the boundaries of the pilot zones designated by this act, to achieve the performance parking pilot zone goals.

(e) The Mayor shall submit an annual report for the prior fiscal year on each

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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:

(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.

(f) 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 program 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 though 4:00 a.m. Friday; from 9:00 p.m. Friday though 4:00 a.m. Saturday; and from 9:00 p.m. Saturday though 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

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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 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 March 19, 2008. 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.

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

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
April 14, 2008

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Codification District of Columbia Official Code

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AN ACT

D.C. ACT 17-345

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 14, 2008

To authorize, on a temporary 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 Temporary 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.

(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 regulations 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,

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skills, or abilities directly related to resolving the emergency situation and will serve on a 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 regulations 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 (D.C. Official Code § 1-611.06), the Council of the District of Columbia 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 regulations 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 a 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 subsection (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 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 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.

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

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

Vincent C. Orange

Chairman
Council of the District of Columbia

Adrian Fenty

Mayor
District of Columbia
APPROVED
April 14, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-346

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 14, 2008

To approve, on an emergency basis, Contract No. GS-23F-0048R Task Order No. DC OIG 05-01 Modification Nos. 12, 13, 14, 15, 16, and 17 and to authorize payment for services received and to be received under the task order.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. GS-23F-0048R Task Order No. DC OIG 05-01 Modification Approval and Payment Authorization Emergency Act of 2008".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), Modification Nos. 12, 13, 14, 15, and 16 under Contract No. GS-23F-0048R Task Order No. DC OIG 05-01 ("task order") are approved and payment in the amount of $1,230,272 is authorized for services received under the task order, and payment in the amount of $330,000 is authorized for services to be received under Modification No. 17 of the task order.

Sec. 3. 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. 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
April 14, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-347

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 14, 2008

Codification District of Columbia Official Code

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West Group Publisher

To amend, on an emergency basis, due to Congressional review, the Fire and Police Medical Leave and Limited Duty Amendment Act of 2004 to require that members of the Fire and Emergency Medical Services Department with severe burn injuries shall have an extension of the allowable work days in a less-than-full-duty status from 64 days to 170 days.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Burned Fire Fighter Relief Congressional Review Emergency Amendment Act of 2008".

Sec. 2. Section 623 of the Fire and Police Medical Leave and Limited Duty Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-194; D.C. Official Code § 5-633), is amended as follows: **Note, § 5-633**

(a) Subsection (d) is amended by striking the phrase "subsections (e) and (f)" and inserting the phrase "subsections (e), (f), and (g)" in its place.

(b) A new subsection (g) is added to read as follows:

"(g) If a member of the Fire and Emergency Medical Services Department has sustained, in the performance of duty at the scene of a fire, 2nd- or 3rd-degree burns over 15% or more of the member's body for which the member requires critical care treatment in a hospital intensive care unit or its equivalent, the member shall not be processed for retirement pursuant to subsection (d) of this section unless the member, as a result of the burns sustained, has spent more than 170 cumulative work days in a less-than-full-duty status over the 2-year period following the date the member sustained the burns.".

Sec. 3. 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)).

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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 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
April 14, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-348

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 14, 2008

Codification District of Columbia Official Code

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To authorize, on an emergency basis, the issuance of grants for the redevelopment of the Howard Theatre and the revitalization of the 7th Street, N.W., neighborhood corridor; and to amend section 47-340.23 of the District of Columbia Official Code to permit the use of the grants for broader purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Howard Theatre and 7th Street, N.W., Revitalization Grants Authorization Emergency Act of 2008".

Sec. 2. Grant allocations.

From funds available in the budget of the Office of the Deputy Mayor for Planning and Economic Development, the Mayor or Deputy Mayor for Planning and Economic Development may make the following grants:

(1) A grant of $8 million to Howard Theatre Restoration, Inc., for the rehabilitation of the Howard Theatre; and

(2) A grant or grants of up to $11.3 million to Broadcast Residential Partners, LLC, or Broadcast Center Partners, LLC, for the development of the Broadcast Center One project at 7th and S Streets, N.W.

Sec. 3. Section 47-340.23(c)(1)(B) of the District of Columbia Official Code is amended by striking the phrase "for the purposes of gap financing economic assistance for" and inserting the phrase "for the purposes of issuing a grant to support" in its place.

Note, § 47-340.23

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))

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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)).

Vincent C. Gray

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
April 14, 2008