

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-372

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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

2001 Edition

2008 Fall
Supp.West Group
Publisher

To amend section 47-4403 of the District of Columbia Official Code to allow the Office of Tax and Revenue to enter into a closing agreement for any taxable period.

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

Sec. 2. Section 47-4403 of the District of Columbia Official Code is amended by striking the phrase "for a period ending before the date of the agreement" and inserting the phrase "for any taxable period" in its place.

Amend
§ 47-4403

Sec. 3. Applicability.

Section 2 shall apply as of December 1, 2006.

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.

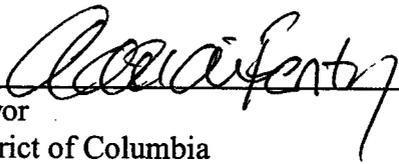
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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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
May 20, 2008

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To amend section 47-3503 of the District of Columbia Official Code to delay implementation by one tax year of the owner-occupant residential tax credit to real properties that were under the lower income homeownership cooperative housing association 5-year exemption, to clarify that to receive the credit there must be continuous ownership, and to clarify that no credits will be granted for tax years prior to Tax Year 2007.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Lower Income Homeownership Cooperative Housing Association Re-Clarification Act of 2008".

Sec. 2. Section 47-3503(c)(5) of the District of Columbia Official Code is amended as follows:

Amend
§ 47-3503

(a) The existing text is designated as subparagraph (A).

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

“(B) The application of subparagraph (A) of this paragraph shall be limited as follows:

“(i) The credit under § 47-864 that may result for the tax year beginning October 1, 2006 shall be nonrefundable and shall be applied to the real property tax owed for the tax year beginning October 1, 2007, and thereafter.

“(ii) No credit under § 47-864 shall be allowed for a tax year prior to the tax year beginning October 1, 2006.

“(iii) Subparagraph (A) of this paragraph shall not apply if the ownership has not been continuous from the date that the exemption provided by this subsection has been validly in effect.”

Sec. 3. Applicability.

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

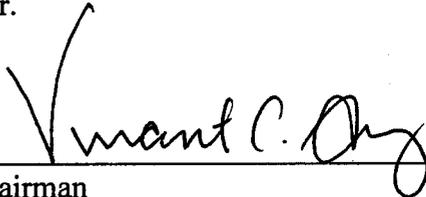
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Sec. 4. Fiscal impact statement.

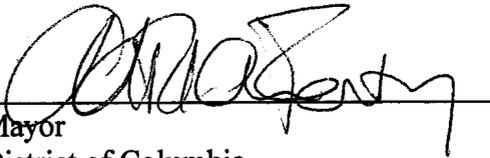
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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.



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D.C. ACT 17-388

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2008

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To symbolically designate the 1600 block of Newton Street, N.W., in Ward 1, as Rev. M. Cecil Mills Way.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Rev. M. Cecil Mills Way Designation Act of 2008".

Sec. 2. Pursuant to sections 401 and 403a of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01 and 9-204.03a) ("Act"), and notwithstanding section 407 of the Act (D.C. Official Code § 9-204.07), the Council symbolically designates the 1600 block of Newton Street, N.W. as "Rev. M. Cecil Mills Way".

Note,
§ 9-204.01

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this act, after it becomes effective, to the District Department of Transportation.

Sec. 4. Fiscal impact statement.

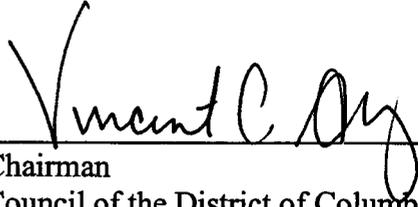
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

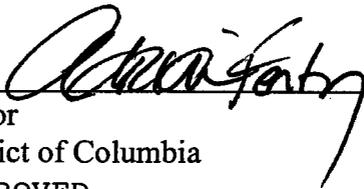
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December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



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May 21, 2008

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D.C. ACT 17-389

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
MAY 21, 2008

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To name the Benning Road Bridge, over the Anacostia River, the Ethel Kennedy Bridge.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Ethel Kennedy Bridge Designation Act of 2008".

Sec. 2. Pursuant to section 401 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-204.01) ("Act"), and notwithstanding section 405 of the Act (D.C. Official Code § 9-204.05), the Benning Road Bridge, over the Anacostia River, is named the "Ethel Kennedy Bridge".

Note,
§ 9-201.01

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the District Department of Transportation.

Sec. 4. Fiscal impact statement.

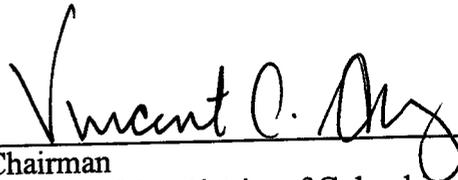
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Sec. 5. Effective date.

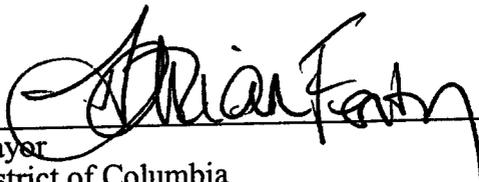
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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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



Mayer
District of Columbia
APPROVED
May 21, 2008

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AN ACT
D.C. ACT 17-390

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2008

To establish the District of Columbia Medical Liability Captive Insurance Agency to provide medical malpractice liability coverage for nonprofit community health centers in the District of Columbia, to vest management for the agency in the Chief Risk Officer, to establish an Advisory Council to assist and advise the Chief Risk Officer, to provide for approval by the Commissioner of the Department of Insurance, Securities, and Banking, to require the submission of annual reports, to create requirements for the plan of operation for the agency, to establish the Medical Liability Captive Trust Fund, a nonlapsing fund, to serve as the funding mechanism for the agency; and to repeal the Free Clinic Assistance Program Act of 1986.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Medical Liability Captive Insurance Agency Establishment Act of 2008".

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) "Advisory Council" means the advisory council established by section 6.
- (2) "Agency" means the District of Columbia Medical Liability Captive

Insurance Agency.

(3) "Captive manager" means the person appointed by the Risk Officer pursuant to section 5(b) to run the day-to-day affairs of the Agency.

(4) "Commissioner" means the Commissioner of the Department of Insurance, Securities, and Banking.

(5) "Fund" or "Medical Liability Captive Trust Fund" means the Medical Liability Captive Trust Fund established under section 12.

(6) "Federally qualified health center" shall have the same meaning as provided in section 1861(aa)(4) of the Social Security Act, approved August 14, 1935 (79 Stat. 313; 42 U.S.C. § 1395x(aa)(4)).

(7) "Gap coverage" means coverage for medical malpractice risks of the District's Federally Qualified Health Centers not covered through the Federal Tort Claims Act,

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approved August 2, 1946 (60 Stat. 847; 15 U.S.C. § 41 *et seq.*).

(8) "Health center" means a health center or service that:

(A) Has obtained all licenses, permits, and certificates of occupancy or need that are required as a precondition to lawful operation in the District;

(B) Is a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3));

(C) Is certified by the Commissioner to meet the requirements of this act; and

(D) Accepts and provides services to individuals regardless of ability to pay; provided, that a health center may accept payment from:

(i) Health insurance providers for services rendered, if a patient has such insurance coverage and consents in writing to the filing of a claim for benefits to which the patient is eligible; and

(ii) Patients on a sliding fee scale.

(9) "Operational" means that the Council has approved insurance policies for the health centers covered under the Free Clinic Assistance Program Act of 1986, effective September 23, 1986 (D.C. Law 6-155; D.C. Official Code § 1-307.21 *et seq.*).

(10) "Risk Officer" means the Chief Risk Officer, established by Reorganization Plan No. 1 of 2003, effective December 15, 2003.

(11) "Tail coverage" means liability insurance purchased by an insured to extend the insurance coverage beyond the end of the policy period of a liability policy written on a claims-made basis.

(12) "Volunteer service provider" means any person licensed to practice in the District who provides health-care, rehabilitative, social, or related administrative services:

(A) At a health center;

(B) To or with respect to a patient of the health center; and

(C) Without receiving payment from the District government for the performance of those services.

Sec. 3. Establishment of the District of Columbia Medical Liability Captive Insurance Agency.

(a) There is established, as a subordinate agency under the Mayor, the District of Columbia Medical Liability Captive Insurance Agency.

(b) The purpose of the Agency is to provide medical malpractice liability insurance policies for health centers, including coverage for the staff, contractors, and volunteer service providers for the services provided at the health centers. The liability of the Agency for medical malpractice liability insurance policies shall be limited to the funds in the Medical Liability Captive Trust Fund.

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Sec. 4. Authority of the Agency.

(a) The Agency shall have the authority to:

- (1) Enter into contracts as are necessary or proper to carry out the provisions and purposes of this act, including the authority to enter into contracts with similar captives of other states for the joint performance of common administrative functions or with persons or other entities for the performance of organizational, management, or administrative functions;
- (2) Take such action as necessary:
 - (A) To avoid the payment of improper claims against the Agency or the coverage provided by or through the Agency;
 - (B) To recover any amounts erroneously or improperly paid by the Agency;
 - (C) To recover any amounts paid by the Agency as a result of mistake of fact or law; or
 - (D) To recover or collect premiums or other amounts due the Agency;
- (3) Establish and modify rates, rate schedules, rate adjustments, expense allowances, claim reserve formulas, and any other actuarial function appropriate to the operation of the Agency; provided, that adjustments to rates and rate schedules shall take into consideration appropriate factors in accordance with established actuarial and underwriting practices;
- (4) Issue policies of medical malpractice insurance, including tail coverage, in accordance with the requirements of the plan of operation under section 8;
- (5) Appoint appropriate legal, actuarial, audit, and other committees as necessary to provide technical assistance in the operation of the Agency, policy and other contract design, and any other function within the authority of the Agency;
- (6) Employ and fix the compensation of employees;
- (7) Prepare and distribute certificate of eligibility forms and enrollment instruction forms to health centers;
- (8) Provide for reinsurance of risks incurred by the Agency;
- (9) Provide for, and employ, cost containment measures and risk management program standards;
- (10) Seek and receive grant funding from the United States government, District departments or agencies, and private foundations;
- (11) Adopt policies, procedures, rules, and standards as may be necessary or convenient for the operation of the Agency consistent with this act;
- (12) Adopt and administer personnel policies and procedures;
- (13) Employ its own general counsel and special counsel from time to time, as needed;
- (14) Adopt and administer its own procurement and contracting policies and procedures;
- (15) Select, retain, and employ professionals, contractors, or agents which are

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necessary or convenient to enable or assist the Agency in carrying out the purposes of the Agency; and

(16) Provide gap coverage to the District's Federally Qualified Health Centers for medical malpractice risks.

(b) Upon the request of the Risk Officer, the Mayor and the governing officer or body of each instrumentality of the District, by delegation or agreement, may direct that personnel or other resources of a District agency or instrumentality be made available to the Agency on a full cost-reimbursable basis to carry out the Agency's duties. Personnel detailed to the Agency under this subsection shall not be considered employees of the Agency, but shall remain employees of the agency or instrumentality from which the employees were detailed. With the consent of an executive agency, department, or independent agency of the federal government or the District government, the Agency may use the information, services, staff, and facilities of the department or agency on a full cost-reimbursable basis.

Sec. 5. Management of the Agency.

(a) The Agency shall be administered by the Risk Officer.

(b) The Risk Officer shall employ a captive manager who shall run the day-to-day affairs of the Agency and shall report to the Risk Officer. The Risk Officer shall employ such other professionals as are necessary or appropriate to effectuate the purposes of this act.

(c) The Risk Officer may delegate the authority to perform any function authorized to be performed by the Risk Officer under this act.

(d) The Risk Officer may hire Agency staff.

Sec. 6. Advisory Council to the Agency.

(a) There is established an Advisory Council to the Agency to assist and advise the Risk Officer regarding the Agency.

(b) The Advisory Council shall consist of 7 members appointed by the Risk Officer. One member shall represent the District of Columbia Primary Care Association, 2 members shall represent District of Columbia health centers, and 4 members shall have insurance expertise.

(c) The Risk Officer and the captive manager shall serve as *ex officio* members of the Advisory Council.

(d) The Risk Officer shall serve as chairperson of the Advisory Council.

(e) Except as provided in section (f) of this section, Advisory Council members shall serve terms of 3 years. An Advisory Council member's term shall continue until his or her successor is appointed. The Advisory Council members may be reappointed for additional terms.

(f) The Risk Officer shall determine the terms the initial Advisory Council members shall serve. Three of the Advisory Council members shall serve terms of 2 years, 2 shall serve terms of 4 years, and 2 shall serve terms of 6 years.

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(g) Vacancies in the Advisory Council shall be filled by the Risk Officer. Advisory Council members may be removed by the Risk Officer for cause.

(h) Advisory Council members shall not be compensated in their capacity as Advisory Council members, but shall be reimbursed for reasonable expenses incurred in the necessary performance of their duties.

(i) The Advisory Council shall:

- (1) Advise the Risk Officer in the general oversight of the Agency;
- (2) Assess the needs and interests of the health centers; and
- (3) Meet at least on an annual basis, at meetings announced by the Risk Officer.

Sec. 7. Approval of plan of operation by Commissioner; annual report to Commissioner; financial examination.

(a) Prior to the offering and issuance of insurance policies, the Agency shall submit to the Commissioner for approval a plan of operation which meets the requirements of section 8. The Agency shall also submit to the Commissioner for approval any proposed material changes to the plan.

(b) On or before March 2 of each year, the Agency shall submit to the Commissioner, on a form prescribed by the Commissioner by rule, a report of its financial condition, as prepared by a certified public accountant. The Agency shall file a consolidated report on behalf of each of its segregated accounts. The Agency shall use generally accepted accounting principles and include any useful or necessary modifications or adaptations thereof that have been approved or accepted by the Commissioner for the type of insurance and kinds of insurers to be reported upon, as supplemented by additional information required by the Commissioner.

(c)(1) The Commissioner, or his designee, may visit the Agency at such times as he or she considers necessary to thoroughly inspect and examine the affairs of the Agency to ascertain:

- (A) The financial condition of the Agency;
- (B) The ability of the Agency to fulfill its obligations; and
- (C) Whether the Agency has complied with the provisions of this act and the rules adopted pursuant thereto.

(2) The Commissioner may require the Agency to retain qualified independent legal, financial, and examination services from outside the Department of Insurance, Securities, and Banking to conduct the examination and make recommendations to the Commissioner. The cost of the examination shall be paid by the Agency.

Sec. 8. Plan of operation for the Agency.

(a) The captive manager shall submit to the Risk Officer a plan of operation for the Agency that has been approved by the Commissioner and any amendments to the plan necessary or suitable to assure the fair, reasonable, and equitable administration of the Agency.

(b) The plan of operation shall:

ENROLLED ORIGINAL

- Risk Officer;
- (1) Become effective upon approval in writing by the Commissioner and the Risk Officer;
 - (2) Establish procedures for the operation of the Agency;
 - (3) Establish procedures for health centers to qualify to purchase medical malpractice insurance from the Agency;
 - (4) Establish procedures for offering gap coverage for the District's Federally Qualified Health Centers;
 - (5) Establish procedures, under the management of the Risk Officer, for the payment of administrative expenses;
 - (6) Establish procedures for adjustment and payment of claims made under the policies issued by the Agency, including procedures for administrative review and resolution of disputes arising over such claims;
 - (7) Establish procedures for tail coverage to health centers purchasing medical malpractice liability coverage through the Agency;
 - (8) Develop standards for the level of subsidies that shall be provided to health centers to offset premiums due to the Agency;
 - (9) Establish rules, conditions, and procedures for facilitating the reinsurance of risks of participating health centers;
 - (10) Establish risk management standards to which the health centers shall adhere and auditing procedures for the compliance of risk management standards by health centers;
 - (11) Establish underwriting guidelines for policyholders; and
 - (12) Provide for other matters as may be necessary and proper for the execution of the Risk Officer's and the captive manager's respective powers, duties, and obligations under this act.

Sec. 9. Annual report to the Mayor and Council.

- (a) The Risk Officer shall submit an annual report to the Mayor and the Council.
- (b) The report shall be filed within 60 days of the Agency filing the annual report with the Commissioner under section 7(b).
- (c) The report shall summarize the activities of the Agency in the preceding calendar year, including the net earned premiums, health center enrollment in the Agency program, the expense of administration, and the paid and incurred losses.

Sec. 10. Liabilities of Risk Officer, captive manager, and Advisory Council.

- (a) The Risk Officer, captive manager, and Advisory Council members shall not be liable for any obligations of the Agency.
- (b) The Risk Officer, captive manager, and Advisory Council members shall not be liable, or shall any cause of action of any nature arise against them, for any act or omission related to the performance of their powers and duties under this act, unless the act or omission

ENROLLED ORIGINAL

constitutes willful or wanton misconduct.

Sec. 11. Coverage.

The Agency shall offer health centers medical malpractice insurance consistent with coverage offered in the market; provided, that any policy offered by the Agency shall state that the liability of the Agency shall be limited to the funds in the Medical Liability Captive Trust Fund. The coverage to be issued to the health centers shall be established by the Risk Officer with the advice of the Advisory Council and subject to the approval of the Commissioner.

Sec. 12. Establishment of the Medical Liability Captive Trust Fund.

(a) There is established as a nonlapsing fund the Medical Liability Captive Trust Fund, which shall be used for the purposes set forth in subsection (b) of this section. All funds deposited in the 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 (b) of this section without regard to fiscal year limitation, subject to authorization by Congress.

(b) The Fund shall be used solely to pay for the costs and expenses of the establishment, operation, and administration of the Agency, which costs and expenses shall include:

- (1) The hiring of a captive manager and other professionals to manage and administer the day-to-day operations of the Agency;
- (2) The hiring of staff, including a general counsel;
- (3) The administration of the day-to-day operations of the Agency;
- (4) The payment of claims and losses under policies of insurance to be issued by the Agency;
- (5) Reimbursement for reasonable expenses incurred by Advisory Council members in the necessary performance of their duties; and
- (6) The costs of the management, administration, and operation of the Fund.

(c) There shall be deposited into the Fund:

- (1) All insurance premiums or other revenues which may be received by the Fund;
- (2) All funds received under section 4(a)(10); and
- (3) An amount equal to the unobligated balance of amounts appropriated and allocated by section 2055(18) of the Fiscal Year 2007 Budget Support Act of 2006, effective March 2, 2007 (D.C. Law 16-192; 53 DCR 6899).

(d) The funds in the Fund may be invested in private securities and any other form of investment which is considered appropriate by the Commissioner and the Chief Financial Officer. The Agency shall file each with the Commissioner and the Chief Financial Officer a schedule of the proposed investments of the funds and any material changes thereto.

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Sec. 13. Exemption from procurement and merit personnel laws.

The Agency shall not be subject to 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.*), or the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*).

Sec. 14. Rules.

The Mayor may issue rules to implement the provisions of this act.

Sec. 15. Dissolution of the District of Columbia Free Clinic Captive Insurance Company.

The District of Columbia Free Clinic Captive Insurance Company, an instrumentality established by the District of Columbia Free Clinic Captive Insurance Company Establishment Emergency Act of 2007, effective October 3, 2007 (D.C. Act 17-113; 54 DCR 9977), is dissolved. All of its assets (including cash, accounts receivable, reserve funds, real or personal property, and contract and other rights), positions, personnel, and records, and the unexpended balances of appropriations, allocations, and other funds available or to be made available to it, are transferred to the Agency.

Sec. 16. The Free Clinic Assistance Program Act of 1986, effective September 23, 1986 (D.C. Law 6-155; D.C. Official Code § 1-307.21 *et seq.*), is repealed as of the date when the Agency becomes operational.

Sec. 17. Fiscal impact statement.

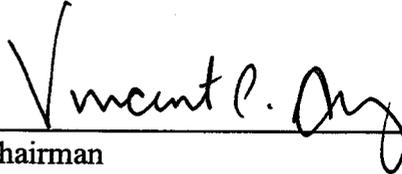
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Sec. 18. Effective date.

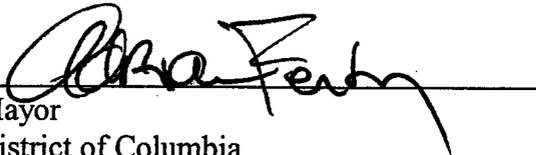
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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



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May 21, 2008

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AN ACT
D.C. ACT 17-391

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
MAY 21, 2008

To authorize, on an emergency basis, the allocation of \$3,711,595 in funds from the fiscal year 2008 operating cash reserve fund to make immediate improvements in emergency medical services, consistent with the recommendations of the Task Force on Emergency Medical Services.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Emergency Medical Services Improvements Fiscal Year 2008 Emergency Act of 2008".

Sec. 2. Emergency medical services improvements.

Pursuant to section 202(j)(3)(B) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 109; D.C. Official Code § 47-392.02(j)(3)(B)), an amount of \$3,711,595 shall be made available from the fiscal year 2008 operating cash reserve fund to the Fire and Emergency Medical Services Department. These funds shall be used to make immediate improvements in training, supervision, demand management, quality assurance, equipment, and other Emergency Medical Services operations, consistent with the recommendations of the Task Force on Emergency Medical Services.

Sec. 3. Fiscal impact statement.

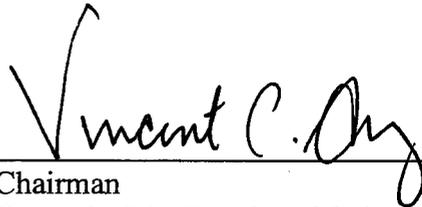
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

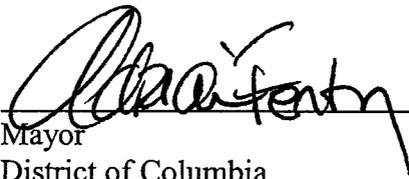
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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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
May 21, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-392

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2008

*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Fall
Supp.

West Group
Publisher

To require, on an emergency basis, the Mayor to establish a program to install and maintain automated external defibrillators in Department of Parks and Recreation facilities, and mandate training in conjunction with existing health training for personnel to operate the defibrillators to ensure the health, safety and welfare of our citizens, and to provide a model for future AED expansion throughout all public buildings.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "AED Installation for Safe Recreation and Exercise Emergency Act of 2008".

Sec. 2. Definitions.

(a) "Automated external defibrillator" or "AED" or "defibrillator" means a medical device heart monitor and defibrillator that:

(1) Has received approval from the United States Food and Drug Administration of its premarket notification filed pursuant to 21 U.S.C.S. § 360(k);

(2) Is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia, and determining, without intervention by an operator, whether defibrillation should be performed; and

(3) Upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to an individual's heart.

(b) "Certificate" means a certificate issued by the Mayor to an authorized facility.

(c) "Recreation Facility" means staffed Department of Recreation facilities.

Sec. 3. AED program.

(a) The Mayor shall develop and implement an automated external defibrillator ("AED") program for each recreation facilities within 45 days of the effective date of this act.

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(b) The program required under paragraph (a) of this subsection shall include provisions that:

- (1) Ensure that an automated external defibrillator is provided on-site; and
- (2) An individual trained in the operation and use of an automated external defibrillator is present during hours of operation.

(c) The Mayor shall establish guidelines for periodic inspections and annual maintenance of the automated external defibrillators to ensure each automated external defibrillator is maintained, operated, and tested according to manufacturers' guidelines; including:

- (1) Written records of the maintenance and testing of each automated external defibrillator are maintained as required; and
- (2) Proof that each individual who operates an automated external defibrillator for the authorized facility has successfully completed an educational training course in conjunction with health training already received by Department of Parks and Recreation employees and refresher training as required.

(d) The Mayor shall issue and renew certificates to recreation facilities that meet the requirements of this section.

(e) The Mayor shall approve educational and training programs required under this section that:

- (1) Are conducted by any private or public entity;
- (2) Include training in cardiopulmonary resuscitation; and
- (3) May include courses from nationally recognized entities such as the American Heart Association, the American Red Cross, and the National Safety Council.

(f) The Mayor shall make best efforts to use uniform equipment pursuant to this act.

Sec. 4. Immunities.

(a) In addition to any other immunities available under statutory or common law, an authorized recreation facility is not civilly liable for any act or omission in the provision of automated external defibrillation if the authorized facility:

- (1) Satisfied the requirements for making automated external defibrillation available under section 3; and
- (2) Possesses a valid certificate at the time of the act or omission.

(b) The AED program established under this act shall include tort immunity pursuant to section 4 of the Public Access to Automated External Defibrillator Act of 2001, effective April 27, 2001 (D.C. Law 13-279; D.C. Official Code § 44-233).

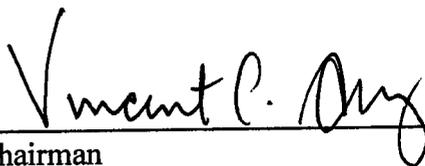
Sec. 5. Fiscal impact statement.

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)).

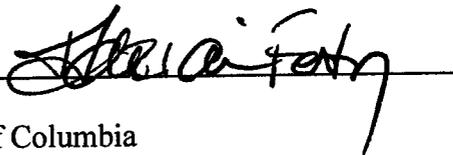
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Sec. 6. Effective date.

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), 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
May 21, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-393

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 23, 2008

To order, on an emergency basis, the closing of the public alleys in Squares 6123, 6125, and 6126, the extension of Foxhall Place, S.E., from its current end at a cul-de-sac through to 9th Street, S.E., the extension of Condon Terrace, S.E., from its current end at a cul-de-sac through to 9th Street, S.E., the narrowing of 8th Street, S.E., at the intersection of Condon Terrace, S.E., the dedication and designation of a new street running east and west between 8th Street, S.E., and 9th Street, S.E., bound by Lots 78 and 80 in Square 6123 to be designated Rolark Place, the dedication of a new public alley running east and west and the turning south that lies north of Foxhall Place, S.E., and south of Valley Avenue, which is abutted by Lots 66, 67, 68, 69, and 72 in Square 6126, the dedication of a new public alley starting at Condon Terrace, S.E., running north and south and then turning east and continuing to run east and west toward 9th Street which is abutted by Lots 21, 22, 23, and 24 in Square 6125 and Lot 80 in Square 6123, the dedication of a new alley running east and west between 8th Street, S.E., and 9th Street, S.E., and abutting Lot 25 in Square 6125 and Lot 80 in Square 6123, the dedication of a new public alley starting at Lot 80 of Square 6123 and running north and south with 2 openings onto Rolark Place, S.E., between Lots 78 and 80 in Square 6123, in Ward 8.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of Public Alleys, the Opening of Streets, and the Dedication and Designation of Land for Street and Alley Purposes in Squares 6123, 6125, and 6126, S.O. 06-4886, Emergency Act of 2008".

Sec. 2. Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.01) ("Act"), the Council finds that the portions of the streets and alleys in Squares 6123, 6125, and 6126, as shown on the Surveyor's plats filed under S.O. 06-4886, are unnecessary for street and alley purposes and orders them closed, with title to the land to vest as shown on the Surveyor's plat. The approval of the Council of this closing is contingent upon the satisfaction of all the conditions set forth in the official file of S.O. 06-4886.

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Sec. 3. Pursuant to sections 302 and 401 of the Act (D.C. Official Code §§ 9-203.02 and 9-204.01), and notwithstanding the requirements set forth in sections 303, 304, and 402 of the Act (D.C. Official Code §§ 9-203.03, 9-203.04, and 9-204.02), the Council accepts the dedications of the streets and alleys as shown on the Surveyor's plats filed under S.O. File 06-4886 and designates the street as Rolark Place, S.E., as shown on the Surveyor's plats filed under S.O. File 06-4886. The approval of the Council of these dedications and designation are contingent upon the satisfaction of all the conditions set forth in the official S.O. File 06-4886.

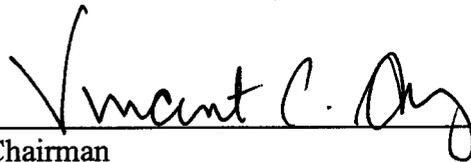
Sec. 4. The Secretary to the Council shall transmit a copy of this act, upon its effective date, each to the Surveyor of the District of Columbia and the District of Columbia Recorder of Deeds.

Sec. 5. Fiscal impact statement.

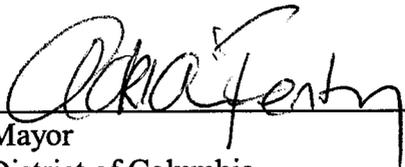
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(3)).

Sec. 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), and shall remain in effect 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
May 23, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-394

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 23, 2008

Codification
District of
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2008 Fall
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West Group
Publisher

To establish the Motor Vehicle Theft Prevention Commission and a Motor Vehicle Theft Prevention Fund to reduce motor vehicle theft in the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Motor Vehicle Theft Prevention Act of 2008".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Commission" means the Motor Vehicle Theft Prevention Commission established by section 3.

(2) "Fund" means the Motor Vehicle Theft Prevention Fund established by section 7.

(3) "Motor vehicle" shall have the same meaning as provided in section 1(1) of the District Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 679; D.C. Official Code § 50-1501.01(1)).

Sec. 3. Establishment of Motor Vehicle Theft Prevention Commission.

(a) There is established a Motor Vehicle Theft Prevention Commission.

(b) The purpose of the Commission is to improve and support motor vehicle theft law enforcement, prosecution, prevention, and community-education programs to reduce the incidence of motor vehicle theft in the District of Columbia. The Commission shall focus on strategies to improve public awareness/prevention, law enforcement, prosecution, and juvenile intervention.

Sec. 4. Appointment; terms of office; removal; compensation.

(a) The Commission shall consist of the following 9 members:

(1) The Chief of the Metropolitan Police Department, or his or her designee at the level of Assistant Chief;

(2) The Commissioner of the Department of Insurance, Securities, and Banking,

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or his or her designee at the level of Deputy Commissioner;

(3) The Director of the Department of Motor Vehicles, or his or her designee at the level of Deputy Director; and

(4) Six members appointed by the Mayor, subject to the advice and consent of the Council, in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), as follows:

(A) Two public members who shall be both owners of registered motor vehicles in and residents of the District of Columbia;

(B) One representative of an insurance company that issues motor vehicle insurance policies in the District of Columbia;

(C) Two members with significant experience in motor vehicle theft issues; and

(D) One member who is either a fleet owner or a rental vehicle carrier representative doing business in the District of Columbia.

(b) Except as provided in subsection (c) of this section, the members appointed pursuant to subsection (a)(4) of this section shall serve for a term of 3 years.

(c) The terms of the members first appointed pursuant to subsection (a)(4) of this section shall be as follows:

(1) One member appointed pursuant to subsection (a)(4)(A) of this section and the member appointed pursuant to subsection (a)(4)(B) of this section shall be appointed to terms to expire on June 30, 2009.

(2) One member appointed pursuant to subsection (a)(4)(A) of this section and one member appointed pursuant to subsection (a)(4)(C) of this section shall be appointed to terms to expire on June 30, 2010.

(3) One member appointed pursuant to subsection (a)(4)(C) of this section and the member appointed pursuant to subsection (a)(4)(D) of this section shall be appointed to terms to expire on June 30, 2011.

(d) Members of the Commission shall be eligible for reappointment.

(e) A vacancy on the Commission shall be filled in the same manner that the original appointment was made. A person appointed to fill a vacancy shall serve only for the unexpired term of the original appointment, but may be reappointed to one or more additional terms.

(f) The Mayor shall designate one of the members appointed pursuant to subsection (a)(4)(A) of this section to serve as Chair of the Commission, with the advice and consent of the Council by resolution. The Chair shall be designated to serve for a period of 3 years or until the expiration of the member's term, whichever shall occur earlier. The Chair shall be eligible for reappointment.

(g)(1) The Mayor shall remove a member of the Commission for failing to establish or maintain District residency (where District residency is a requirement of appointment). The Mayor may remove a member of the Commission for misconduct or neglect of duty, or for other

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cause as defined by the Commission in its bylaws.

(2) A member of the Commission who is indicted for the commission of a felony shall be automatically suspended from serving on the Commission. Upon a determination of guilt, the term of the Commission member shall be automatically terminated. Upon acquittal or dismissal of the prosecution, the term of the Commission member shall be automatically reinstated.

(h) Members of the Commission shall serve without compensation, but shall be entitled to receive reimbursement for reasonable expenses incurred while actually performing duties vested in the Commission.

(i) A quorum shall consist of the presence of 5 or more members. A quorum shall be necessary for the Commission to conduct its business.

(j) The Commission shall meet at least quarterly.

(k) All meetings of the Commission shall be subject to section 742 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 831; D.C. Official Code § 1-207.42).

Sec. 5. Powers of Commission.

The Commission may:

(1) Make grants and provide financial support to:

(A) Law enforcement and correctional agencies, prosecutors, the judiciary, and community organizations for programs designed primarily to reduce motor vehicle theft and to improve the administration of motor vehicle theft laws; and

(B) Law enforcement and prosecutorial agencies to purchase new technology and provide training related primarily to motor vehicle theft;

(2) Conduct programs designed to inform owners of motor vehicles about the financial and social costs of motor vehicle theft and suggest to those owners methods for preventing motor vehicle theft;

(3) Conduct or commission studies to assess the scope of motor vehicle theft and to analyze criminal justice policies, programs, plans, and methods to combat motor vehicle theft;

(4) Develop and sponsor the implementation of plans and strategies to combat motor vehicle theft and to improve the administration of the motor vehicle theft laws, and provide an effective forum for identification of critical problems associated with motor vehicle theft;

(5) Coordinate the development, adoption, and implementation of plans and strategies relating to interagency or intergovernmental cooperation with respect to motor vehicle theft law enforcement in the District of Columbia;

(6) Promulgate bylaws to govern the operations of the Commission;

(7) Enter into contracts for goods and services;

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(8) Hire employees, consultants, and contractors to administer the Commission and effectuate the purposes of the Commission, subject to the financial limit in section 9(a)(2);

(9) Establish priority for, allocate, disburse, contract for, and spend funds in the Fund to effectuate the purposes of the Commission, except as restricted by section 9;

(10) Apply for, solicit, or receive funds for deposit into the Fund that are made available to the Commission from any source to effectuate the purposes of the Commission;

(11) Accept non-monetary contributions, including the services of individuals, mailings, printing, office equipment, facilities, and supplies that are necessary or useful to carry out the functions of the Commission; provided, that non-monetary contributions shall not be included in the costs of administration limitation prescribed by section 9(a)(2); and

(12) Exercise such other power as is usually possessed by private business organizations organized under the laws of the District, to the extent that the exercise of such powers is to effectuate the purposes of the Commission and is not inconsistent with federal or District law.

Sec. 6. Annual audit and report.

Beginning in 2008, the Commission shall provide an annual report to the Mayor and the Council by November 30th of each year. The report shall include a description of the Commission's activities for the prior fiscal year and a financial statement relating to the activities and business of the Commission during the preceding fiscal year certified as to its accuracy by an independent auditor.

Sec. 7. Establishment of Motor Vehicle Theft Prevention Fund.

(a)(1) There is established as a nonlapsing fund the Motor Vehicle Theft Prevention Fund which shall be operated by the Commission, and to which shall be credited all revenues pursuant to section 8.

(2) All monies 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 a fiscal year or at any other time, but shall be continually available to the Commission for the uses and purposes set forth in this act without regard to fiscal year limitation, subject to authorization by Congress.

(b) Monies received or deposited in the Fund shall be used only for the expenses and activities of the Commission as provided in this act.

(c) Monies credited to the Fund shall be deposited as soon as practicable into one or more accounts in financial institutions regulated or insured by a federal or District agency.

Sec. 8. Payments into Fund.

The following shall be deposited into the Fund:

(1) All grants and revenues received by the Commission, including those received pursuant to section 5(10).

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(2) Fines paid for violations of section 15(a) of the Compulsory/No Fault Motor Vehicle Insurance Act of 1982, effective September 18, 1982 (D.C. Law 4-155; D.C. Official Code § 31-2413(a)).

(3) All interest earned on the deposits of the Fund.

Sec. 9. Expenditures from Fund.

(a) The Commission may expend money in the Fund:

(1) To effectuate the purposes of the Commission pursuant to the powers set forth in section 5; and

(2) To pay the Commission's costs to administer the Commission and the Fund; provided, that money expended for this purpose shall not in any fiscal year exceed 15% of the amount of funds deposited in the Fund during the same fiscal year.

(b) Grants and financial support pursuant to section 5(1) shall be used to complement, not supplement, existing resources, and to expand or encourage new initiatives to reduce the incidence of motor vehicle theft in the District of Columbia.

Sec. 10. Conforming amendments.

(a) Section 2(f) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)), is amended as follows:

Amend § 1-523.01

(1) Paragraph (44) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(2) Paragraph (45) is amended by striking the period at the end and inserting the phrase “; and” in its place.

(3) A new paragraph (46) is added to read as follows:

“(46) The Motor Vehicle Theft Prevention Commission, established by section 3 of the Motor Vehicle Theft Prevention Act of 2008, passed on 2nd reading on May 6, 2008 (Enrolled version of Bill 17-138).”.

(b) Section 15 of the Compulsory/No Fault Motor Vehicle Insurance Act of 1982, effective September 18, 1982 (D.C. Law 4-155; D.C. Official Code § 31-2413), is amended by adding a new subsection (d) to read as follows:

Amend § 31-2413

“(d) All fines paid for violations of subsection (a) of this section shall be placed in the Motor Vehicle Theft Prevention Fund established by section 7 of the Motor Vehicle Theft Prevention Act of 2008, passed on 2nd reading on May 6, 2008 (Enrolled version of Bill 17-138).”.

Sec. 11. Applicability.

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

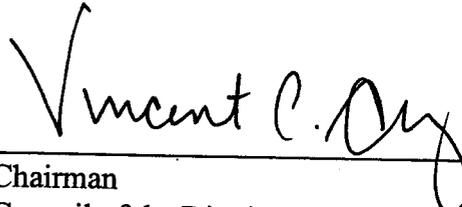
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Sec. 12. Fiscal impact statement.

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. 13. 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

UNSIGNED

Mayor
District of Columbia
May 23, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-395

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 23, 2008

*Codification
District of
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Official Code*

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2008 Fall
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Publisher

To amend the Prevention of Child Abuse and Neglect Act of 1977 to require certain records to be made available to the Child and Family Services Agency as part of an investigation of suspected child abuse or neglect; and to amend An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children to provide that mandatory reporters of abuse and neglect are not required to report when employed by a lawyer who is providing representation in a criminal, civil, or delinquency matter and the basis for suspicion arises solely in the course of the representation.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Child Abuse and Neglect Investigation Record Access Amendment Act of 2008".

Sec. 2. The Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.02 *et seq.*), is amended by adding a new section 106b to read as follows as follows:

"Sec. 106b. Obtaining records.

"(a) Notwithstanding any other provision of law, upon the Agency's request, a person who is required to report suspected incidents of child abuse or neglect under section 2 of An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children, approved November 5, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.02), shall immediately provide the Agency copies of all records in the possession of the person or the person's employees of:

"(1) A child who is the subject of an investigation of child abuse or neglect; provided, that the records bear directly on the allegations of abuse or neglect being investigated; and

"(2) Any other child residing in the household where the abuse or neglect is alleged to have occurred when the Agency has a reasonable suspicion that the child's health, safety, or welfare is at risk; provided, that the records bear directly on the basis of the Agency's suspicion.

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“(b) The Agency shall request the records as needed for its investigation under Title I.

“(c) The Agency shall not be charged a fee for the records.

“(d) If the Agency determines that the report of abuse or neglect is an unfounded report or an inconclusive report, as defined in section 102, the Agency shall immediately destroy all copies of any records it has received under this section.”.

Sec. 3. Section 2(b) of An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children, approved November 6, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.02(b)), is amended by striking the phrase “Code § 7-1201.01(11)” and inserting the phrase “Code § 7-1201.01(11)). Such persons are not required to report when employed by a lawyer who is providing representation in a criminal, civil, including family law, or delinquency matter and the basis for the suspicion arises solely in the course of that representation.” in its place.

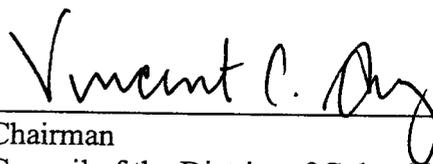
Amend § 4-1321.02

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

May 23, 2008

Codification District of Columbia Official Code, 2001 Edition

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-396

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
MAY 23, 2008

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2008 Fall
Supp.

West Group
Publisher

To amend the Prevention of Child Abuse and Neglect Act of 1977 to include limited grant-making authority among the duties and powers of the Director of the Child and Family Services Agency, and to require that an annual report on the grants made be submitted to the Council.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Child and Family Services Grant-Making Amendment Act of 2008".

Sec. 2. Section 303(a-1) of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1303.03(a-1)), is amended by adding a new paragraph (3A) to read as follows:

Amend
§ 4-1303.03

“(3A)(A) To issue grants to community and neighborhood-based groups for programs that deliver prevention and intervention services; provided, that the Director submits an annual report to the Council that includes the recipient, amount, purpose, and term of each grant issued, and a description of outcomes to be achieved and an evaluation of whether or not those outcomes have been achieved for each grant issued.

“(B) A grant in excess of \$1 million shall be submitted to the Council for approval in accordance with section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51).

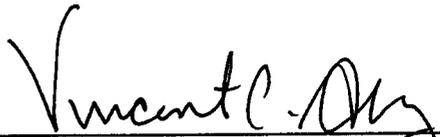
Sec. 3. Fiscal impact statement.

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)).

ENROLLED ORIGINAL

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.



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
May 23, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-397

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 23, 2008

*Codification
 District of
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2001 Edition

2008 Fall
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West Group
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To symbolically designate the public street on the 600 block of F Street, N.W., between 6th Street, N.W., and 7th Street, N.W., in Ward 2, as Abe Pollin Way.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Abe Pollin Way Designation Act of 2008".

Sec. 2. Pursuant to sections 401 and 403a of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01 and 9-204.03a) (Act"), and notwithstanding sections 405 and 407 of the Act (D.C. Official Code §§ 9-204.05 and 9-204.07), the Council symbolically designates the 600 block of F Street, N.W., between 6th Street, N.W., and 7th Street, N.W., in Ward 2, as "Abe Pollin Way".

Note,
 § 9-204.01

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this act, after it becomes effective, to the District Department of Transportation.

Sec. 4. Fiscal impact statement.

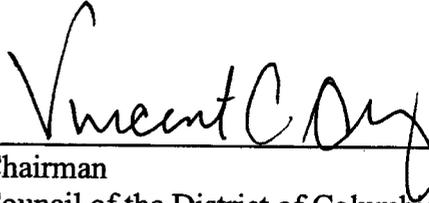
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

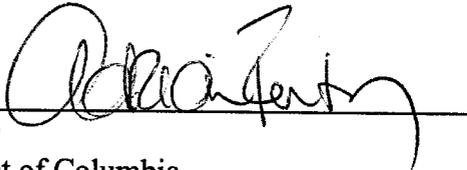
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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
May 23, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-398

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
MAY 23, 2008

Codification
District of
Columbia
Official Code

2001 Edition

2008 Fall
Supp.

West Group
Publisher

To amend Title 25 of the District of Columbia Official Code to strengthen the Alcoholic Beverage Control Board ("Board") enforcement authority to fine for Alcoholic Beverage Control violations and take enforcement action for interfering with Metropolitan Police Department and Alcoholic Beverage Regulation Administration ("ABRA") investigations; to clarify the quantity of alcohol that may be shipped into the District of Columbia; to authorize the Board to require nightclubs to submit security plans with their license applications, and to provide the Board with the discretion to require security plans of restaurants, taverns, and multipurpose facilities; to clarify that a tasting permit is valid for 3 years; to improve Board transparency by establishing an open meeting requirement; to prohibit licensees from assigning away responsibility for security at an establishment; and to provide the Board with the authority to summarily fine licensees for specified acts or failures to act under the same standard for summary revocation and suspension; and to amend Chapter 7 of Title 23 of the District of Columbia Municipal Regulations to provide procedures for reimbursement by ABRA of Metropolitan Police Department details to licensees.

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

Sec. 2. Chapter 1 of Title 25 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section heading to read as follows:

"25-123. Farm winery retail license."

(b) Section 25-101 is amended by adding a new paragraph (21B) to read as follows:

"(21B) "Farm winery" means a winery where at least 51% of the fresh fruits or agricultural products used by the owner or lessee to manufacture the wine shall be grown or produced on such farm."

(c) Section 25-113 is amended as follows:

(1) Subsection (b) is amended by adding new paragraphs (4) and (5) to read as

Amend
§ 25-101

Amend
§ 25-113

ENROLLED ORIGINAL

follows:

“(4) The Board, in its sound discretion, may require that a restaurant (R) licensee file a security plan with the Board. A restaurant (R) licensee so required shall comply with the terms of its security plan.

“(5)(A) Notwithstanding any other provision of this subchapter, a restaurant license (R) under this section shall authorize the licensee to permit a patron to remove one partially consumed bottle of wine for consumption off premises.

“(B) A partially consumed bottle of wine that is to be removed from the premises must be securely resealed by the licensee or its employee before removal from the premises.

“(C) The partially consumed bottle shall be placed in a bag or other container that is secured in such a manner that it is visibly apparent if the container has been subsequently opened or tampered with, and a dated receipt for the bottle of wine shall be provided by the licensee and attached to the container.”

(2) A new subsection (c)(4) is added to read as follows:

“(c)(4) The Board, in its sound discretion, may require that a tavern (T) licensee file a security plan with the Board. A tavern (T) licensee so required shall comply with the terms of its security plan.”

(3) Subsection (d)(1) is amended to read as follows:

“(d)(1) A nightclub license (N) shall be issued only to a nightclub with a security plan. The holder of a nightclub license shall comply with the terms of its security plan.”

(4) A new subsection (g)(4) is added to read as follows:

“(g)(4) The Board, in its sound discretion, may require that a multipurpose facility licensee file a security plan with the Board. A multipurpose facility licensee so required shall comply with the terms of its security plan.”

(d) Section 25-116 is amended by adding a new sentence at the end to read as follows:

“A solicitor’s license shall allow the licensee to transport samples to and from licensed establishments.”

Amend § 25-116

(e) Section 25-118 is amended as follows:

(1) Subsection (a) is amended by striking the phrase “class A” and inserting the phrase “class A and B” in its place.

Amend § 25-118

(2) Subsection (d) is amended by striking the number “2” and inserting the number “3” in its place.

(f) A new section 25-123 is added to read as follows:

“§ 25-123. Farm winery retail license.

New § 25-123

“(a) A farm winery retail license shall be issued to a farm winery to authorize the licensee to sell wine:

“(1) From the place described for consumption off-premises and to deliver the same in the sealed bottle or other closed container in which the same was received by the licensee at the licensed establishment; and

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“(2) At the licensed establishment for consumption at the licensed establishment.

“(b) A licensee under a farm winery retail license may sell and deliver alcoholic beverages for off-premises consumption only during the hours of sale and delivery specified for a class B off-premises retail licensee under § 25-722, and may sell and serve alcoholic beverages for on-premises consumption except as restricted by § 25-724.

“(c) The provisions of §§ 25-725, 25-741 (a) and (b), 25-742, and 25-753 shall apply to a farm winery retail license.”.

Sec. 3. Chapter 2 of Title 25 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding the phrase “25.204.01. Board – open meetings.” after the phrase “25-204. Board – functions and duties.”.

(b) A new section 25-204.01 is added to read as follows:

“§ 25-204.01. Board — open meetings.

“(a) This section shall be construed broadly to maximize public access to meetings. Exceptions to open meetings shall be construed narrowly.

“(b)(1) “For the purposes of this section, the term “meeting” means any gathering of a quorum of the members of the Board, including hearings and roundtables, whether regular, special, or emergency, at which the members consider, conduct, or advise on public business, including gathering information, taking testimony, discussing, and voting.

“(2) A chance meeting or social encounter does not constitute a meeting unless it is held to evade the letter or spirit of this section.

“(3) The term “meeting” does not include:

“(A) Discussions by members of the Board on logistical and procedural methods to schedule and regulate a meeting;

“(B) Any on-site inspection of any project or program; and

“(C) General discussions among Board members on issues of interest to the public held in a planned or unplanned social, educational, informal, ceremonial, or similar setting when there is no intent to conduct public business, nor for the discussion to lead to an official action, even if a quorum is present and public business is discussed.

“(c)(1) Except as provided in paragraph (2) of this subsection, a meeting shall be open to the public.

“(2) A meeting, or portion of a meeting, may be exempt from the requirement in paragraph (1) of this subsection because of the following:

“(A) Statute or court order;

“(B) Contract negotiations;

“(C) Attorney-client privilege: To consult with an attorney, in order to preserve the attorney-client privilege between an attorney and the Boards, and to approve settlement agreements; provided, that nothing herein shall be construed to permit the Board to

New
§ 25-204.01

ENROLLED ORIGINAL

close a meeting that would otherwise be open merely because the Board's attorney is a participant;

“(D) Personnel matters: Discussion of the appointment, employment, assignment, promotion, performance evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees, or officials, unless the person requests a public meeting;

“(E) Quasi-judicial functions: Meetings held by the Board exercising quasi-judicial functions that are held solely for the purpose of deliberating or making a decision in an adjudication action or proceeding;

“(F) Enforcement: To plan, conduct, discuss, or hear reports concerning investigations of alleged criminal or civil misconduct or violations of federal or District law; or

“(G) Executive functions: To discuss the administration of a current District or federal statute, regulation, or procedure.

“(3) A public body that meets in closed session may not discuss or consider any official matter other than matters listed in paragraph (2) of this subsection.

“(4) No resolution, rule, act, regulation, or other official action shall be effective unless taken, made, or enacted at an open meeting.

“(d)(1) Before a meeting or portion of a meeting may be closed, the Board shall meet in public session at which a majority of the members of the public body who are present vote in favor of a motion for closure pursuant to an exemption listed under subsection (c)(2) of this section.

“(2) The motion shall state the reason for closing the meeting and include a listing of the topics to be discussed. The Chairperson of the Board shall conduct and record a roll call vote on the motion.

“(3) At the conclusion of the closed meeting, the Board shall reconvene in public session, to summarize, to the extent consistent with the applicable reason for closure, the matters discussed or considered at the closed session, and, if appropriate, take official action.”.

Sec. 4. Chapter 4 of Title 25 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding the phrase “[Repealed]” after the phrase “25-422. Notice by applicant.”.

(b) Section 25-402 is amended as follows:

(1) Subsection (a)(6) is amended to read as follows:

“(6) The size and design of the establishment, which shall include both the number of seats (occupants) and the number of patrons permitted to be standing, both inside and on any sidewalk café or summer garden.”.

(2) New subsections (d), (e), and (f) are added to read as follows:

“(d) The applicant for a nightclub license shall file a written security plan with the Board.

Amend
§ 25-402

ENROLLED ORIGINAL

“(e) The Board may require, in its sound discretion, the applicant for a restaurant, tavern, or multipurpose facility license to file a written security plan with the Board.

“(f) A written security plan shall include at least the following elements:

“(1) A statement on the type of security training provided for, and completed by, establishment personnel, including:

“(A) Conflict resolution training;

“(B) Procedures for handling violent incidents, other emergencies, and calling the Metropolitan Police Department; and

“(C) Procedures for crowd control and preventing overcrowding;

“(2) The establishment’s procedures for permitting patrons to enter;

“(3) How security personnel are stationed inside and in front of the establishment and the number and location of cameras used by the establishment;

“(4) Procedures in place to prevent patrons from becoming intoxicated and ensuring that only persons 21 years or older are served alcohol; and

“(5) How the establishment maintains an incident log.”.

(c) Section 25-403 is amended by adding new subsections (e), (f), and (g) to read as follows:

Amend
§ 25-403

“(e) In the case of an application for renewal of a nightclub license, the applicant shall submit a written security plan.

“(f) In the case of an application for renewal for a restaurant, tavern, or multipurpose facility license, the Board may, in its sound discretion, require that the applicant submit a written security plan.

“(g) A written security plan shall include at least the following elements:

“(1) A statement on the type of security training provided for, and completed by, establishment personnel, including:

“(A) Conflict resolution training;

“(B) Procedures for handling violent incidents, other emergencies, and calling the Metropolitan Police Department; and

“(C) Procedures for crowd control and preventing overcrowding;

“(2) The establishment’s procedures for permitting patrons to enter;

“(3) How security personnel are stationed inside and in front of the establishment and the number and location of cameras used by the establishment;

“(4) Procedures in place to prevent patrons from becoming intoxicated and ensuring that only persons 21 years or older are served alcohol; and

“(5) How the establishment maintains an incident log.”.

(d) Section 25-422 is repealed.

Repeal
§ 25-422

ENROLLED ORIGINAL

Sec. 5. Chapter 7 of Title 25 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding the phrase “[Repealed]” after the phrase “25-796. Valet parking.”.

(b) Section 25-701(c) is amended by striking the word “licensees” and inserting the phrase “the holder of a wholesaler’s license that is not open to the public or to licensees” in its place.

Amend
§ 25-701

(c) Section 25-712 is amended by adding a new subsection (f) to read as follows:

“(f) This section shall not apply to the holder of a wholesaler’s license that is not open to the public.”.

Amend
§ 25-712

(d) Section 25-772 is amended as follows:

(1) Subsection (a) is amended by striking the word “gallon” and inserting the word “case” in its place.

Amend
§ 25-772

(2) Subsection (b) is amended by striking the word “quart” and inserting the phrase “case per location” in its place.

(e) Section 25-796 is repealed.

Repeal
§ 25-796

(f) A new section 25-797 is added to read as follows:

“§ 25-797. Limitation on transfer of responsibility for licensee security.

New
§ 25-797

“(a) The holder of an on-premises retailer’s license may rent out or provide the licensed establishment for use by a third party or promoter for a specific event; provided, that the licensee maintains ownership and control of the licensed establishment for the duration of the event, including modes of ingress or egress, and the staff of the establishment, including bar and security staff.

“(b) Under no circumstances shall a licensee permit the third party or promoter to be responsible for providing security or maintain control over the establishment’s existing security personnel.

“(c) A violation of this section shall constitute a primary tier violation under section 25-830(c)(1).”.

Sec. 6. Chapter 8 of Title 25 of the District of Columbia Official Code is amended as follows:

(a) Section 25-823 is amended as follows:

(1) The lead-in text is amended by striking the phrase “may suspend” and inserting the phrase “may fine, as set forth in the schedule of civil penalties established under § 25-830, suspend,” in its place.

Amend
§ 25-823

(2) Paragraph (1) is amended by striking the phrase “laws of the District” and inserting the phrase “laws of the District, including the District’s curfew law” in its place.

(3) Paragraph (3) is amended by striking the word “or” at the end.

(4) Paragraph (4) is amended by striking period and inserting a semicolon in its place.

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(5) New paragraphs (5) and (6) are added to read as follows:

“(5) The licensee fails or refuses to allow an ABRA investigator, a designated agent of ABRA, or a member of the Metropolitan Police Department to enter or inspect without delay the licensed premises or examine the books and records of the business, or otherwise interferes with an investigation; or

“(6) The licensee fails to follow its voluntary agreement, security plan, or Board order.”.

(b) Section 25-826(a) is amended by striking the phrase “suspend,” and inserting the phrase “suspend, fine,” in its place.

Amend
§ 25-826

Sec. 7. Title 23 of the District of Columbia Municipal Regulations is amended as follows:

DCMR

(a) Section 207.2 is amended by adding the following phrase at the end of the table:

“Farm winery retail Oct. 1 to Sept. 30 2009.”.

(b) Section 208 is amended by adding a new subsection to read as follows:

“208.21. The annual fee for a farm winery retailer’s license shall be two thousand five hundred dollars (\$2,500).”.

(c) A new section 718 is added to read as follows:

“718. REIMBURSABLE DETAIL SUBSIDY PROGRAM.

“718.1. This section sets forth the procedures for receiving reimbursement from ABRA under the subsidy program for monies paid to the Metropolitan Police Department (“MPD”) by licensees for the hiring of MPD officers to work a reimbursable detail. A licensee, a group of licensees, or a Business Improvement District on behalf of licensees (“licensees”), may enter into an agreement with MPD to provide for reimbursable detail and are eligible for reimbursement under the subsidy program. This section shall apply only to the extent that:

“(a) The Council funds the subsidy program; and

“(b) ABRA has sufficient funds earmarked for this program remaining to reimburse MPD for costs incurred by licensees for MPD officers working reimbursable details.

“718.2. ABRA will reimburse MPD up to fifty percent (50%) of the total cost of invoices submitted by MPD to cover the costs incurred by licensees for MPD officers working reimbursable details. MPD shall submit to ABRA on a monthly basis invoices documenting up to the fifty percent (50%) amount owed by each licensee. Invoices will be paid by ABRA to MPD within thirty (30) days of receipt in the order that they are received until the subsidy program’s funds are depleted. Any portion of any invoice submitted by MPD and not reimbursed by ABRA shall be the responsibility of the licensee.

“718.3. ABRA shall notify MPD when funds in the subsidy program fall below two hundred and fifty thousand dollars (\$250,000).

“718.4. Any invoices unpaid by ABRA either for good cause or a lack of sufficient funds left in the subsidy program shall remain the responsibility of the licensee.

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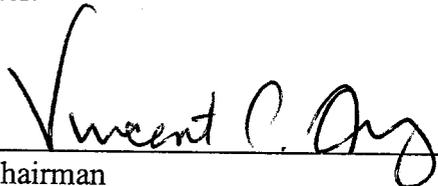
“718.5. ABRA shall not be involved in determining the number of MPD officers needed to work a reimbursable detail.”.

Sec. 8. Fiscal impact statement.

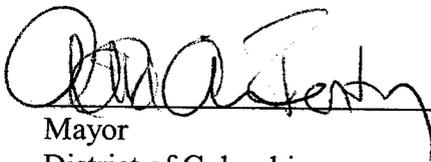
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 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), 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
May 23, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-399

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 23, 2008

*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Fall
Supp.West Group
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To provide that the Office of the State Superintendent of Education shall administer the pre-kindergarten education system, to require the Mayor to submit to the Council for its approval a plan to evaluate pre-kindergarten programs, including the name of a proposed independent evaluator, to require the Mayor to submit to the Council a capacity audit of pre-kindergarten programs each year, to require the Mayor to submit to the Council an annual report on the status of pre-kindergarten education, to require the Office of the State Superintendent of Education to establish high-quality standards that all pre-kindergarten programs are required to meet by year 2014, to require each existing pre-kindergarten program to complete an audit by a time certain to determine its standing in relation to the required high-quality standards, to require the Office of the State Superintendent of Education to establish and administer a 5-year grant program to assist pre-kindergarten programs in meeting the required high-quality standards, to establish the Pre-k Program Assistance Grant Fund, to require the Mayor to submit an annual report on the grant program, to require the Office of the State Superintendent of Education to evaluate the existing capacity of pre-kindergarten education and to establish a 5-year strategic expansion plan to make pre-kindergarten universally available, to establish eligibility and priority criteria for enrollment in pre-kindergarten, to require the Office of the State Superintendent of Education to establish a Higher Education Incentive grant program, to authorize a scholarship program to increase the number of teachers and assistant teachers in pre-kindergarten education, and to require the Mayor to issue rules pursuant to this act and to submit the proposed rules to the Council for approval; to amend the Interagency Collaboration and Services Integration Commission Establishment Act of 2007 to require the commission to consult with the Office of the State Superintendent of Education regarding services for the families of children of pre-kindergarten age; to amend the Early Intervention Program Establishment Act of 2004 to clarify that the functions of the both Early Care and Education Administration and the Early Intervention Program are to be transferred to the Office of the State Superintendent of Education; to amend the Child Development Facilities Regulation Act of 1998 to exclude from the definition of child development facility a pre-kindergarten program and to transfer assets that support the functions

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related to the licensure of child-care programs in the Early Care and Education Administration and the Early Intervention Program from the Department of Health to the Office of the State Superintendent of Education; to amend An Act To provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes to change the deadline by which a child must be 5 years of age to attend school in the upcoming year from December 31st to September 30th; to amend the Office of Public Education Facilities Modernization Establishment Act of 2007 to require the office to consult with the Office of the State Superintendent of Education regarding capital improvements and the renovation of facilities related to pre-kindergarten; to amend the District of Columbia School Reform Act of 1995 to require the Public Charter School Board to consult with the Office of the State Superintendent of Education; to amend the State Education Office Establishment Act of 2000 to include among the duties of the Office of the State Superintendent of Education the duty to administer pre-kindergarten education, and to require it to annually conduct a residency audit of children enrolled in pre-kindergarten; and to amend the Fiscal Year 2008 Supplemental Appropriations Temporary Act of 2008 to revise a reference to this act to the current name of the act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Pre-k Enhancement and Expansion Amendment Act of 2008".

TITLE I. DEFINITIONS; ADMINISTRATION; AND FUNDING.

Sec. 101. Definitions.

For the purposes of this act, the term:

(1) "Community-based organization" or "CBO" means Head Start and early childhood- education programs operated by a nonprofit or faith-based organization.

(2) "Fund" means the Pre-k Program Assistance Grant Fund established by section 204.

(3) "HEI program" means the Higher Education Incentive grant program established by section 401.

(4) "HQ standards" means high-quality content standards and program requirements for pre-k programs established by the OSSE pursuant to section 201.

(5) "OSSE" means the Office of the State Superintendent of Education, established by the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2601 *et seq.*).

(6) "Pre-k" means the educational gradation available to children of pre-kindergarten age for the 2 years prior to their eligibility for enrollment in kindergarten.

(7) "Pre-k age" means children 3 or 4 years of age, and children who become 5

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years of age after September 30th of the upcoming school year.

(8) "Pre-k-education services" means the District-wide educational services provided to the publicly funded CBOs, District of Columbia Public Schools, and Public Charter Schools who provide pre-k care and education services to pre-k age children.

(9) "Pre-k program" means a classroom or a group of classrooms serving pre-k children. A single organization or entity may operate multiple pre-k programs in different locations.

(10) "Professional development" means a data-driven, continuous improvement process that provides a range of formal and informal experiences designed for teaching and administrative staff to increase their knowledge and understanding of research-based, developmentally appropriate content and teaching strategies.

(11) "School readiness" means a child's mastery of approved early-learning standards in the domains of language and literacy, mathematical thinking, social and emotional development, scientific inquiry, social studies, approaches to learning, and health.

(12) "Technical assistance" means the human and technological resources that support the establishment of age-appropriate classroom environments, provide strategies that develop children's early language and literacy development and mathematical thinking, aid in the mastery of early-learning standards, and develop appropriate instructional strategies for children with disabilities and for children whose first language is not English.

(13) "Workforce development" means a range of educational and training experiences that support and increase the capacity of individuals to enter and remain a part of the early-care and education-labor market.

Sec. 102. Administration of Pre-k.

(a) The OSSE shall oversee pre-k education services, including:

- (1) All programs, including curricula;
- (2) All related state and federal early childhood programs;
- (3) Any licensure requirements;
- (4) Fiscal matters;
- (5) Funding to:

- (A) Maximize the use of federal funds and other resources;
- (B) Minimize inefficiencies and programmatic barriers;
- (C) Ensure that children are placed on the appropriate funding streams;

and

(D) Ensure that funds authorized by this act are used to supplement, not supplant, other funding sources that finance education programs for children of pre-k age;

(6) The alignment and monitoring of standards and teaching practices between pre-k and grades kindergarten through 3rd grade; and

(7) The implementation of an external evaluation of all pre-k programs,

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including the measurement of progress toward school-readiness benchmarks.

(b) The OSSE shall:

(1) Coordinate with the Interagency Collaboration and Services Integration Commission, established by section 504 of the Interagency Collaboration and Services Integration Commission Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 2-1594), to ensure that eligible families can access coordinated support services for their children of pre-k age;

(2) In regard to public charter schools, consult with the Public Charter School Board, established by section 2214 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.14), to ensure that the requirements and the goals of this act are met;

(3) Establish facilities requirements for classroom expansion and quality improvement, to be utilized by the Office of Public Education Facilities Modernization, established by section 702 of the Office of Public Education Facilities Modernization Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-451), to complete the capital improvements and renovation of facilities;

(4) Develop high-quality content standards for all pre-k programs, which have been approved by the State Board of Education;

(5) Develop and oversee a monitoring, assessment, and accountability process for all programs within the pre-k-education system;

(6) Promulgate a process for pre-k programs that fail to attain the required high-quality standards by September 1, 2014, which may include:

(A) A reduction or elimination of local funding;

(B) Denial of licensure; or

(C) Revocation of licensure;

(7) Promulgate a quality-improvement process for pre-k programs that, after 2014, fail to maintain for a period of time, as determined by OSSE, the required high-quality standards, which may include:

(A) Adherence to a quality-improvement plan;

(B) A reduction or an elimination of local funding;

(C) Denial of licensure; or

(D) Revocation of licensure;

(8) Develop and administer the technical assistance and professional development programs for all teaching staff, principals, and other administrators in all of the sectors of pre-k, in coordination with the District's state system of professional development and training;

(9) Collect and disseminate to the public on an ongoing basis child and program data; and

(10) Consider developing a sliding-fee scale for enrollment in pre-k of children

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whose family income is above 250% of the federal poverty guideline.

Sec. 103. Annual evaluation of the quality of current pre-k programs.

(a) Within 30 days of the effective date of this act, the Mayor shall submit to the Council for its approval, a plan, including the name of a proposed independent evaluator, to evaluate pre-k programs in accordance with this section. Within 60 days of Council approval, the Mayor shall execute a contract with the approved evaluator.

(b) The approved evaluator shall perform a baseline quality assessment for a sampling of pre-k classrooms in each of the following sectors:

- (1) District of Columbia Public Schools;
- (2) Public charter schools; and
- (3) CBOs.

(c) The evaluator shall collect baseline quality data to:

- (1) Describe the overall program structure;
- (2) Assess the language and literacy environment; and
- (3) Assess the quality of instructional support, classroom climate, and classroom management.

(d) The evaluator's data and analysis shall be used to:

- (1) Provide an assessment of the level of quality of all sectors; and
- (2) Serve as baseline data from which to develop benchmarks for ongoing quality assessment of the pre-k-education system.

(e) The Mayor shall submit to the Council by September 15 of each year, beginning in 2009, projected benchmarks by which to measure annual achievements within the pre-k-education system.

Sec. 104. Annual capacity audit.

The Mayor shall submit to the Council by September 30 of each year, beginning in 2008, a capacity audit of pre-k programs for all sectors, to be used by OSSE to determine the:

- (1) Number of children for whom pre-k is not available and whose parents would send them to pre-k but for the lack of availability;
- (2) Current capacity of all existing pre-k programs; and
- (3) Manner in which Head Start programs are incorporated in the early care and education delivery system.

Sec. 105. Annual report to the Council.

(a) The Mayor shall submit to the Council by September 30 of each year, beginning in 2009, an annual report on the status of pre-k for all sectors, accompanied, in 2009, by the independent quality evaluation required by section 103, which shall include OSSE's assessment of the:

ENROLLED ORIGINAL

- (1) Annual achievements made as measured against the benchmarks developed the previous year;
 - (2) Number and success of the quality improvement plans implemented;
 - (3) Status of the monitoring, assessment, and accountability processes for all programs within the pre-k-education system; and
 - (4) Results of the current capacity audit of all pre-k programs.
- (b) For the 2009 report, for which benchmarks would not have been submitted in the prior year, the annual achievements shall be measured using existing reliable data and that data shall be included, or an abstract thereof, in the evaluation.

Sec. 106. Funding.

(a) Local funding for pre-k programs shall not supplant any funding sources used prior to the effective date of this act for education programs for children of pre-k age.

(b)(1) For each provider that meets the high-quality standards established pursuant to this act, local funding shall be allocated in such a manner so that each provider receives in total funding an amount equal to the per student funding formula, established pursuant to section 2401 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321-107; D.C. Official Code § 38-1804.01).

(2) Local funding for a program under a quality-improvement plan may vary, in accordance with procedures established pursuant to section 102(b)(7).

(c)(1) The OSSE shall establish procedures for the local allocation of funds distributed pursuant to this section in the event that the amount appropriated is insufficient to fund all providers that meet the high-quality standards established by this act.

(2) From amounts appropriated under this section, OSSE may provide for all activities authorized by this act.

TITLE II. ENHANCEMENT OF EXISTING PRE-K PROGRAMS.

Sec. 201. Establishing high-quality standards.

(a) Within 120 days of the effective date of this act, OSSE shall establish high-quality content standards and program requirements, which have been approved by the State Board of Education, that all pre-k programs are required to meet by September 1, 2014.

(b) The program requirements shall include:

- (1) An adult-to-child ratio of one-to-8 for children 30 months to 3 years of age and of one-to-10 for children 4 years of age or older, or as otherwise approved by OSSE;
- (2) A comprehensive curriculum that is aligned with the District of Columbia Early Learning Standards;
- (3) Accreditation by a national accrediting body approved by OSSE;
- (4) The minimum hours and days of operation;

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(5) Valid and reliable assessments that meet accepted standards of technical adequacy to measure educational objectives and outcomes;

(6) Teacher qualifications, which may include a waiver of certain academic and degree requirements for current teachers, or current assistant teachers, with a minimum of 10 years of experience as of the effective date of this act, who are employed in programs meeting the educational objectives and outcomes of the HQ standards; provided, that by September 1, 2017, all teachers and assistant teachers shall be required to meet the academic and degree requirements as established by the OSSE and approved by the State Board of Education;

(7) A professional development and training plan for pre-k teachers and assistant teachers;

(8) A plan to foster parental support and involvement;

(9) A plan to coordinate support services;

(10) A plan to ensure inclusion of children with disabilities, in accordance with federally-stated goals;

(11) Facilities requirements;

(12) Licensure requirements; and

(13) A process for continuous improvement, classroom assessment, and child outcome assessment.

Sec. 202. Program audit requirement.

(a) By July 2009, each pre-k program in the District shall have completed an evaluation, by an independent evaluator, and a financial audit to determine its standing in relation to the required HQ standards.

(b) Within 30 days of the effective date of this act, the Mayor shall submit to the Council for its approval, a plan, including the name of a proposed independent evaluator, to evaluate pre-k programs in accordance with this section. Within 60 days of Council approval, the Mayor shall execute a contract with the approved evaluator.

(c) The Mayor shall submit to the Council by September 30, 2009, the results of the program and financial audits.

Sec. 203. Pre-k programs assistance grants.

(a) Beginning in September 2009, OSSE shall establish and administer a 5-year grant program to assist pre-k programs in meeting the required HQ standards. Each grant shall be a 2-year grant. The last grants to be awarded pursuant to this section shall be awarded in 2013.

(b) The OSSE shall establish the criteria for eligibility to receive a grant; provided, that, in evaluating grant applications, OSSE shall give priority to those applications that demonstrate need and a capacity to achieve and maintain the HQ standards.

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Sec. 204. Pre-k Program Assistance Grant Fund; establishment.

(a)(1) There is established as a segregated, nonlapsing fund the Pre-k Program Assistance Grant Fund. The Fund shall appear as a separate program line within the OSSE budget. 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 a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (b) of this section without regard to fiscal year limitation, subject to authorization by Congress.

(2) The Fund shall be funded through:

- (A) Local funds;
- (B) Federal funds;
- (C) Federal grant funds; and
- (D) Grants, gifts, or subsidies from public or private sources.

(b) The funds in the Fund shall be used:

- (1) To provide assistance to pre-k programs in meeting the HQ standards; and
- (2) For administrative costs and monitoring of the Fund.

(c) The Mayor shall submit an annual report to the Council by September 30 of each year, beginning in 2010, on the 5-year grant program that includes:

- (1) The criteria used in evaluating grant applications;
- (2) The number of grant applications received and awarded;
- (3) For each grant, the amount of the grant and the rationale for the grant; and
- (4) Progress that each existing grantee has made towards achieving the HQ

standards.

TITLE III. EXPANSION TO UNIVERSAL PRE-K.

Sec. 301. Expansion to universal pre-k.

(a) The OSSE shall conduct, by September 30th of each year, an evaluation of all pre-k programs to establish existing capacity.

(b) By September 2009, and every 5 years thereafter, the OSSE shall submit to the Mayor and the Council a 5-year strategic expansion plan, including an assessment of the number of children interested in attending pre-k and the District's fiscal and physical capacity to accommodate them.

(c) Beginning in September 2009, and each year thereafter, OSSE shall submit to the Mayor and the Council an implementation plan for the following school year to expand pre-k to the maximum extent possible, but shall expand pre-k each year to accommodate a minimum of 15% of the unserved children, based on the strategic expansion plan, until pre-k programs are available to all children of pre-k age whose parents choose to send them to pre-k.

(d)(1) During the expansion to universal pre-k, OSSE shall use its best efforts to:

(A) Ensure that over a 5-year period a minimum of 25% of all new pre-k programs are operated by CBOs; and

ENROLLED ORIGINAL

- (B) Maintain a balance of diversity among the children.
- (2) For the purpose of this subsection, "diversity" means a mix of children:
- (A) From families of different income levels;
 - (B) With, and without, disabilities or special needs; and
 - (C) Whose first language is, and is not, English.
- (e) A pre-k program established following the effective date of this act shall comply with the HQ standards, established pursuant to, respectively, sections 102(b)(4) and 201(b), upon the effective date of the HQ standards.

Sec. 302. Eligibility and priority for enrollment in pre-k.

- (a) To be eligible for enrollment in pre-k, a child shall be a resident of the District and be of pre-k age, or become 3 years of age on or before September 30th of the program year.
- (b) Priority enrollment shall be first to children who live within the school's attendance zone boundary, as established pursuant to an Act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia, approved June 20, 1996 (34 Stat. 316; D.C. Official § 38-101 *et seq.*), if applicable, and then to children whose family income is between 130% and 250% of federal poverty guidelines, and to children whose family income is below 130% who are not served by existing programs.

TITLE IV. WORKFORCE DEVELOPMENT.

Sec. 401. Establishment of the Higher Education Incentive grant program.

- (a) The Higher Education Incentive grant program shall be established by OSSE for the purpose of increasing the number of pre-k teachers, and assistant teachers, with advanced learning credentials. The HEI program shall consist of a consortium of colleges in the District, including the Graduate School, United States Department of Agriculture, that offers continuing education classes for teachers and assistant teachers to obtain a Bachelors degree or an Associates degree.
- (b) The OSSE shall administer the HEI program and award HEI grants, subject to funding, to qualified teachers and assistant teachers.

Sec. 402. HEI scholarship program.

(a) In addition to awarding HEI grants to pre-k teachers and assistant teachers, OSSE may establish and administer a scholarship-award program for qualified individuals who have an interest in the pre-k education field. In exchange for a commitment to teach in the pre-k education system in the District for 3 years, OSSE may provide a scholarship to the HEI program, as well as a stipend, to a qualified applicant.

(b)(1) A qualified applicant shall be an individual who has graduated from college within 3 years of submission of the application.

(2) A preference shall be given to individuals who:

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- (A) Are domiciled in the District;
- (B) Graduated from a District college or university; or
- (C) Commit to be domiciled in the District within 180 days of accepting

a scholarship.

(c) An individual who accepts the scholarship and fails to fulfill the 3-year commitment shall be required to repay the scholarship.

TITLE V. RULEMAKING.

Sec. 501. Rules.

(a) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this act. The proposed rules shall be submitted 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, by resolution, within this 30-day review period, the proposed rules shall be deemed approved.

(b) All rules and regulations, issued under appropriate authority, prior to the effective date of this act shall continue in full force and effect until superseded by the rules issued pursuant to subsection (a) of this section.

TITLE VI. CONFORMING AMENDMENTS.

Sec. 601. Section 505(c) of the Interagency Collaboration and Services Integration Commission Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 2-1595(c)), is amended as follows:

Amend
§ 2-1595

(a) Paragraph (2) is amended by striking the phrase “and activities; and” and inserting the phrase “and activities;” in its place.

(b) Paragraph (3)(B) is amended by striking the phrase “section 204(b).” and inserting the phrase “section 204(b); and” in its place.

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

“(4) The Commission shall consult with the Office of the State Superintendent of Education to ensure that eligible families can access comprehensive and coordinated services for their children of pre-k age, as that term is defined in section 101(7) of the Pre-k Enhancement and Expansion Amendment Act of 2008, passed on 2nd reading on May 6, 2008 (Enrolled version of Bill 17-537).”

Sec. 602. Section 503a of the Early Intervention Program Establishment Act of 2004, effective April 13, 2005 (D.C. Law 15-353; D.C. Official Code § 7-863.03a), is amended by striking the phrase “institution of functions related to the Early Intervention Program” and inserting the phrase “institution of functions related to the Early Care and Education Administration and the Early Intervention Program” in its place.

Amend
§ 7-863.03a

ENROLLED ORIGINAL

Sec. 603. The Child Development Facilities Regulation Act of 1998, effective April 13, 1999 (D.C. Law 12-215; D.C. Official Code § 7-2031 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 7-2031) is amended as follows:

Amend
§ 7-2031

(1) Paragraph (3) is amended by striking the phrase “related functions.” and inserting the phrase “related functions or a pre-kindergarten education program licensed pursuant to the Pre-k Act of 2008.”

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

“(6A) “Pre-k Act of 2008” means the Pre-k Enhancement and Expansion Amendment Act of 2008, passed on 2nd reading on May 6, 2008 (Enrolled version of Bill 17-537).”

(b) Section 4 (D.C. Official Code § 7-2033) is amended as follows:

Amend
§ 7-2033

(1) Paragraph (4) is amended by striking the phrase “toddler; or” and inserting the phrase “toddler;” in its place.

(2) Paragraph (5) is amended by striking the phrase “regulatory authority.” and inserting the phrase “regulatory authority; or” in its place.

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

“(6) Pre-kindergarten education programs licensed pursuant to the Pre-k Act of 2008.”

(c) A new section 4a is added to read as follows:

“(4a)(a) All positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available to the Department of Health that support the functions related to the licensure of child-care programs in the Early Care and Education Administration and the Early Intervention Program shall be transferred to the Office of the State Superintendent of Education, established by section 2 of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2601), within 60 days of the applicability date of the Pre-k Act of 2008.

“(b) All rules, orders, obligations, determinations, grants, contracts, licenses, and agreements of the Department of Health, the Department of Human Services, the Board of Education, or the District of Columbia Public Schools relating to the functions transferred to the Office of the State Superintendent of Education pursuant to subsection (a) of this section shall remain in effect according to their terms until lawfully amended, repealed, or modified.”

Sec. 604. Section 1(a) of An Act To provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes, approved February 4, 1925 (43 Stat. 806; D.C. Official Code § 38-202(a)), is amended by striking the date “December 31st” and inserting the date “September 30th” in its place.

Amend
§ 38-202

ENROLLED ORIGINAL

Sec. 605. Section 704 of the Office of Public Education Facilities Modernization Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-453), is amended by adding a new paragraph (7A) to read as follows:

Amend
§ 38-453

“(7A) Consult with the Office of the State Superintendent of Education to ensure that the capital improvements and the renovation of facilities necessary to allow for the expansion and quality improvement of pre-kindergarten education mandated by the Pre-k Enhancement and Expansion Amendment Act of 2008, passed on 2nd reading on May 6, 2008 (Enrolled version of Bill 17-537), occur in a timely and efficient manner;”.

Sec. 606. Section 2214 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321-107; D.C. Official Code § 38-1802.14), is amended by adding a new subsection (j) to read as follows:

Amend
§ 38-1802.14

“(j) The Board shall consult with the Office of the State Superintendent of Education, established by section 2 of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2601), to ensure that the requirements and the goals of the Pre-k Enhancement and Expansion Amendment Act of 2008, passed on 2nd reading on May 6, 2008 (Enrolled version of Bill 17-537) (“Pre-k act”) are met, in accordance with the Pre-k act.”.

Sec. 607. Section 3 of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602), is amended as follows:

Amend
§ 38-2602

(a) Subsection (a) is amended by striking the acronym “SEO” wherever it appears and inserting the acronym “OSSE” in its place.

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

(1) Strike the acronym “SEO” wherever it appears and insert the acronym “OSSE” in its place.

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

“(6A) Establish and administer licensure requirements for pre-kindergarten programs, pursuant to section 102(a)(3) of the Pre-k Enhancement and Expansion Amendment Act of 2008, passed on 2nd reading on May 6, 2008 (Enrolled version of Bill 17-537) (“Pre-k act”).”.

(3) New paragraphs (9A) and (9B) are added to read as follows:

“(9A) Administer pre-kindergarten education, in accordance with section 102 of the Pre-k act;

“(9B) Conduct a residency audit, annually, to establish the number of in-District and out-of-District children enrolled in pre-kindergarten pursuant to the Pre-k act;”.

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Sec. 608. Section 2(b)(2)(G) of the Fiscal Year 2008 Supplemental Appropriations Temporary Act of 2008, effective March 20, 2008 (D.C. Law 17-121; 55 DCR 1477), is amended to read as follows:

NA

“(G) An amount of \$960,000 to the Office of the State Superintendent of Education to provide funding for the enhancement of pre-kindergarten under the Pre-k Enhancement and Expansion Amendment Act of 2008, passed on 2nd reading on May 6, 2008 (Enrolled version of Bill 17-537) (“Pre-k act”), during the first 2 months of the 2008-2009 school year and to fund, if necessary, the cost of the capacity audit required by section 104 of the Pre-k act;”.

TITLE VII. APPLICABILITY; FISCAL IMPACT STATEMENT; EFFECTIVE DATE.

Sec. 701. Applicability.

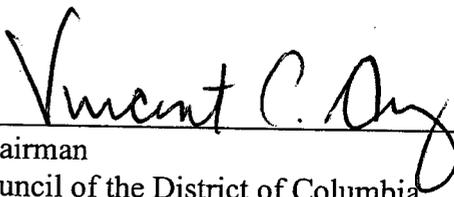
This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 702. Fiscal impact statement.

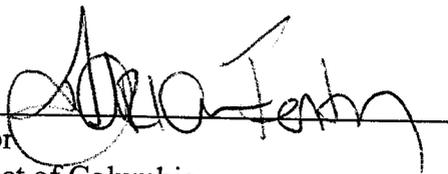
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 703. 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

May 23, 2008

Codification District of Columbia Official Code, 2001 Edition

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-400

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 23, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Fall
Supp.West Group
Publisher

To name the auditorium at Benjamin Banneker Academic High School at 800 Euclid Street, N.W., in Ward 1, the Dr. Vincent E. Reed Auditorium.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Dr. Vincent E. Reed Auditorium Designation Act of 2008".

Sec. 2. Findings.

(a) Vincent E. Reed was born in St. Louis, Missouri on March 1, 1928, the 14th of 17 children.

(b) Vincent E. Reed attended the Wharton School of Finance and Commerce and graduated from West Virginia State College in 1952.

(c) Vincent E. Reed continued his studies at Howard University in the District of Columbia, where he earned a Master of Arts degree in education.

(d) Vincent E. Reed served 2 years in Korea as an Army lieutenant and then returned to West Virginia State as an assistant football coach and physiology instructor.

(e) Vincent E. Reed worked tirelessly to improve the lives of school students by dedicating himself to the betterment of education in the District. He joined the District of Columbia school system as a teacher in 1956 and held a variety of teaching and administrative assignments. He was appointed Superintendent of District of Columbia Public Schools by the Board of Education and served in that capacity from 1975 to 1980.

(f) Vincent E. Reed played a key role in the creation of Benjamin Banneker Academic High School.

(g) Vincent E. Reed's important contributions to education in the District of Columbia and to Benjamin Banneker Academic High School make naming the auditorium at Benjamin Banneker Academic High School a most appropriate way to honor him.

Sec. 3. Pursuant to section 401 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-204.01) ("Act"), and notwithstanding section 405 of the Act (D.C. Official Code § 9-204.05), the auditorium at Benjamin Banneker Academic High School, located at 800 Euclid Street,

Note,
§ 9-204.01

ENROLLED ORIGINAL

N.W., in Ward 1, is named the "Dr. Vincent E. Reed Auditorium".

Sec. 4. Transmittal.

The Secretary to the Council shall transmit a copy of this act, after it becomes effective, to the District of Columbia Public Schools.

Sec. 5. Fiscal impact statement.

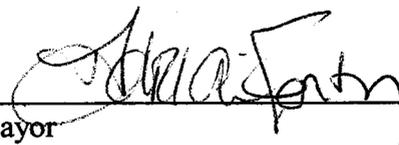
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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
May 23, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-401

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 23, 2008

To order the closing of the public alleys in Squares 6123, 6125, and 6126, the extension of Foxhall Place, S.E., from its current end at a cul-de-sac through to 9th Street, S.E., the extension of Condon Terrace, S.E., from its current end at a cul-de-sac through to 9th Street, S.E., the narrowing of 8th Street, S.E., at the intersection of Condon Terrace, S.E., the dedication and designation of a new street running east and west between 8th Street, S.E., and 9th Street, S.E., bound by Lots 78 and 80 in Square 6123 to be designated Rolark Place, the dedication of a new public alley running east and west and then turning south that lies north of Foxhall Place S.E., and south of Valley Avenue, which is abutted by Lots 66, 67, 68, 69, and 72 in Square 6126, the dedication of a new public alley starting at Condon Terrace, S.E., running north and south and then turning east and continuing to run east and west toward 9th Street, which is abutted by Lots 21, 22, 23, and 24 in Square 6125 and Lot 80 in Square 6123, the dedication of a new alley running east and west between 8th Street S.E., and 9th Street, S.E., and abutting Lot 25 in Square 6125 and Lot 80 in Square 6123, the dedication of a new public alley starting at Lot 80 in Square 6123 and running north and south with 2 openings onto Rolark Place S.E., between Lots 78 and 80 in Square 6123, in Ward 8.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of Public Alleys, the Opening of Streets, and the Dedication and Designation of Land for Street and Alley Purposes in Squares 6123, 6125, and 6126, S.O. 06-4886, Act of 2008".

Sec. 2. Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.01) ("Act"), the Council finds that the portions of the streets and alleys in Squares 6123, 6125, and 6126, as shown on the Surveyor's plats filed under S.O. 06-4886, are unnecessary for street and alley purposes and orders them closed, with title to the land to vest as shown on the Surveyor's plat. The approval of the Council of this closing is contingent upon the satisfaction of all the conditions set forth in the official file of S.O. 06-4886.

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Sec. 3. Pursuant to sections 302 and 401 of the Act (D.C. Official Code §§ 9-203.02 and 9-204.01), and notwithstanding the requirements set forth in sections 303, 304, and 402 of the Act (D.C. Official Code §§ 9-203.03, 9-203.04, and 9-204.02), the Council accepts the dedications of the streets and alleys as shown on the Surveyor's plats filed under S.O. File 06-4886 and designates the street as Rolark Place, S.E., as shown on the Surveyor's plats filed under S.O. File 06-4886. The approval of the Council of these dedications and designations are contingent upon the satisfaction of all the conditions set forth in the official S.O. File 06-4886.

Sec. 4. Transmittal.

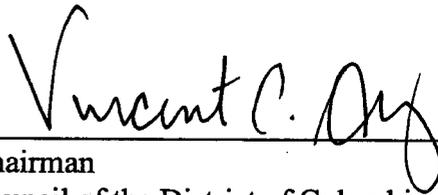
The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Office of the Surveyor and the Office of the Recorder of Deeds.

Sec. 5. Fiscal impact statement.

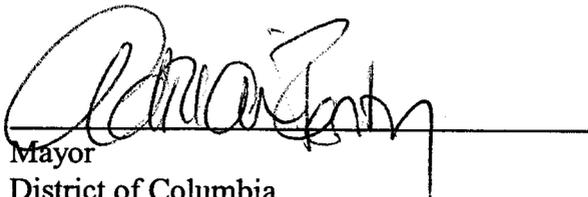
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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
May 23, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-402

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 23, 2008

*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Fall
Supp.West Group
Publisher

To amend, on a temporary basis, the Vending Regulation Emergency Act of 2008 to expand vending opportunities in and around the Baseball Stadium through the creation of the Capitol Riverfront Vending Development Zone.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Expanding Opportunities for Street Vending Around the Baseball Stadium Temporary Amendment Act of 2008”.

Sec. 2. The Vending Regulation Emergency Act of 2008, effective March 19, 2008 (D.C. Act 17-322; 55 DCR 3445), is amended by adding a new section 5a to read as follows:

“Sec. 5a. Capitol Riverfront Vending Development Zone.

“(a) Notwithstanding section 5, but subject to subsection (f) of this section, there is established the Capitol Riverfront Vending Development Zone (“CRVDZ”).

“(b) The boundaries of the CRVDZ shall be the same as the boundaries for the Capitol Riverfront BID, established by section 208 of the Business Improvement Districts Act of 1996, effective October 18, 2007 (D.C. Law 17-27; D.C. Official Code § 2-1215.58).

“(c) The Mayor shall issue no fewer than 40 vendor locations, with preference to the vendors who are legally licensed to vend at Robert F. Kennedy Memorial Stadium, on or before the effective date of the Expanding Opportunities for Vending Around the Baseball Stadium Emergency Amendment Act of 2008, effective April 17, 2008 (D.C. Act 17-353; 55 DCR _____), and shall designate and assign vending locations within the CRVDZ.

“(d) Vending locations assigned within the CRVDZ shall be assigned by lottery.

“(e) Except as provided in this section, the Mayor may waive the regulatory provisions otherwise applicable to vendors, such as design standards, siting standards, and the types of permitted vending.

“(f) The CRVDZ, and any licenses or permits issued therefor, shall expire if any new development zone is hereafter established with the boundaries of the CRVDZ pursuant to section 5.

ENROLLED ORIGINAL

“(g) 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.*), the Mayor may issue rules to implement this section; provided, that the Mayor may also issue emergency rules to implement this section.”

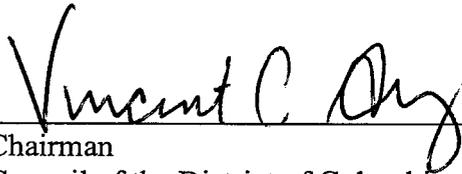
Sec. 3. Fiscal impact statement.

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)).

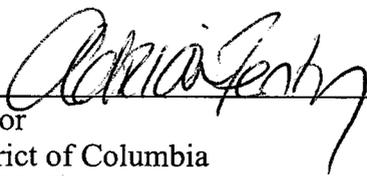
Sec. 4. Effective date.

(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.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 23, 2008