

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-573

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 8, 2008

To amend the Fiscal Year 2009 Budget Request Act to maintain a balanced budget for the fiscal year ending September 30, 2009.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2009 Balanced Budget Request Emergency Amendment Act of 2008".

Sec. 2. Division A of the Fiscal Year 2009 Budget Request Act, signed by the Mayor on June 18, 2008 (D.C. Act 17-409; 55 DCR 6990), is amended as follows:

(a) Title II is amended to read as follows:

“TITLE II--DISTRICT OF COLUMBIA FUNDS--SUMMARY OF EXPENSES

“The following amounts are appropriated for the District of Columbia for the current fiscal year out of the General Fund of the District of Columbia (“General Fund”), except as otherwise specifically provided; provided, that notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act, approved November 2, 2000 (114 Stat. 2440; D.C. Official Code § 1-204.50a), and provisions of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2009 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or \$9,888,094,000 (of which \$6,082,474,000 shall be from local funds (including \$420,119,000 from dedicated taxes), \$2,177,382,000 shall be from Federal grant funds, \$1,621,929,000 shall be from other funds, and \$6,310,000 shall be from private funds); in addition, \$156,874,000 from funds previously appropriated in this Act as Federal payments; provided further, that of the local funds, such amounts as may be necessary may be derived from the District's General Fund balance; provided further, that of these funds the District's intra-District authority shall be \$725,461,000; in addition, for capital construction projects, an increase of \$1,482,977,000, of which \$1,121,734,000 shall be from local funds, \$107,794,000 from the Local Street Maintenance fund, \$60,708,000 from the District of

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Columbia Highway Trust Fund, \$192,741,000 from Federal grant funds, and a rescission of \$353,447,000 from local funds and a rescission of \$37,500,000 from Local Street Maintenance funds appropriated under this heading in prior fiscal years for a net amount of \$1,092,030,000 to remain available until expended; provided further, that the amounts provided under this heading are to be available, allocated, and expended as proposed under Title III of this Act, at the rate set forth under "District of Columbia Funds Division of Expenses" as included in the Fiscal Year 2009 Proposed Budget and Financial Plan submitted to the Congress by the District of Columbia in June 2008; provided further, that this amount may be increased by proceeds of one-time transactions that are expended for emergency or unanticipated operating or capital needs; provided further, that such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act approved December 24, 1973 (87 Stat. 777; D.C. Official Code §1-201.01 *et seq.*), as amended by this Act; provided further, that the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2009; except, that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects."

(b) Title III is amended as follows:

(1) The Operating Expenses division is amended to read as follows:

"OPERATING EXPENSES

"Governmental Direction and Support

"Governmental direction and support, \$426,872,000 (including \$349,268,000 from local funds, \$25,196,000 from Federal grant funds, and \$52,408,000 from other funds); provided, that beginning in fiscal year 2009 and thereafter, there are appropriated such amounts as may be necessary to account for vendor fees that are paid as a fixed percentage of revenue recovered from third parties on behalf of the District under contracts that provide for payments of fees based upon such revenue as may be collected by the vendor; provided further, that any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia. Funds to be allocated as follows:

"(1) Council of the District of Columbia. – \$20,396,000 from local funds;

provided, that not to exceed \$10,600 shall be available for the Chairman of the Council of the District of Columbia from this appropriation for official reception and representation expenses;

"(2) Office of the District of Columbia Auditor. – \$4,036,000 from local funds;

"(3) Advisory Neighborhood Commission. – \$1,092,000 from local funds;

"(4) Office of the Mayor. – \$6,086,000 from local funds; provided, that not to exceed \$10,600 shall be available for the Mayor from this appropriation for official reception and representation expenses;

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- “(5) Office of Community Affairs. – \$3,093,000 from local funds;
- “(6) Serve DC. – \$3,734,000 (including \$410,000 from local funds and \$3,323,000 from Federal grant funds);
- “(7) Office of the Secretary. – \$4,304,000 (including \$3,742,000 from local funds and \$562,000 from other funds);
- “(8) City Administrator. - \$5,964,000 from local funds; provided, that not to exceed \$10,600 shall be available for the City Administrator from this appropriation for official reception and representation expenses;
- “(9) Office of Risk Management. – \$1,480,000 from local funds;
- “(10) Department of Human Resources. – \$9,675,000 (including \$9,269,000 from local funds and \$406,000 from other funds);
- “(11) Office of Disability Rights. – \$1,470,000 from local funds;
- “(12) Office of Finance and Resource Management. – \$4,471,000 from local funds;
- “(13) Office of Partnership and Grants Services. – \$897,000 from local funds;
- “(14) Office of Contracting and Procurement. – \$6,528,000 (including \$5,502,000 from local funds and \$1,026,000 from other funds);
- “(15) Office of Chief Technology Officer. – \$56,448,000 (including \$56,348,000 from local funds and \$100,000 from other funds);
- “(16) Office of Property Management. – \$26,951,000 (including \$18,630,000 from local funds and \$8,321,000 from other funds); provided, that, beginning in fiscal year 2009, amounts on deposit within and any such future deposits into the Commodities Cost Reserve Fund established under D.C. Official Code § 47-368.04 shall be available upon deposit and shall remain available until expended, consistent with the purposes established under D.C. Official Code § 47-368.04(b);
- “(17) Contract Appeals Board. – \$972,000 from local funds;
- “(18) Board of Elections and Ethics. – \$5,334,000 from local funds;
- “(19) Office of Campaign Finance. – \$1,721,000 from local funds;
- “(20) Public Employee Relations Board. – \$980,000 from local funds;
- “(21) Office of Employee Appeals. – \$1,778,000 from local funds;
- “(22) Metropolitan Washington Council of Governments. – \$396,000 from local funds;
- “(23) Office of the Attorney General. – \$87,493,000 (including \$64,040,000 from local funds, \$19,001,000 from Federal grant funds, and \$4,452,000 from other funds); provided, that not less than \$3,285,000 shall be available from this appropriation for the Office of the Attorney General to award a grant to the District of Columbia Bar Foundation for the purpose of providing support to nonprofit organizations that deliver civil legal services to low-income and under-served District residents pursuant to the Civil Legal Services Amendment Act of 2007, effective September 18, 2007 (D.C. Law 17-20; D.C. Official Code § 1-301.114); provided

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further, that not less than \$315,000 of this appropriation shall be available to fund the District of Columbia Poverty Lawyer Loan Assistance Program, established by the District of Columbia Poverty Lawyer Loan Assistance Repayment Program Act of 2006, effective March 2, 2007 (D.C. Law 16-203; D.C. Official Code § 1-308.21 *et seq.*);

“(24) Office of the Inspector General. – \$16,852,000 (including \$14,858,000 from local funds and \$1,995,000 from Federal grant funds); and

“(25) Office of the Chief Financial Officer. – \$154,721,000 (including \$116,303,000 from local funds, \$878,000 from Federal grant funds, and \$37,541,000 from other funds); provided, that not to exceed \$10,600 shall be available for the Chief Financial Officer of the District from this appropriation for official reception and representation expenses; provided further, that amounts appropriated by this Act may be increased by the amount required to pay banking fees for maintaining the funds of the District of Columbia.

“Economic Development and Regulation

“Economic development and regulation, \$469,857,000 (including \$231,519,000 from local funds (including \$49,773,000 from dedicated taxes), \$99,849,000 from Federal grant funds, \$138,409,000 from other funds, and \$80,000 from private funds) of which \$25,000,000 collected by the District of Columbia in the form of Business Improvement District (“BID”) tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.01 *et seq.*); provided, that such funds are available for acquiring services provided by GSA; provided further, that Business Improvement Districts shall be exempt from taxes levied by the District of Columbia. Funds to be allocated as follows:

“(1) Deputy Mayor for Economic Development. – \$79,663,000 (including \$46,903,000 from local funds (including \$16,998,000 from dedicated taxes) and \$32,760,000 from other funds); provided, that \$4,000,000 from local funds shall remain available until expended for New Communities Human Capital;

“(2) Office of Planning. – \$9,873,000 (including \$9,408,000 from local funds, \$450,000 from Federal grant funds, and \$15,000 from other funds); provided, that of the local funds provided to the Office of Planning in fiscal year 2008 for Historic Preservation, \$1,000,000 shall remain available until expended;

“(3) Department of Small and Local Business Development. – \$3,225,000 from local funds; provided, that amounts appropriated herein may be increased by the balance of amounts on deposit as of October 01, 2008 in the Small Business Micro Loan Fund established under the Small Business Micro Loan Fund Amendment Act of 2008, passed on 1st reading on May 13, 2008 (Engrossed version of Bill 17-678);

“(4) Office of Motion Pictures and Television. – \$652,000 from local funds; provided, that of the local funds provided to the Office of Motion Pictures and Television in fiscal year 2008 for DC Film grant initiative, up to \$1,600,000 shall remain available until

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expended;

“(5) Office of Zoning. – \$3,137,000 from local funds;

“(6) Department of Housing and Community Development. – \$79,728,000 (including \$11,185,000 from local funds, \$63,877,000 from Federal grant funds, and \$4,666,000 from other funds);

“(7) Department of Employment Services. – \$128,071,000 (including \$58,127,000 from local funds, \$34,739,000 from Federal grant funds, \$35,124,000 from other funds, and \$80,000 from private funds); provided, that of the local funds appropriated, up to 1% may be deposited into the Integrated Services Fund for At-Risk Children, Youth, and Families and used for the purposes set forth in D.C. Official Code § 4-1345.03; provided further, that funds deposited into the Integrated Services Fund shall remain available until expended; provided further, that the District is authorized to transfer, either through a grant or as a direct payment, \$1,200,000 in local funds to the Excel Institute from this appropriation;

“(8) Board of Real Property Assessment and Appeals. – \$708,000 from local funds;

“(9) Department of Consumer and Regulatory Affairs. – \$36,938,000 (including \$17,649,000 from local funds and \$19,288,000 from other funds);

“(10) Office of the Tenant Advocate. – \$2,530,000 (including \$842,000 from local funds and \$1,688,000 from other funds);

“(11) Commission on Arts and Humanities. – \$14,227,000 (including \$13,227,000 from local funds, \$601,000 from Federal grant funds, and \$400,000 from other funds);

“(12) Alcoholic Beverage Regulation Administration. – \$6,442,000 (including \$196,000 from local funds and \$6,245,000 from other funds);

“(13) Public Services Commission. – \$9,972,000 (including \$182,000 from Federal grant funds and \$9,790,000 from other funds);

“(14) Office of the People’s Counsel. – \$5,025,000 from other funds;

“(15) Department of Insurance, Securities, and Banking. – \$16,318,000 from other funds; provided, that of the local funds provided the Department of Insurance, Securities, and Banking in fiscal year 2008 for Captive Insurance, \$8,700,000 shall remain available until expended;

“(16) Office of Cable Television. – \$7,089,000 from other funds;

“(17) Housing Authority Subsidy Payment. – \$30,983,000 from local funds;

“(18) Housing Production Trust Fund Subsidy Payment. – \$32,775,000 from local funds (including \$32,775,000 from dedicated taxes); and

“(19) Sports Commission Subsidy Payment. – \$2,500,000 from local funds.

“Public Safety and Justice

“Public safety and justice, \$1,274,099,000 (including \$942,351,000 from local funds,

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\$260,786,000 from Federal grant funds, \$70,877,000 from other funds, and \$85,000 from private funds); in addition, \$1,774,000 from funds previously appropriated in this Act under the heading “Federal Payment to the Criminal Justice Coordinating Council” and \$5,000,000, to remain available until September 30, 2011, from funds previously appropriated in this Act under the heading “Federal Payment to Reimburse the Federal Bureau of Investigation”; to be allocated as follows:

“(1) Metropolitan Police Department. – \$478,072,000 (including \$462,224,000 from local funds, \$3,067,000 from Federal grant funds, \$12,695,000 from other funds, and \$85,000 from private funds) and \$5,000,000, to remain available until September 30, 2011, from funds previously appropriated in this Act under the heading “Federal Payment to Reimburse the Federal Bureau of Investigation”; provided, that not to exceed \$750,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime;

“(2) Fire and Emergency Medical Services. – \$184,289,000 (including \$183,465,000 from local funds and \$824,000 from other funds);

“(3) Police Officers and Firefighters Retirement System. – \$110,900,000 from local funds;

“(4) Department of Corrections. – \$149,276,000 (including \$115,588,000 from local funds and \$33,688,000 from other funds);

“(5) District of Columbia National Guard. – \$8,358,000 (including \$3,371,000 from local funds and \$4,987,000 from Federal grant funds); provided, that the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard; provided further, that such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this Act, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved;

“(6) Homeland Security and Emergency Management. – \$249,389,000 (including \$4,462,000 from local funds and \$244,927,000 from Federal grant funds);

“(7) Commission on Judicial Disabilities and Tenure. – \$271,000 from local funds;

“(8) Judicial Nomination Commission. – \$152,000 from local funds;

“(9) Office of Police Complaints. – \$2,618,000 from local funds;

“(10) District of Columbia Sentencing and Criminal Code Review Commission. \$779,000 from local funds;

“(11) Office of the Chief Medical Examiner. – \$10,021,000 (including \$9,746,000 from local funds and \$274,000 from other funds);

“(12) Officer of Administrative Hearings. – \$7,751,000 (including \$7,718,000

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from local funds and \$32,000 from other funds);

“(13) Corrections Information Council. – \$25,000 from local funds;

“(14) Criminal Justice Coordinating Council. – \$404,000 from local funds; in addition, \$1,774,000 from funds previously appropriated in this Act under the heading “Federal Payment to the Criminal Justice Coordinating Council”;

“(15) Forensic Laboratory Technician Training Program. – \$1,323,000 from local funds;

“(16) Office of Unified Communications. – \$47,124,000 (including \$33,935,000 from local funds and \$13,189,000 from other funds);

“(17) Office of Victims Services.– \$15,927,000 (including \$3,988,000 from local funds, \$2,040,000 from Federal grant funds, and \$9,899,000 from other funds);

“(18) Office of Justice Grants Administration. – \$6,671,000 (including \$905,000 from local funds and \$5,765,000 from Federal grant funds); and

“(19) Motor Vehicle Theft Prevention Commission. – \$750,000 (including \$475,000 from local funds and \$275,000 from other funds).

“Public Education System

“Public Education System, including the development of national defense education programs, \$1,605,828,000 (including \$1,398,680,000 from local funds, \$170,889,000 from Federal grant funds, \$32,420,000 from other funds, and \$3,839,000 from private funds); in addition, \$35,100,000 from funds previously appropriated in this Act under the heading “Federal Payment for Resident Tuition Support”, \$36,000,000 from funds previously appropriated in this Act under the heading “Federal Payment for School Improvement in the District of Columbia,” and \$20,000,000 from funds previously appropriated in this Act under the heading “Federal Payment to Jump-Start Public School Reform,” to be allocated as follows:

“(1) District of Columbia Public Schools.— \$579,078,000 (including \$562,109,000 from local funds, \$9,514,000 from Federal grant funds, \$3,671,000 from other funds, and \$3,784,000 from private funds); in addition, \$18,000,000 from funds previously appropriated in this Act under the heading “Federal Payment for School Improvement” and \$20,000,000 from funds previously appropriated in this Act under the heading “Federal Payment to Jump-Start Public School Reform” shall be available for District of Columbia Public Schools; provided, that this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary or secondary school during fiscal year 2009 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 % of the costs incurred by the District of Columbia that are attributable to the education of the nonresident (as established by the Chancellor of the District of Columbia Public Schools); provided further, that not to exceed \$10,600 for the Chancellor shall be available from this appropriation for official reception and representation expenses; provided further, that notwithstanding the amounts otherwise provided under this heading or any other

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provision of law, there shall be appropriated to the District of Columbia Public Schools on July 1, 2009, an amount equal to 10 % of the total amount of the local funds appropriations request provided for the District of Columbia Public Schools in the proposed budget of the District of Columbia for fiscal year 2010 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the District of Columbia Public Schools under the District of Columbia Appropriations Act, 2010;

“(2) Office of the State Superintendent of Education.— \$288,646,000 (including \$117,544,000 from local funds, \$160,535,000 from Federal grant funds, and \$10,567,000 from other funds); in addition, \$35,100,000 from funds previously appropriated in this Act under the heading “Federal Payment for Resident Tuition Support” shall be available for the Office of the State Superintendent of Education and \$18,000,000 from funds previously appropriated in this Act under the heading “Federal Payment for School Improvement in the District of Columbia” shall be available for the Office of the State Superintendent of Education; provided, that of the amounts provided to the Office of the State Superintendent of Education, \$1,000,000 from local funds shall remain available until June 30, 2010, for an audit of the student enrollment of each District of Columbia public school and of each District of Columbia public charter school; provided further, that \$5,000,000 in local funds shall remain available until expended for the *Blackman and Jones v. District of Columbia* consent decree; provided further, that notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the Office of the State Superintendent of Education on July 1, 2009, an amount equal to 10 % of the total amount of the local funds appropriations request provided for the Office of the State Superintendent of Education in the proposed budget of the District of Columbia for fiscal year 2010 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for Office of the State Superintendent of Education under the District of Columbia Appropriations Act, 2010; provided further, that notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the Special Education Transportation agency, under the direction of the Office of the State Superintendent of Education, on July 1, 2009, an amount equal to 10 % of the total amount of the local funds appropriations request provided for the Special Education Transportation agency in the proposed budget of the District of Columbia for fiscal year 2010 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the Special Education Transportation agency under the District of Columbia Appropriations Act, 2010; provided further, that any unspent funds from the \$960,000 available for pre-kindergarten from a prior fiscal year shall remain available until expended;

“(3) District of Columbia Public Charter Schools.— \$366,053,000 from local funds shall be available for District of Columbia public charter schools; provided, that there shall be quarterly disbursement of funds to the District of Columbia public charter schools, with the first payment to occur within 15 days of the beginning of the fiscal year; provided further, that if

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the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall remain available until expended for public education in accordance with section 2403(b) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1804.03(b)); provided further, that of the amounts made available to District of Columbia public charter schools, \$100,000 shall be made available to the Office of the Chief Financial Officer as authorized by section 2403(b)(5) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1804.03(b)(5)); provided further, that notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia public charter schools on July 1, 2009, an amount equal to 25 % of the total amount of the local funds appropriations request provided for payments to public charter schools in the proposed budget of the District of Columbia for fiscal year 2010 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for such payments under the District of Columbia Appropriations Act, 2010; provided further, that the annual financial audit for the performance of an individual District of Columbia public charter school shall be funded by the charter school;

“(4) University of the District of Columbia Subsidy.— \$62,070,000 from local funds shall be available for the University of the District of Columbia subsidy; provided, that this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2009, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area; provided further, that notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the University of the District of Columbia on July 1, 2009, an amount equal to 10 % of the total amount of the local funds appropriations request provided for the University of the District of Columbia in the proposed budget of the District of Columbia for fiscal year 2010 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the University of the District of Columbia under the District of Columbia Appropriations Act, 2010; provided further, that not to exceed \$10,600 for the President of the University of the District of Columbia shall be available from this appropriation for official reception and representation expenses;

“(5) District of Columbia Public Libraries.- \$46,064,000 (including \$44,725,000 from local funds, \$840,000 from Federal grant funds, \$444,000 from other funds, and \$55,000 from private funds) shall be available for the District of Columbia Public Libraries; provided, that not to exceed \$8,500 for the Public Librarian shall be available from this appropriation for official reception and representation expenses;

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“(6) Public Charter School Board. –\$3,460,000 (including \$1,660,000 from local funds and \$1,800,000 from other funds);

“(7) Office of the Deputy Mayor for Education. – \$4,892,000 from local funds; provided, that amounts appropriated herein shall be increased by \$4,000,000, the amount currently on deposit in the Integrated Services Fund as of September 30, 2008, to remain available until expended and increased by funds appropriated elsewhere in this Act for transfer to the Integrated Service Fund for the purposes set forth in D.C. Official Code § 4-1345.03;

“(8) Office of Public Education Facilities Modernization. – \$38,306,000 (including \$22,368,000 from local funds and \$15,938,000 from other funds);

“(9) Non-Public Tuition. – \$141,700,000 from local funds; and

“(10) Special Education Transportation. – \$75,558,000 from local funds.

“Human Support Services

“Human support services, \$3,168,309,000 (including 1,555,950,000 from local funds (including \$16,449,000 from dedicated taxes), \$1,579,242,000 from Federal grant funds, \$32,002,000 from other funds, \$1,114,000 from private funds); provided, that up to 1% of the local funds appropriated for the Child Family and Services Agency, the Department of Health, the Department of Human Services, the Department of Mental Health, and the Department of Youth Rehabilitation Services may be deposited into the Integrated Services Fund for At-Risk Children, Youth, and Families and used for the purposes set forth in D.C. Official Code 4-1345.03; provided further, that funds deposited into the Integrated Services Fund shall remain available until expended. Funds to be allocated as follows:

“(1) Department of Human Services. – \$328,330,000 (including \$168,882,000 from local funds, \$156,558,000 from Federal grant funds, \$2,800,000 from other funds, and \$91,000 from private funds);

“(2) Child and Family Services. – \$228,597,000 (including \$196,825,000 from local funds, \$30,998,000 from Federal grant funds, \$750,000 from other funds, and \$23,000 from private funds);

“(3) Department of Mental Health. – \$219,206,000 (including \$209,832,000 from local funds, \$5,566,000 from Federal grant funds, and \$3,808,000 from other funds);

“(4) Department of Health. – \$246,805,000 (including \$95,334,000 from local funds, \$137,096,000 from Federal grant funds, and \$14,375,000 from other funds; provided, that any funds deposited into the Effi Slaughter Barry Initiative Fund shall remain available until expended; provided further, that any funds deposited into the Health Professional Recruitment Fund, including unspent funds from prior fiscal years, shall remain available until expended;

“(5) Department of Parks and Recreation. – \$48,312,000 (including \$44,820,000 from local funds, \$2,492,000 from other funds, and \$1,000,000 from private funds);

“(6) Office on Aging. – \$24,127,000 (including \$17,525,000 from local funds

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and \$6,601,000 from Federal grant funds);

“(7) District of Columbia Unemployment Compensation Fund. – \$5,500,000 from local funds;

“(8) Disability Compensation Fund. –\$15,030,000 from local funds to remain available until expended;

“(9) Office of Human Rights. – \$3,212,000 (including \$2,757,000 from local funds and \$455,000 from Federal grant funds);

“(10) Office of Latino Affairs. – \$4,587,000 from local funds;

“(11) Children Investment Trust Fund. – \$18,460,000 from local funds;

“(12) Office on Asian and Pacific Islander Affairs. – \$965,000 from local funds;

“(13) Office of Veterans Affairs. – \$462,000 from local funds;

“(14) Department of Youth Rehabilitation Service. –\$81,143,000 from local funds; provided, that amounts appropriated herein may be expended to implement the provisions of the On-site Meal Expenses Amendment Act of 2008, effective August 16, 2008 (D.C. Law 17-219; 55 DCR 7602);

“(15) Department on Disability Services. – \$120,955,000 (including \$89,071,000 from local funds, \$26,083,000 from Federal grant funds, and \$5,800,000 from other funds); and

“(16) Department of Healthcare Finance. – \$1,822,619,000 (including \$604,757,000 from local funds (including \$16,449,000 from dedicated taxes), \$1,215,885,000 from federal grant funds, and \$1,977,000 from other funds); provided, that any funds deposited into the Healthy DC Fund, including unspent funds from prior fiscal years, shall remain available until expended; provided further, that any funds deposited into the Nursing Home Quality of Care Fund, including unspent funds from prior fiscal years, shall remain available until expended.

“Public Works

“Public works, including rental of one passenger-carrying vehicle for use by the Mayor and 3 passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, \$625,517,000 (including \$430,813,000 from local funds (including \$11,420,000 from dedicated taxes), \$22,932,000 from Federal grant funds, \$300,000 from private funds, and \$171,472,000 from other funds, to be allocated as follows:

“(1) Department of Public Works. – \$137,128,000 (including \$123,734,000 from local funds and \$13,395,000 from other funds);

“(2) Department of Transportation. – \$127,266,000 (including \$14,805,000 from local funds (including \$11,420,000 from dedicated taxes), \$3,200,000 from Federal grant funds, and \$109,261,000 from other funds);

“(3) Department of Motor Vehicles. – \$42,952,000 (including \$29,628,000 from local funds and \$13,324,000 from other funds);

“(4) Department of the Environment. – \$77,764,000 (including \$22,863,000 from local funds, \$19,732,000 from Federal grant funds, \$34,869,000 from other funds, and \$300,000

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from private funds;

“(5) Taxi Cab Commission. – \$1,927,000 (including \$1,304,000 from local funds and \$623,000 from other funds);

“(6) Washington Metropolitan Area Transit Commission. – \$113,000 from local funds;

“(7) Washington Metropolitan Area Transit Authority. – \$230,499,000 from local funds; and

“(8) School Transit Subsidies. – \$7,866,000 from local funds.

“Financing and Other

“Financing and Other, \$967,826,000 (including \$933,889,000 from local funds (including \$167,924,000 from dedicated taxes) and \$33,938,000 from other funds), to be allocated as follows:

“(1) Repayment of Loans and Interest - for payment of principal, interest, and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code §§ 1-204.62, 1-204.75, and 1-204.90), \$459,727,000 (including \$456,630,000 from local funds (including \$3,580,000 from dedicated taxes) and \$3,097,000 from other funds);

“(2) Short-Term Borrowing. – \$9,000,000 from local funds for payment of interest on short-term borrowing;

“(3) Certificates of Participation. – for principal and interest payments on the District's Certificates of Participation, issued to finance the ground lease underlying the building located at One Judiciary Square, \$32,791,000 from local funds;

“(4) Debt Issuance Costs. – for the payment of debt service issuance costs, \$15,000,000 from local funds;

“(5) School Modernization Fund. – for a School Modernization Fund, \$8,613,000 from local funds;

“(6) Revenue Bonds. – for the repayment of revenue bonds, \$6,000,000 from local funds (including \$6,000,000 from dedicated taxes);

“(7) Settlements and Judgments. – \$21,477,000 from local funds; provided, that this appropriation shall not be construed as modifying or affecting the provisions of section 103 of this Act;

“(8) Wilson Building. – for expenses associated with the John A. Wilson building, \$4,058,000 from local funds;

“(9) Workforce Investments. – for workforce investments, \$26,691,000 from local funds, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for which employees are properly payable; provided, that of this amount,

ENROLLED ORIGINAL

\$4,952,000 shall remain available until expended to meet the requirements of the Compensation Agreement Between the District of Columbia Government Units 1 and 2 Emergency Approval Resolution of 2006, effective September 19, 2006 (Res. 16-794; 53 DCR 7742);

“(10) Non-Departmental. – to account for anticipated costs that cannot be allocated to specific agencies during the development of the proposed budget, \$39,279,000 (including \$10,438,000 from local funds that shall remain available to cover any lease costs that may remain from the District’s lease at 225 Virginia Avenue and \$28,841,000 from other funds to be transferred by the Mayor of the District of Columbia within the various appropriations headings in this Act);

“(11) For Emergency Planning and Security Fund. – \$15,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for Emergency Planning and Security Costs in the District of Columbia"; provided, that notwithstanding any other law, the District of Columbia may charge obligations and expenditures that are pending reimbursement under the heading "Federal Payment for Emergency Planning and Security Costs in the District of Columbia" to this local appropriations heading;

“(12) Operating Cash Reserve - \$46,000,000 from local funds; provided further, that \$10,000,000 shall be deposited in the Health Programs Contingency Fund and shall remain available until expended;

“(13) Equipment Lease Operating. – \$43,033,000 from local funds;

“(14) Pay-As-You-Go Capital funds. – in lieu of capital financing, \$125,014,000 (including \$123,014,000 from local funds (including \$108,300,000 from dedicated taxes) and \$2,000,000 from other funds to be transferred to the Capital Fund);

“(15) District Retiree Health Contribution. – for a District Retiree Health Contribution, \$81,100,000 from local funds;

“(16) Baseball Revenue. – \$50,044,000 from local funds (including \$50,044,000 from dedicated taxes) derived from a dedicated tax to account for the inflows and outflows of both operating and capital dollars; in addition, the amounts appropriated herein may be increased by such amounts as may be necessary and as are consistent with the Ballpark Omnibus Financing And Revenue Act of 2004, effective April 08, 2005 (D.C. Law 15-320; D.C. Official Code § 10-1601.01 *et seq.*), to pay debt service, and to maintain and replenish required reserves for baseball revenue bonds;

“(17) Tax Increment Financing. – the amounts appropriated herein may be increased by an amount not to exceed \$9,712,000 from the District's General Fund balance for a Tax Increment Financing program as may be necessary to meet the Tax Increment Financing requirements; and

“(18) Emergency and Contingency Funds. – For the emergency reserve fund and the contingency reserve fund under section 450A of the District of Columbia Home Rule Act, approved November 2, 2000 (114 Stat. 2440; D.C. Official Code § 1-204.50a), the amounts appropriated herein may be increased by such additional amounts from the funds of the District government as are necessary to meet the balance requirements for such funds under section 450A;”.

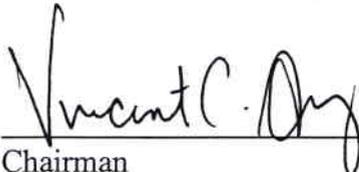
ENROLLED ORIGINAL

(2) The Capital Outlay division is amended to read as follows:

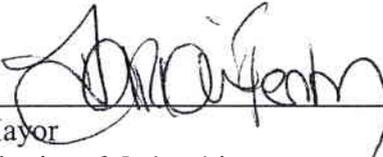
CAPITAL OUTLAY

“For capital construction projects, an increase of \$1,422,903,000, of which \$1,074,360,000 shall be from local funds, \$95,094,000 from the Local Street Maintenance fund, \$60,708,000 from the District of Columbia Highway Trust Fund, \$192,741,000 from Federal grant funds, and a rescission of \$368,219,000 from local funds and a rescission of \$37,500,000 from Local Street Maintenance funds appropriated under this heading in prior fiscal years for a net amount of \$1,017,184,000, to remain available until expended; in addition, \$7,000,000 to remain available until expended from funds previously appropriated in this Act under the heading “Federal Payment for Central Library and Branch Location” and \$5,000,000 to remain available until September 30, 2010 from funds previously appropriated in this Act under the heading “Federal Payment for Consolidated Laboratory Facility”; provided, that funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System; provided further, that all funds provided by this appropriation title shall be available only for the specific projects and purposes intended; provided further, that amounts appropriated under this heading may be increased by the amount transferred from funds appropriated in this Act as Pay-As-You-Go Capital funds.”.

Sec. 3. This act shall take effect as provided in section 446 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 801; D.C. Official Code § 1-204.46).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 8, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-574

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 8, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Winter
Supp.West Group
Publisher

To amend, on an emergency basis, the Inclusionary Zoning Implementation Amendment Act of 2006 to require that final rulemaking to implement inclusionary zoning, including the maximum rent and purchase price schedule, be published by a time certain.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Inclusionary Zoning Final Rulemaking Emergency Amendment Act of 2008".

Sec. 2. Section 107 of the Inclusionary Zoning Implementation Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-275; D.C. Official Code § 6-1041.07), is amended by adding a new subsection (c) to read as follows:

Note,
§ 6-1041.07

"(c)(1) No later than February 6, 2009, 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 and publish a Notice of Final Rulemaking containing all regulations necessary for implementation of this act, as required by this section, including the maximum rent and purchase price schedule required by section 103.

"(2) The final rulemaking required by this subsection shall contain an effective date that is no later than 60 days after the date of publication in the District of Columbia Register of the Notice of Final Rulemaking."

Sec. 3. Repealer.

The Inclusionary Zoning Regulations Emergency Amendment Act of 2008, effective November 6, 2008 (D.C. Act 17-571; 55 DCR ____), is repealed.

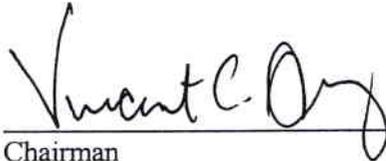
Sec. 4. Fiscal impact statement.

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)).

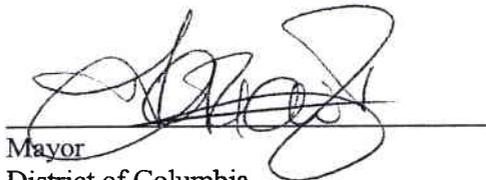
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Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 8, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-575

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 8, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Winter
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Publisher

To amend, on an emergency basis, the Public Education Reform Amendment Act of 2007 to clarify that the Office of Public Education Facilities Modernization is only authorized to direct and manage the modernization or new construction of District of Columbia Public School facilities as intended by the establishing statute.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Office of Public Education Facilities Modernization Clarification Emergency Amendment Act of 2008".

Sec. 2. Section 704(6) of the Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-453(6)), is amended as follows:

Note,
§ 38-453

(a) Strike the phrase "Direct and manage the modernization or new construction of District of Columbia Public Schools ("DCPS") facilities" and insert the phrase "For contracts let after December 1, 2008, be limited to directing and managing the modernization or new construction of only District of Columbia Public Schools ("DCPS") facilities" in its place.

(b) Strike the phrase "facilities." and insert the phrase "facilities; provided further, that the Mayor may assign any individual capital project to the OFM upon a finding, transmitted to the Council, that there is a compelling need to act;" in its place.

Sec. 3. Fiscal impact statement.

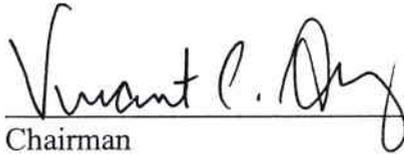
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

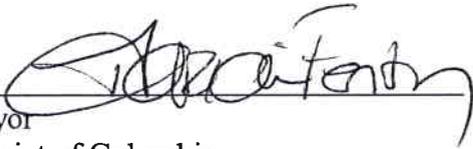
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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
December 8, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-576

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 8, 2008

*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Winter
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Publisher

To amend Chapter II of the Fire and Casualty Act to require every property and casualty insurance company doing business in the District, unless exempted by the Commissioner of the Department of Insurance, Securities, and Banking, to annually submit a statement of actuarial opinion in accordance with the appropriate National Association of Insurance Commissioners Property and Casualty Annual Statement Instructions.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Property and Casualty Actuarial Opinion Amendment Act of 2008".

Sec. 2. Chapter II of the Fire and Casualty Act, approved October 9, 1940 (54 Stat. 1066; D.C. Official Code § 31-2502.01 *et seq.*), is amended by adding new sections 26a and 26b to read as follows:

"Sec. 26a. Actuarial opinion of reserves.

"(a) Every property and casualty insurance company doing business in the District, unless otherwise exempted by the Commissioner, shall annually submit the opinion of an actuary appointed by the company entitled "Statement of Actuarial Opinion." The opinion shall be prepared and filed in accordance with the appropriate National Association of Insurance Commissioners Property and Casualty Annual Statement Instructions.

"(b)(1) Every property and casualty insurance company domiciled in the District that is required to submit a Statement of Actuarial Opinion shall annually submit a summary entitled "Actuarial Opinion Summary," written by the actuary appointed by the company. The Actuarial Opinion Summary shall be prepared and filed in accordance with the appropriate National Association of Insurance Commissioners Property and Casualty Annual Statement Instructions and shall be a document supporting the Statement of Actuarial Opinion required by subsection (a) of this section.

"(2) A company licensed but not domiciled in the District shall provide the Actuarial Opinion Summary upon request.

"(c)(1) A report entitled "Actuarial Report" and underlying workpapers as required by the appropriate National Association of Insurance Commissioners Property and Casualty

ENROLLED ORIGINAL

Annual Statement Instructions shall be prepared to support each Statement of Actuarial Opinion.

“(2) If the company fails to provide a supporting Actuarial Report or workpapers at the request of the Commissioner or the Commissioner determines that the supporting Actuarial Report or workpapers provided by the company have been improperly prepared or are otherwise unacceptable, the Commissioner may engage a qualified actuary at the expense of the company to review the Statement of Actuarial Opinion and the basis for the opinion and prepare the supporting Actuarial Report or workpapers.

“(d) The actuary appointed by the company shall not be liable for damages to any person other than the insurance company and the Commissioner for any act, error, omission, decision, or conduct with respect to the actuary’s opinion, except in cases of fraud, willful misconduct, or gross negligence on the part of the actuary.

“Sec. 26b. Confidentiality of actuarial opinions, summaries, reports, and workpapers.

“(a) The Statement of Actuarial Opinion shall be provided with the annual financial statement required by section 2 of the Required Annual Financial Statements and Participation in the NAIC Insurance Regulatory Information System Act of 1993, effective October 21, 1993 (D.C. Law 10-42; D.C. Official Code § 31-1901), in accordance with the appropriate National Association of Insurance Commissioners Property and Casualty Annual Statement Instructions and shall be a public document.

“(b)(1) An Actuarial Report, underlying workpapers, or Actuarial Opinion Summary in the possession or control of the Commissioner, and any other material provided by the company to the Commissioner in connection with the Actuarial Report, workpapers, or Actuarial Opinion Summary, shall not be subject to the Freedom of Information Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*), except a subpoena issued pursuant to:

“(A) A civil action or an administrative proceeding in which insurance premium rates are an issue; or

“(B) Oversight by the Council or the federal government.

“(2) This section shall not limit the Commissioner’s authority to:

“(A) Release the documents to the Actuarial Board for Counseling and Discipline if the material is required for the purpose of professional disciplinary proceedings and the Actuarial Board for Counseling and Discipline establishes procedures satisfactory to the Commissioner for preserving the confidentiality of the documents; or

“(B) Use the documents, materials, or other information in furtherance of any regulatory or legal action brought as part of the Commissioner’s official duties.

“(c) The Commissioner or any person who received documents, materials, or other information while acting under the authority of the Commissioner shall not be permitted or required to testify in any private civil action concerning any confidential documents, materials, or information subject to subsection (b) of this section.

“(d) To assist in the performance of the Commissioner’s duties, the Commissioner may:

“(1) Share documents, materials, or other information, including the

ENROLLED ORIGINAL

confidential and privileged documents, materials, or information subject to subsection (b) of this section with other state, federal, and international regulatory agencies, with the National Association of Insurance Commissioners and its affiliates and subsidiaries, and with state, federal, and international law enforcement authorities; provided, that the recipient agrees to maintain the confidentiality and privileged status of the document, material, or other information and has the authority to maintain confidentiality;

“(2) Receive documents, materials, or information, including otherwise confidential and privileged documents, materials, or information, from the National Association of Insurance Commissioners and its affiliates and subsidiaries, and from regulatory and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential or privileged any document, material, or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or information; and

“(3) Enter into agreements governing sharing and use of information consistent with subsections (b) through (d) of this section.

“(e) No waiver of any applicable privilege or claim of confidentiality in the documents, materials, or information shall occur as a result of disclosure to the Commissioner under this section or as a result of sharing as authorized in subsection (d) of this section.”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

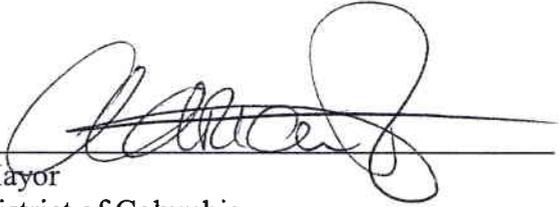
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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
December 8, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-577IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 8, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Winter
Supp.West Group
Publisher

To approve the lease of certain real property under the jurisdiction of the District of Columbia to the Washington Tennis & Education Foundation, which real property consists of a portion of the Benning-Stoddert Recreation Foundation Center property.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Benning-Stoddert Recreation Center Property Lease Approval Act of 2008".

Sec. 2. The Mayor transmitted to the Council a request for Council approval of a proposed lease agreement ("Lease") by which, subject to certain conditions contained in the Lease, the District will lease a portion of the Benning-Stoddert Recreation Center property, consisting of Lot 807, Square 5407, and portions of Lots 802, 803, 812, and 25, Square 5402, as further defined in Exhibit A to the Lease ("Property"), for a term of 70 years (including option years) to the Washington Tennis & Education Foundation, a District of Columbia nonprofit corporation, to be used for recreational purposes.

Sec. 3. The Council finds that the Mayor's analysis of economic and other property factors justifies the Lease.

Sec. 4. The Council approves the Lease and the Memorandum of Agreement attached to the Lease as Exhibit B ("Memorandum of Agreement") on the condition that the Lease incorporates the changes in the revised Lease made a part of the legislative record.

Sec. 5. The Lease and the Memorandum of Agreement shall be exempt from 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.*).

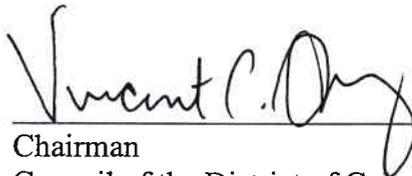
ENROLLED ORIGINAL

Sec. 6. 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. 7. 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
December 8, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-578

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 8, 2008

To approve Change Orders 1 and 2 and Proposed Change Order 3 to Contract No. DCAM-2007-C-0092 to replace the Eastern Market roof and to authorize payment for the services received and to be received under that contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. DCAM-2007-C-0092 Change Orders Approval and Payment Authorization Act of 2008".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council approves Change Orders 1 and 2 and Proposed Change Order 3 to Contract No. DCAM-2007-C-0092 to replace the Eastern Market roof and authorizes payment in the amount of \$1,086,936 for services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

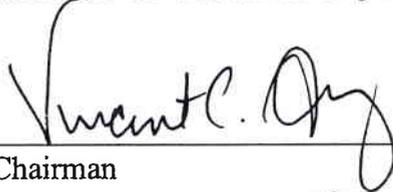
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

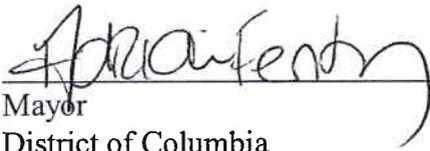
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as

ENROLLED ORIGINAL

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)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 8, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-579IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 8, 2008*Codification
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2009 Winter
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Publisher

To amend the New Town at Capital City Market Revitalization Development and Public/Private Partnership Act of 2006 to redefine the geographical boundaries of the Capital City Market.

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

Sec. 2. Section 202(1) of the New Town at Capital City Market Revitalization Development and Public/Private Partnership Act of 2006, effective March 14, 2007 (D.C. Law 16-278; D.C. Official Code § 6-1062.02(1)), is amended by striking the phrase "Capital City Market" "Market" means the approximately 24-acre site bounded by Florida Avenue, N.E., on the south, 6th Street, N.E., on the east, Penn Street, N.E., on the north, and the railroad tracks and Metro rail on the west in northeast Washington, D.C., in Ward 5." and inserting the phrase "Capital City Market" or "Market" means the approximately 24-acre site bounded by Florida Avenue on the south, 5th Street on the east, Penn Street on the north, and the railroad tracks and Metro rail on the west in northeast Washington, D.C., in Ward 5" in its place.

Amend
§ 6-1062.02

Sec. 3. Fiscal impact statement.

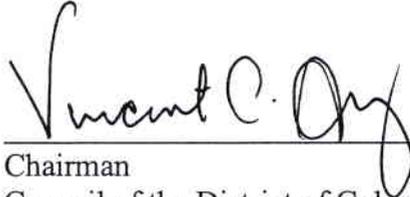
The Council adopts the October 16, 2008 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

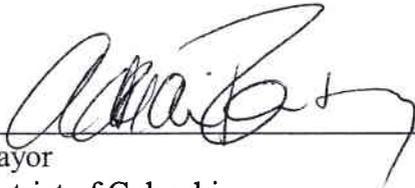
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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
December 8, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-580

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 8, 2008

*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Winter
Supp.

West Group
Publisher

To amend, on a temporary basis, the Rhode Island Avenue Metro Plaza Revenue Bonds Approval Act of 2008 to modify the definition of the terms “owner” and “project”, to clarify the purposes for which the bond proceeds may be used, and to require the creation of separate accounts within the Rhode Island Avenue Metro Plaza PILOT Fund; and to amend section 47-4613 of the District of Columbia Official Code to modify the definition of the terms “owner” and “project”, to clarify that the payment in lieu of taxes includes both real property taxes and possessory interest taxes, and to reduce the amount of the construction sales tax abatement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Rhode Island Avenue Metro Plaza Revenue Bonds Approval Temporary Amendment Act of 2008”.

Sec. 2. The Rhode Island Avenue Metro Plaza Revenue Bonds Approval Act of 2008, effective April 2, 2008 (D.C. Law 17-140; 55 DCR 1870), is amended as follows:

(a) Section 201 is amended as follows:

(1) Paragraph (9) is amended to read as follows:

“(9) “Owner” means the Washington Metropolitan Area Transit Authority or any person to which an interest in any portion of the Rhode Island Metro Plaza PILOT Area is transferred.”.

(2) Paragraph (10) is amended to read as follows:

“(10) “Project” means the financing, refinancing, or reimbursing of costs incurred for the acquisition, construction, installing, and equipping of a parking garage for the Washington Metropolitan Area Transit Authority as part of a mixed-use development project to be constructed at the Rhode Island Avenue Metro station in the District of Columbia.”.

(b) Section 202(a) is amended to read as follows:

“(a) Pursuant to section 490 of the Home Rule Act, the Mayor is authorized to issue the bonds in an aggregate amount not to exceed \$7.2 million to pay Development Costs of the Project and Issuance Costs of the bonds and to fund capitalized interest and required reserves.”.

ENROLLED ORIGINAL

(c) Section 204(a) is amended by striking the word “note” and inserting the phrase “note or notes” in its place.

(d) Section 211(a) is amended by adding a new 2nd sentence to read as follows:

“The Chief Financial Officer shall create accounts within the Rhode Island Avenue Metro Plaza PILOT Fund for the payments in lieu of taxes with respect to separate parcels of real property within the Rhode Island Avenue Metro Plaza PILOT Area that are subject to agreements for payments in lieu of taxes and the funds in those accounts may be pledged to the payment of one or more of the bonds.”.

(e) Section 211(d) is repealed.

Sec. 3. Section 47-4613 of the District of Columbia Official Code is amended as follows:

Note,
§ 47-4613

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

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

“(2) “Owner” shall have the same meaning as provided in § 47-802(5) and shall include the holder of a possessory interest as described in § 47-1005.01.”.

(2) Paragraph (5) is amended by striking the phrase “means the real property” and inserting the phrase “means the real property, or any possessory interest therein,” in its place.

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

(1) Strike the phrase “taxes imposed under Chapter 8 of this title” and insert the phrase “taxes imposed under Chapter 8 of this title or any possessory interest tax imposed under § 47-1005.01” in its place.

(2) Strike the phrase “equal to the real property taxes” and insert the phrase “equal to the real property taxes or any possessory interest taxes” in its place.

(c) Subsection (c) is amended by striking the period and inserting the phrase “or any unpaid possessory interest taxes under § 47-1005.01(f)(3).” in its place.

(d) Subsection (f) is amended by adding a new 3rd sentence to read as follows:

“If a possessory interest tax would be imposed with respect to a lease or right to use a lot within the Rhode Island Metro Plaza PILOT Area but for this section, the failure to make payments in lieu of taxes with respect to the possessory interest shall be enforced against the owner of the possessory interest in the manner specified in § 47-1005.01(f)(3).”.

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

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

“(1) For the purposes of this subsection, the term “Rhode Island Metro Plaza Project” means the residential and retail buildings and parking facilities, comprising a mixed-use development, to be developed and constructed at the Rhode Avenue Metro station in the District of Columbia by Rhode Island Avenue Metro, LLC.”.

(2) Paragraph (3) is amended by striking the phrase “\$2 million” and inserting the phrase “\$1 million” in its place.

ENROLLED ORIGINAL

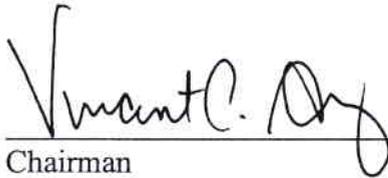
Sec. 4. Fiscal impact statement.

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)).

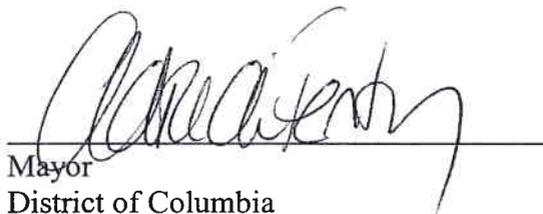
Sec. 5. Effective date.

(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
December 8, 2008