

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-10

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 23, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Summer
Supp.West Group
Publisher

To amend, on an emergency basis, due to Congressional review, the Fiscal Year 2009 Budget Support Act of 2008 to repeal a provision requiring the Boys and Girls Clubs of Greater Washington to submit for Council approval a plan for its real property in the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Boys and Girls Clubs of Greater Washington Plan Repeal Congressional Review Emergency Amendment Act of 2009".

Sec. 2. Section 3016 of the Fiscal Year 2009 Budget Support Act of 2008, effective August 16, 2008 (D.C. Law 17-219; 55 DCR 7602), is repealed.

Note,
§ 47-340.23

Sec. 3. Fiscal impact statement.

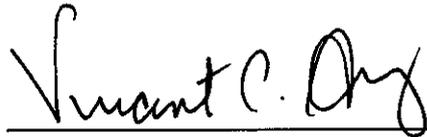
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

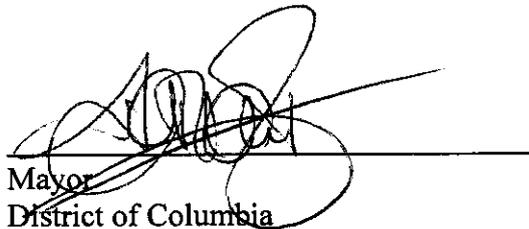
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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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
APPROVE
February 23, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-11

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 25, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Summer
Supp.West Group
Publisher

To amend, on an emergency basis, 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 to require that the Chancellor of District of Columbia Public Schools make an estimate of the amount of money that will be required to operate the public schools in the upcoming year available on its website and in each school no later than 21 days prior to the Mayor's submission of the District's budget and financial plan to the Council; to amend the District of Columbia Public School Support Initiative of 1986 to require the Chancellor to solicit public input prior to the submission of the District of Columbia Public Schools budget to the Mayor, and to require the Mayor to conduct a public hearing on public-school funding at least 15 days prior to the Mayor's submission of the District's budget and financial plan to the Council; and to amend the Board of Education Continuity and Transition Amendment Act of 2004 to amend obsolete references to the Board of Education to reference the Chancellor, and to delineate the allocations of monies required in the District of Columbia Public Schools budget submitted by the Chancellor.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Public Schools Hearing Emergency Amendment Act of 2009".

Sec. 2. Section 2(h) of 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, 1906 (34 Stat. 316; D.C. Official Code § 38-103), is amended to read as follows:

"No later than 21 days before the Mayor's submission of the District's budget and financial plan to the Council of the District of Columbia, the Chancellor of the District of Columbia Public Schools ("DCPS") shall annually make available on the DCPS website and at each school a detailed estimate of the amount of money required to operate the public schools for the ensuing year, including preliminary school-by-school budgets, in accordance with section 6 of the Board of Education Continuity and Transition Amendment Act of 2004, effective December 7, 2004 (D.C. Law 15-211; D.C. Official Code § 38-2831)."

Note,
§ 38-103

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Sec. 3. Section 3 of the District of Columbia Public School Support Initiative of 1986, effective February 17, 1988 (D.C. Law 7-68; D. C. Official Code § 38-917), is amended as follows:

Note,
§ 38-917

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

(1) Strike the phrase "Within a period of not more than 90 or less than 45 days prior to the annual submission by the Chancellor of a proposed budget" and insert the phrase "Beginning in fiscal year 2009, by no later than November 30, but prior to the annual submission by the Chancellor of a proposed operating budget" in its place.

(2) Strike the phrase "conduct a public hearing for the purpose of soliciting" and insert the phrase "solicit oral and written public input for the purpose of ascertaining" in its place.

(3) Strike the phrase "The budget proposed" and insert the phrase "The operating budget proposed" in its place.

(4) Strike the phrase "record of this hearing" and insert the phrase "record of this testimony" in its place.

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

(1) Strike the phrase "Within a period of not more than 60 days or less than 30 days" and insert the phrase "At least 15 days" in its place.

(2) Strike the phrase "15 days public notice," and insert the phrase "15 days public notice, and in accordance with section 2(h) of 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, 1906 (34 Stat. 316; D.C. Official Code § 38-103)," in its place.

(3) Strike the phrase "sought for the public schools. In no event shall this hearing be prior to the annual submission by the Chancellor of its proposed budget to the Mayor." and insert the phrase "sought for the operation of the public schools." in its place.

Sec. 4. Section 6 of the Board of Education Continuity and Transition Amendment Act of 2004, effective December 7, 2004 (D.C. Law 15-211; D.C. Official Code § 38-2831), is amended as follows:

Note,
§ 38-2831

(a) Strike the first sentence.

(b) Strike the phrase "The Board shall prepare" and insert the phrase "The Chancellor of the District of Columbia Public Schools ("Chancellor") shall prepare" in its place.

(c) Strike the phrase "prepared by the Board" and insert the phrase "prepared by the Chancellor" in its place.

(d) Strike the phrase "submitted by the board" and insert the phrase "submitted by the Chancellor" in its place.

(e) Strike the phrase "activities and object class." and insert the phrase "revenue source for programs, activity, and service levels, and by revenue source for comptroller source group by program and activity. The District of Columbia Public Schools submission shall include the number of full-time equivalents with job titles by program and revenue source." in its place.

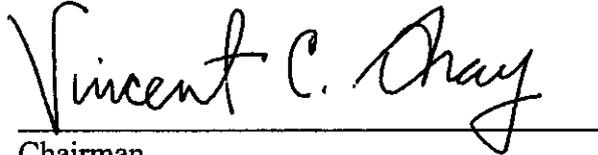
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Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Public Schools Hearing Amendment Act of 2008, signed by the Mayor on December 24, 2008 (D.C. Act 17-630; 56 DCR ___), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 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

UNSIGNED

Mayor
District of Columbia
February 23, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-12

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 23, 2009Codification
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Supp.West Group
Publisher

To amend, on an emergency basis, due to Congressional review, 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 Congressional Review Emergency Amendment Act of 2009".

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. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer for the Inclusionary Zoning Final Rulemaking Temporary Amendment Act of 2008, signed by the Mayor on December 16, 2008 (D.C. Act 17-611; 56 DCR ___), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

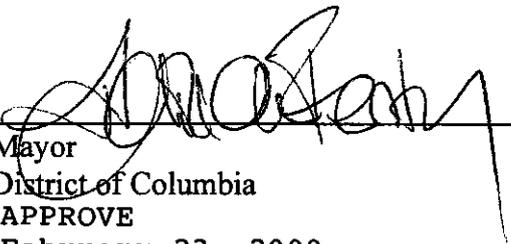
ENROLLED ORIGINAL

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), 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
APPROVE
February 23, 2009

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-13IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
FEBRUARY 23, 2009*Codification
District of
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Official Code*

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2009 Summer
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To authorize, on an emergency basis, due to Congressional review, the transfer of \$44.881 million of certified General Fund balance from O-type revenue accounts to local funds, to direct \$1,824,700 of certified General Fund revenues to the local fund, and to authorize the use of \$12,813,838 in O-type budget authority without regard to special purpose limitations; to establish a \$46 million operating cash reserve; to establish a Health Programs Contingency Fund; to amend the Fiscal Year 2009 Budget Support Act of 2008 to make conforming amendments; to amend the Hospital and Medical Services Corporation Regulatory Act of 1996 to authorize the Mayor to expend up to \$8.5 million in fiscal year 2009 from the Healthy DC Fund for purposes other than to support the Healthy DC Program; to amend the Department of Transportation Establishment Act of 2002 to provide that of the first \$30 million slated for deposit into the Unified Fund, a specified amount shall remain in the General Fund; to authorize expenditures for school facilities planning and financing and for a review of the draft Facilities Master Plan; and to authorize the reprogramming of certain capital funds for the District Department of Transportation.

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

TITLE I. GENERAL BUDGET PROVISIONS.

Sec. 101. Transfer of O-type funds.

(a) Notwithstanding any other provision of law limiting the use of O-type funds for special purposes, the Chief Financial Officer shall transfer to local funds and recognize as revenue, \$6 million for fiscal year 2009 and \$38.881 million for fiscal year 2010 from certified fund balances, whether restricted or designated, of O-type revenue funds available at the end of fiscal year 2007, less amounts expended in fiscal year 2008 or appropriated for use in fiscal year 2009, as follows:

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(1) Of certified O-type fund balances in accounts administered by the Office of Property Management, \$173,023 shall be transferred from the utility payments for non-DC agencies fund;

(2) Of certified O-type fund balances in accounts administered by the Office of Finance and Resource Management, \$677,032 shall be transferred from the utility payments for non-DC agencies fund;

(3) Of certified O-type fund balances in accounts administered by the Office of the Chief Financial Officer, \$5,114,608 shall be transferred as follows:

(A) An amount of \$4,831,555 from the Recorder of Deeds Surcharge Fund;

(B) An amount of \$203,053 from the Bank Fees Fund; and

(C) An amount of \$80,000 from the Baseball Financing Review Fund;

(4) Of certified O-type fund balances in accounts administered by the Office of the Attorney General, \$991,512 shall be transferred as follows:

(A) An amount of \$506,472 from the Anti-trust Fund;

(B) An amount of \$141,186 from the Child Support Reimbursements and Fees Fund; and

(C) An amount of \$343,854 from the Child Support Interest Income Fund;

(5) Of certified O-type fund balances in accounts administered by the Office of Contracting and Procurement, \$969,589 shall be transferred as follows:

(A) An amount of \$332,507 from the Surplus Personal Property Sales Operation Fund; and

(B) An amount of \$637,082 from the Supply Schedule Sales Discount/Operations Fund;

(6) Of certified O-type fund balances in accounts administered by the Office of the Chief Technology Officer, \$223,290 from the Tech City Fund;

(7) Of certified O-type fund balances in accounts administered by the Office of Planning, \$47,123 from the Historic Landmark and Historic District Filing Fees Fund;

(8) Of certified O-type fund balances in accounts administered by the Commission on Arts and Humanities, \$271 from the Arts and Technology Fund;

(9) Of certified O-type fund balances in accounts administered by the Department of Employment Services, \$1,065,667 from the UI Interest/Penalties Fund;

(10) Of certified O-type fund balances in accounts administered by the Department of Consumer and Regulatory Affairs, \$5,420,974 shall be transferred as follows:

(A) An amount of \$3,252,618 from the Real Estate Guarantee and Education Fund;

(B) An amount of \$1,056,959 from the OPLA special account; and

(C) An amount of \$1,111,397 from the Professional Engineers' Fund;

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(11) Of certified O-type fund balances in accounts administered by the Office of Cable Television and Telecommunications, \$2,634,907 from the Cable Franchise Fees Fund;

(12) Of certified O-type fund balances in accounts administered by the Office of the Deputy Mayor for Economic Development, \$1,134,061 shall be transferred as follows:

(A) An amount of \$164,466 from the AWC Integration Fund;

(B) An amount of \$914,535 from the comprehensive Housing Task Force Fund;

(C) An amount of \$53,000 from the Revolving Loan Fund; and

(D) An amount of \$2,060 from the Capital City Part fund;

(13) Of certified O-type fund balances in accounts administered by the Department of Small and Local Business Development, \$397,599 from the Commercial Trust Fund;

(14) Of certified O-type fund balances in accounts administered by the Alcoholic Beverage Regulation Administration, \$121,994 from the ABC keg registration fees;

(15) Of certified O-type fund balances in accounts administered by the Department of Insurance, Securities, and Banking, \$973,209 shall be transferred as follows:

(A) An amount of \$225,348 from the HMO Assessment Fee Fund;

(B) An amount of \$608,384 from the Insurance Assessment Fee Fund;

and

(C) An amount of \$139,477 from the State Filings Fund;

(16) Of certified O-type fund balances in accounts administered by the Metropolitan Police Department, \$798,221 shall be transferred as follows:

(A) An amount of \$20,554 from the Unclaimed Property Fund;

(B) An amount of \$416,801 from the Drug Interdiction Fund; and

(C) An amount of \$360,866 from the Asset Forfeiture Fund;

(17) Of certified O-type fund balances in accounts administered by the Office of the Chief Medical Examiner, \$563 from the Medical Examiner Fees Fund;

(18) Of certified O-type fund balances in accounts administered by the Office of Unified Communications, \$1,633,826 from the other funds account;

(19) Of certified O-type fund balances in accounts administered by the District of Columbia Public Schools, \$7,643 from the lease income - security deposits;

(20) Of certified O-type fund balances in accounts administered by the Department of Health, \$3,924,154 shall be transferred as follows:

(A) An amount of \$33,022 from the Medical Examiner Fees Fund;

(B) An amount of \$627,457 from the SHPDA Fees Fund;

(C) An amount of \$9,743 from the Methadone Fees Fund;

(D) An amount of \$130,432 from the Radioactive Waste Fees Fund;

(E) An amount of \$522,185 from the Food Handlers Certification fund;

(F) An amount of \$71,631 from the adjudication fines fund;

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- Fund;
- (G) An amount of \$66,591 from the Office of Professional Licensing
- Fund;
- (H) An amount of \$79,050 from the UDC Health Clinic Reimbursement
- Fund;
- (I) An amount of \$645,724 from the Pharmacy Protection Fund;
- (J) An amount of \$149,039 from the Radiation Protection Fund;
- (K) An amount of \$135,893 from the Animal Control Dog License Fees
- and Fines Fund;
- (L) An amount of \$22,174 from the other Medical Licenses and Fees
- Fund;
- (M) An amount of \$24,022 from the Medicaid Reimbursement - APRA
- Fund;
- (N) An amount of \$238,682 from the Board of Medicine Fund;
- (O) An amount of \$126,197 from the Health Facility Fee Fund;
- (P) An amount of \$426,193 from the Human Services Facility Fee Fund;
- (Q) An amount of \$29,608 from the EMS Fees Fund;
- (R) An amount of \$137,639 from the Public Health Laboratory Fees
- Fund;
- (S) An amount of \$47,731 from the ICF/MR Fees and Fines Fund;
- (T) An amount of \$240,757 from the HCSN Revolving Fund; and
- (U) An amount of \$160,384 from the DOH Regulatory Enforcement
- Fund.

(21) Of certified O-type fund balances in accounts administered by the Department of Health Care Finance, \$12,854,419 from the MAA Nursing Facility Quality of Care Fund;

(22) Of certified O-type fund balances in accounts administered by the Department of Human Service, \$2,572,437 shall be transferred as follows:

(A) An amount of \$2,740 from the Special Purpose Revenue Fund; and

(B) An amount of \$2,569,697 from the SSI Payback Fund.

(23) Of certified O-type fund balances in accounts administered by the Department of Disability Services, \$370 from the Vocational Rehab Service Reimbursement Fund;

(24) Of certified O-type fund balances in accounts administered by the District Department of Transportation, \$10,746 shall be transferred as follows:

(A) An amount of \$7,923 from the Tree Fund; and

(B) An amount of \$2,823 from the abandoned vehicle program.

(25) Of certified O-type fund balances in accounts administered by the District Department of the Environment, \$1,636,710 shall be transferred as follows:

(A) An amount of \$10,500 from the General Enforcement Fines and Fees

ENROLLED ORIGINAL

Fund;

(B) An amount of \$1,218,645 from the Underground Storage Tank Fines and Fees Fund;

(C) An amount of \$60,365 from the Adjudication Hearings (air quality) Fund;

(D) An amount of \$293,422 from the Adjudication Hearings (water quality) Fund;

(E) An amount of \$2,000 from the Wells Fund; and

(F) An amount of \$51,778 from the Economy II Fund;

(26) Of certified O-type fund balances in accounts administered by the Department of Public Works, \$637,934 from the Abandoned Vehicle Program Fund;

(27) Of certified O-type fund balances in accounts administered by the Department of Motor Vehicles, \$741,564 from the drivers education program; and

(28) Of certified O-type fund balances in accounts administered by the District of Columbia Taxicab Commission, \$117,559 from the Taxicab Assessment Act Fund.

(b) Of the revenues collected for O-type accounts pursuant to subsections (a), (b), and (b-1) of section 8 of the Department of Insurance and Securities Regulation Establishment Act of 1996, effective May 21, 1997 (D.C. Law 11-268; D.C. Official Code § 31-107), \$1,824,700 shall be deposited in local funds.

Sec. 102. Shift from local to o-type funds.

Of the O-type funds appropriated for use, an amount not to exceed \$12,813,838 may be used to support expenses shifted from Local to O-type funding as follows:

(1) An amount of \$156,655 from the Office of the Secretary for the notary authentication program;

(2) An amount of \$100,000 from the Office of the Attorney General for the consumer and trade protection program;

(3) An amount of \$952,719 from the Office of the Chief Financial Officer for the tax administration program;

(4) An amount of \$178,879 from the Office of the Deputy Mayor for Planning and Economic Development for the community outreach program;

(5) An amount of \$81,497 from the Department of Housing and Community Development for the home purchasing assistance program;

(6) An amount of \$2.9 million from the Department of Employment Services as follows:

(A) An amount of \$1 million from the performance monitoring program; and

(B) An amount of \$1.9 million from the transitional employment program;

ENROLLED ORIGINAL

(7) An amount of \$2,191,331 from the Department of Consumer and Regulatory Affairs for various programs;

(8) An amount of \$121,977 from the Office of the Tenant Advocate for the housing assistance program;

(9) An amount of \$200,000 from the Commission on Arts and Humanities for the arts building communities program;

(10) An amount of \$547,214 from the Alcohol Beverage Regulation Administration for the investigations program;

(11) An amount of \$300,428 from the Department of Correction for the inmate custody program;

(12) An amount of \$500,000 from the Department of Health for the health care and licensing administration program;

(13) An amount of \$60,257 from the Department of Parks and Recreation for recreational programs;

(14) An amount of \$905,139 from the Department of Public Works for the sanitation services program;

(15) An amount of \$2,588,505 from the District Department of Transportation for the transportation operations program;

(16) An amount of \$710,102 from the Department of Motor Vehicles for the vehicle services program;

(17) An amount of \$277,119 from the District Department of the Environment as follows:

(A) An amount of \$156,769 from the environmental protection program;

(B) An amount of \$49,764 from the agency management program;

(C) An amount of \$51,754 from the energy program; and

(D) An amount of \$18,832 from the agency financial operations

program; and

(18) An amount of \$42,006 from the Taxicab Commission for the fleet management program.

Sec. 103. Operating Cash Reserve fund; establishment.

(a) The Chief Financial Officer shall create a special fund designated as the Operating Cash Reserve ("OCR") fund into which \$46 million in fiscal year 2009 shall be designated for the following purposes:

(1) An amount of \$15.491 million from the Department of Housing and Community Development for the following programs:

(A) An amount of \$11 million to expand down-payment assistance for over 500 first-time home buyers;

ENROLLED ORIGINAL

(B) An amount of \$592,000 for nonpersonal services for the Housing Regulation Administration; and

(C) An amount of \$3.899 million to create a land-acquisition fund for direct investment in affordable housing development projects.

(2) An amount of \$7.129 million from the Department of Human Services for Housing First wrap-around services and supportive housing for at-risk homeless;

(3) An amount of \$200,000 from the Department of Public Works for the following programs:

(A) An amount of \$100,000 for the Anti-Graffiti Mural Support Program Fund; and

(B) An amount of \$100,000 for the anti-graffiti paint to be used in conjunction with alley-cutback and graffiti removal programs;

(4) An amount of \$9 million from the Pay-As-You-Go Capital Fund for the following programs:

(A) An amount of \$500,000 for the creation of a nonlapsing fund for the Pedestrian and Bicycle Safety and Enhancement Fund;

(B) An amount of \$3.2 million to the Department of Housing and Community Development for Home Again;

(C) An amount of \$4.5 million to the Department of Human Services for the case-management system;

(D) An amount of \$400,000 to the District Department of Transportation for repair and maintenance to curbs, sidewalks, and alleys, and Square 394/Lot 59 paving and drainage in the easement; and

(E) An amount of \$400,000 to the District Department of Transportation for repair and maintenance to curbs and sidewalks from the prior year carryover;

(5) An amount of \$3.557 million from the Deputy Mayor for Planning and Economic Development for the following programs:

(A) An amount of \$2.279 million to expand the New Communities human capital;

(B) An amount of \$588,000 to develop a database for tracking the affordable-housing pipeline;

(C) An amount of \$500,000 to the Ward 4 BID Demonstration Project and capital improvement grants to businesses on Georgia Avenue and Kennedy Street, N.W.; and

(D) An amount of \$190,000 to the Ward 4 BID Demonstration Project and capital improvements to Georgia Avenue in Ward 1;

(6) An amount of \$442,000 from the District of Columbia Public Library to upgrade branch library furniture, fixtures, and equipment;

(7) An amount of \$191,000 from the Department of Health to perform a

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feasibility analysis of residential substance abuse treatment facilities; and

(8) An amount of \$10 million from the Committee on Health to be used for the Health Programs Contingency Fund reserved for health-related one-time expenditure needs from savings identified by the Committee on Health.

(b)(1) In fiscal year 2009, no funds shall be transferred from the OCR fund until release of the February revised revenue estimate and approval by Counsel of the use of the OCR funds.

(2) The Council shall approve by act the use of OCR funds.

(c) Following fiscal year 2009:

(1) The amount of \$46 million shall be placed into the OCR fund in fiscal year 2010;

(2) The amount of \$48 million shall be placed into the OCR fund in fiscal year 2011; and

(3) The amount of \$50 million shall be placed into the OCR fund in fiscal year 2012.

Sec. 104. Health Programs Contingency Fund.

(a) There is established as a nonlapsing fund the Health Programs Contingency Fund ("Fund"). All funds deposited into the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of the fiscal year, or at any other time, but shall be continually available to support unanticipated expenditures within the District Medicaid program and the DC HealthCare Alliance.

(b) By December 1, 2009, there shall be deposited into the Fund no less than \$10 million in local funds.

TITLE II. BUDGETARY CONFORMING AMENDMENTS.

Sec. 201. The Fiscal Year 2009 Budget Support Act of 2008, effective August 16, 2008 (D.C. Law 17-219; 55 DCR 7602), is amended as follows:

(a) Section 5045(a) is amended by striking the date "July 1, 2009" and inserting the date "October 1, 2009" in its place.

(b) A new section 6021a is added to read as follows:

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

(c) Title VIII is amended as follows:

(1) Section 8002(h)(17) is repealed.

(2) Section 8004 is amended as follows:

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

(i) Paragraph (4) is amended by striking the phrase "up to \$500,000" and inserting the phrase "up to \$250,000" in its place.

ENROLLED ORIGINAL

(ii) Paragraph (5) is repealed.

(iii) Paragraph (6) is amended by striking the phrase “no less than \$6,750,000” and inserting the phrase “no less than \$5,750,000” in its place.

(B) Subsection (c)(3) is amended by striking the phrase “amount of \$11.3 million” and inserting the phrase “amount of \$7.668 million” in its place.

(C) Subsection (d) is amended as follows:

(i) Paragraph (1) is amended by adding the word “and” at the end.

(ii) Paragraph (2) is amended by striking the phrase “District residents; and” and inserting the phrase “District residents.” in its place.

(iii) Paragraph (3) is repealed.

(D) Subsection (f) is amended by striking the phrase “reserved for an allied health workforce training program.” and inserting the phrase “granted to Georgetown University to support its allied health workforce training program, subject to terms and conditions approved by the Department of Employment Services.” in its place.

Sec. 202. Section 15b of the Hospital and Medical Services Corporation Regulatory Act of 1996, effective March 2, 2007 (D.C. Law 16-192; D.C. Official Code § 31-3514.02), is amended by adding a new subsection (c) to read as follows:

Note,
§ 31-3514.02

“(c) Notwithstanding subsection (a) of this section, for fiscal year 2009 the Mayor is authorized to expend up to \$8.5 million, as available, from the Healthy DC Fund for purposes other than to support the Healthy DC Program.”.

Sec. 203. Section 9c of the Department of Transportation Establishment Act of 2002, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 50-921.11), is amended as follows:

Note,
§ 50-921.11

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

(1) Subparagraph (A) is amended by striking the word “and” at the end.

(2) Subparagraph (B) is amended by striking the phrase “school playground.” and inserting the phrase “school playground; and” in its place.

(b) Subsection (c)(2) is amended by striking the phrase “100% of the sales and use taxes collected by the District for parking and storing; provided, that any such revenues in excess of \$30 million shall be deposited into the Highway Trust Fund” and inserting the phrase “all revenue derived from the sales and use taxes collected by the District for parking and storing; provided, that of the first \$30 million collected each year, \$12.7 million in fiscal year 2009, \$12.2 million in fiscal year 2010, and \$10.2 million in all subsequent years shall remain in the General Fund as nondedicated local funds and that any revenue in excess of \$30 million shall be deposited into the Highway Trust Fund” in its place.

ENROLLED ORIGINAL

Sec. 204. The FY2009 Proposed Budget and Financial Plan, Volume 7, submitted to the Congress of the United States is amended to:

- (1) Provide \$6.4 million for streetlights (project AD304C) from amounts available in the following projects: \$6.1 million from SA305C and \$300,000 from SA205C; and
- (2) Provide \$4 million for street repair and maintenance of equipment from the following projects: \$1 million from SA303C, \$1.1 million from SA402C, and \$1.9 million from SA301C.

Sec. 205. Notwithstanding D.C. Official Code § 47-362(b), the Mayor may seek a reprogramming from available funds to restore funding for any programs or projects modified by this Act.

TITLE III. SCHOOL FACILITY PLANNING AND FINANCING, AUDITOR REVIEW; AUTHORIZED EXPENDITURES.

Sec. 301(a) Notwithstanding language in the FY2009 Proposed Budget and Financial Plan, Volume 6, submitted to the Congress of the United States, which restricts the use of funds for the project entitled, Public Education Facility Modernization PLH project, the Council authorizes:

(1) Up to \$2.5 million to continue development of the Facilities Master Plan ("FMP"), which development may also include the further development and refinement of plans for schools included in the December 2007 work program, as described in section 103 of the School Modernization Financing Act of 2006, effective June 8, 2006 (D.C. Law 16-123; D.C. Official Code § 38-2971.03), or high schools proposed in the draft FMP for fiscal year 2009 or fiscal year 2010, to the extent that further development or refinement of plans is necessary for improved coordination with educational plans, public involvement, and the estimating of costs and does not exceed, for any facility, a 30% design standard.

(2) Up to \$30 million during fiscal year 2009 for the following small capital activities for school facilities; provided, that no more than \$350,000 may be spent at any one facility without Council approval; except that emergency boiler repair or replacement exceeding that amount may proceed after written notice to the Council of the nature and scope of the emergency, the location, and the estimated cost:

- (A) Roof repair and stabilization;
- (B) Life and safety repairs;
- (C) Electrical modifications;
- (D) Plumbing repair;
- (E) Boiler repair and replacement;
- (F) Window and exterior repairs;
- (G) HVAC repair and replacement;

ENROLLED ORIGINAL

(H) Asbestos abatement; and

(I) Minor interior repair such as painting, plastering, and floor repair.

(3) Up to \$200,000 to the District of Columbia Auditor to support an audit and peer review of the draft FMP submitted to the Council on September 10, 2008, and of the process of developing the draft FMP, which shall include, at a minimum:

(A) The involvement of recognized experts in the fields of:

- (i) Schools planning;
- (ii) School construction;
- (iii) Civic architecture and engineering;
- (iv) Public finance; and
- (v) Public accounting;

(B) Participation by individuals knowledgeable about District school facility need and by one or more representatives of the:

- (i) Public School Modernization Advisory Committee;
- (ii) Office of Public Education Facilities Modernization;
- (iii) Council of the District of Columbia;
- (iv) Deputy Mayor for Education
- (v) District of Columbia Public Schools;
- (vi) Public Charter Schools Board;
- (vii) Office of Planning; and
- (viii) State Board of Education; and

(C) A review of a sample of schools included in the Stabilization and Consolidation programs in the summer of 2008 to better understand the type of work envisioned in the draft FMP.

(b) The use of any remaining general obligation bond funding included in the fiscal year 2009 budget for any purpose other than a purpose set forth in this title is not authorized.

TITLE IV. FISCAL IMPACT STATEMENT AND EFFECTIVE DATE.

Sec. 401. Fiscal impact statement.

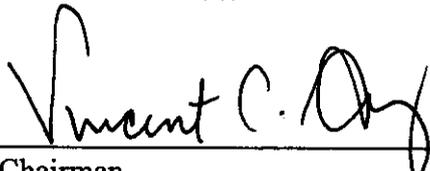
The Council adopts the fiscal impact statement of the Chief Financial Officer for the Fiscal Year 2009 Balanced Budget Support Temporary Amendment Act of 2008, signed by the Mayor on December 22, 2008 (D.C. Act 17-631; 56 DCR __), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 402. Effective date.

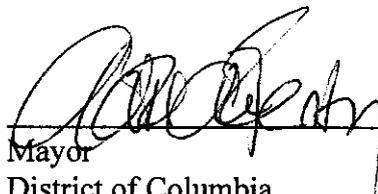
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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
February 23, 2009

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-14

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 23, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Summer
Supp.West Group
Publisher

To require, on an emergency basis, due to Congressional review, the Mayor to bury all utility lines along 12th Street, N.E., between Rhode Island Avenue and Michigan Avenue in Ward 5, and for the District to pay to connect the utility lines to private properties out of existing funds budgeted for the 12th Street streetscape project.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Utility Line Congressional Review Emergency Act of 2009" .

Sec. 2. Requirements of utility lines.

(a) The Mayor shall require all utility lines over 12th Street, N.E., between Rhode Island Avenue, N.E., and Michigan Avenue, N.E., in Ward 5, to be placed underground and that the District assume fees associated with connecting the utility lines to private businesses, churches, and homes; provided, that funds are sufficient in the budget for the 12th Street streetscape project.

(b) The Mayor shall use all unexpended funds designated for the 12th Street streetscape improvements in Ward 5 for the purposes described in subsection (a) of this section.

Sec. 3. Applicability.

This act shall apply as of February 1, 2009.

Sec. 4. Fiscal impact statement.

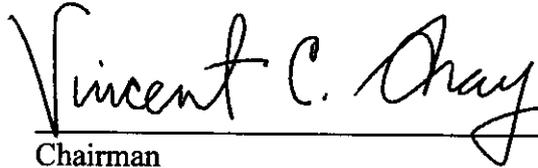
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

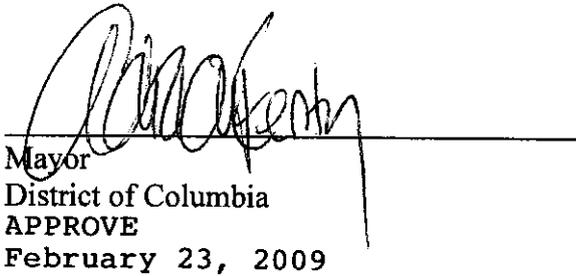
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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
APPROVE
February 23, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-15

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 23, 2009

To amend, on an emergency basis, the Equitable Parking Meter Rates Emergency Amendment Act of 2008 and the Equitable Parking Meter Rates Temporary Amendment Act of 2009 to offset the fiscal impact of the So Others Might Eat Property Tax Exemption Act of 2008.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "SOME, Inc. Tax Exemption Emergency Amendment Act of 2009".

Sec. 2. Section 3(a) of the Equitable Parking Meter Rates Emergency Amendment Act of 2008, effective January 12, 2009 (D.C. Act 17-681; 56 DCR ____), is amended by adding a new paragraph (1A) to read as follows:

"(1A) \$824,932 to offset the fiscal impact of the tax relief authorized by the So Others Might Eat Property Tax Exemption Act of 2008, effective July 18, 2008 (D.C. Law 17-185; D.C. Official Code § 47-1078);".

Sec. 3. Section 3(a) of the Equitable Parking Meter Rates Temporary Amendment Act of 2009, signed by the Mayor on January 28, 2009 (D.C. Act 17-713; 56 DCR ____), is amended by adding a new paragraph (1A) to read as follows:

"(1A) \$824,932 to offset the fiscal impact of the tax relief authorized by the So Others Might Eat Property Tax Exemption Act of 2008, effective July 18, 2008 (D.C. Law 17-185; D.C. Official Code § 47-1078);".

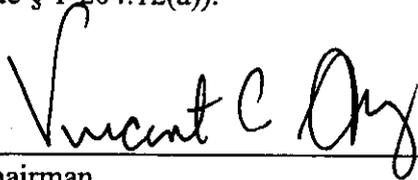
Sec. 4. Fiscal impact statement.

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

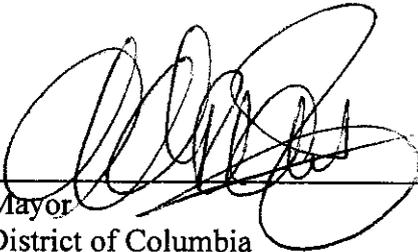
ENROLLED ORIGINAL

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
February 23, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-16

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 23, 2009

*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Summer
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Publisher

To amend, on an emergency basis, Title III of the Washington Metropolitan Area Transit Regulation Compact to clarify the Compact regarding Board Membership, Officers, and Payments, to clarify that the Administrator of General Services appoints the federal government representatives, to create an inspector general as an officer of the Washington Metropolitan Area Transit Authority, and to require that one of the federally appointed directors be a regular passenger and customer.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "WMATA Compact Emergency Amendment Act of 2009".

Sec. 2. Title III of the Washington Metropolitan Area Transit Regulation Compact, approved November 6, 1966 (80 Stat. 1324; D.C. Official Code § 9-1107.01), is amended as follows:

Note,
§ 9-1107.01

(a) Section 5 is amended as follows:

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

(A) Strike the phrase "of 6 Directors".

(B) Strike the phrase "Signatory. For Virginia," and insert the phrase "Signatory, and 2 for the federal government commencing upon the enactment of the first appropriation for grants to the Authority authorized by Title VI of the Passenger Rail Investment and Improvement Act of 2008, approved October 16, 2008 (Pub. L. No. 110-432; 122 Stat. 4848), or any successor thereto, and ending upon the expiration of that authorization. For Virginia," in its place.

(C) Strike the phrase "and for Maryland, by the Washington Suburban Transit Commission" and insert the phrase "for Maryland, by the Washington Suburban Transit Commission; and for the federal government, by the Administrator of General Services" in its place.

(D) Strike the phrase "body. A Director" and insert the phrase "body. For the federal government, one of the Directors shall be a regular passenger and customer of the Authority. A Director" in its place.

(E) Strike the phrase "of the signatory" wherever it appears and insert

ENROLLED ORIGINAL

the phrase "of the jurisdiction" in its place.

(2) Subsection (b) is amended by striking the phrase "of the signatory" wherever it appears and inserting the phrase "of the jurisdiction" in its place.

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

"(c) The federally appointed Directors and alternates may participate in Board deliberations and voting only during any federal fiscal year in which there is an appropriation for grants to the Authority in an amount of at least \$150 million authorized by Title VI of the Passenger Rail Investment and Improvement Act of 2008, approved October 16, 2008 (Pub. L. No. 110-432; 122 Stat. 4848). There shall cease to be federally appointed Directors and alternates upon the expiration of authorization for funding by the United States Congress for grants to the Authority in Title VI of the Passenger Rail Investment and Improvement Act of 2008, approved October 16, 2008 (Pub. L. No. 110-432; 122 Stat. 4848)."

(b) Section 9 is amended as follows:

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

(A) Strike the phrase "comptroller and" and insert the phrase "comptroller, an inspector general" in its place.

(B) Strike the phrase "manager and" and insert the phrase "manager, inspector general" in its place.

(2) Redesignate subsections (d) and (e) as subsections (e) and (f), respectively.

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

"(d) The inspector general shall report to the Board and head the Office of Inspector General, an independent and objective unit of the Authority that conducts and supervises audits, program evaluations, and investigations relating to Authority activities; promotes economy, efficiency, and effectiveness in Authority activities; detects and prevents fraud and abuse in Authority activities; and keeps the Board fully and currently informed about deficiencies in Authority activities as well as the necessity for and progress of corrective action."

(c) Section 26 is amended by adding the following phrase to the end of the existing text:

"Payments upon a commitment of a signatory for the purpose of matching federal funds appropriated in any given year pursuant to the authorization in Title VI of the Passenger Rail Investment and Improvement Act of 2008, approved October 16, 2008 (Pub. L. No. 110-432; 122 Stat. 4848), or any successor thereto, shall be from amounts derived from sources of funding that are earmarked or required under the law of the signatory to be used to match such federal appropriations."

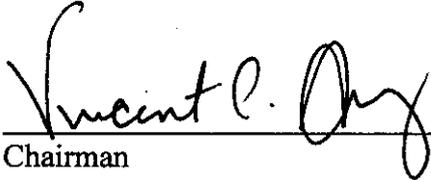
Sec. 3. Fiscal impact statement.

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)).

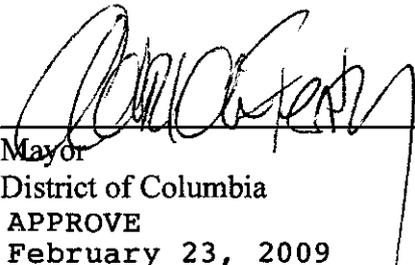
ENROLLED ORIGINAL

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), 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
APPROVE
February 23, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-17

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 24, 2009

*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Summer
Supp.

West Group
Publisher

To amend, on an emergency basis, the Department of Youth Rehabilitation Services Establishment Act of 2004 to permit the inspection of records of youth in the custody of the Department of Youth Rehabilitation Services by the Chairman of the Committee on Human Services.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Records Access Emergency Amendment Act of 2009".

Sec. 2. Section 106 of the Department of Youth Rehabilitation Services Establishment Act of 2004, effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code § 2-1515.06), is amended by adding a new subsection (c) to read as follows:

Note,
§ 2-1515.06

“(c) Notwithstanding the confidentiality requirements of this section, the Chairman of the Committee on Human Services, or his designee, shall be permitted to obtain the records pertaining to youth in the custody of the Department when necessary for the discharge of the committee’s duties; provided, that the Department data is maintained, transmitted, and stored in a manner to protect the security and privacy of the youth identified and to prevent the disclosure of any of the data or information to any individual, entity, or agency not designated pursuant to subsection (b) of this section.”.

Sec. 3. Fiscal impact statement.

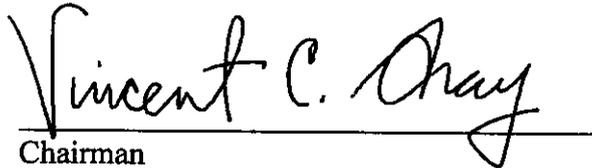
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

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

UNSIGNED

Mayor
District of Columbia
February 23, 2009

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-18

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 23, 2009

To amend, on emergency basis, section 24-1005 of the District of Columbia Municipal Regulations to include issuing a warning for operating a motor vehicle without removing snow or ice accumulated on the vehicle.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Safe Winter Driving Emergency Amendment Act of 2009".

Sec. 2. Section 24-1005 of the District of Columbia Municipal Regulations is amended by adding a new subsection 1005.3 to read as follows: DCMR

"1005.3 No motor vehicle shall be driven or moved on any street or highway prior to the removal of snow or ice accumulated on the vehicle that may result in damage to property or injury to person. The violation of this subsection will result in the issuance of a warning."

Sec. 3. Fiscal impact statement.

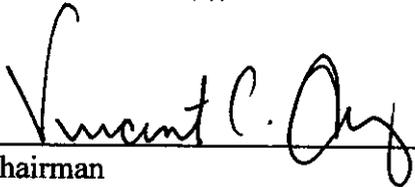
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

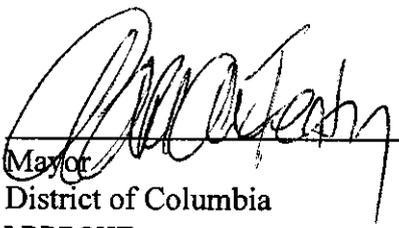
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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
APPROVE
February 23, 2009

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-19

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 23, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Summer
Supp.West Group
Publisher

To amend, on a temporary basis, section 47-1805.04 of the District of Columbia Official Code to permit the release of District of Columbia tax return information to the United States District Court for the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Disclosure to the United States District Court Temporary Amendment Act of 2009".

Sec. 2. Section 47-1805.04 of the District of Columbia Official Code is amended by adding a new subsection (k) to read as follows:

Note,
§ 47-1805.04

"(k) *Disclosure to the United States District Court for the District of Columbia.* - Notwithstanding any other provision of this section, the Office of Tax Revenue may furnish, in accordance with 28 U.S.C. § 1863(d), to the United States District Court for the District of Columbia ("Court"), upon request of the Court, the names, addresses, and social security numbers of individuals who have filed a return under § 47-1805.02(a)."

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)).

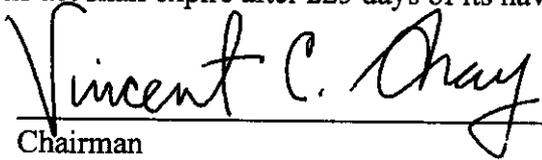
Sec. 4. Effective date.

(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

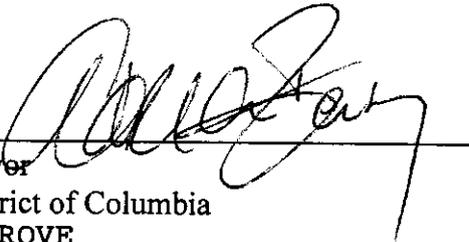
ENROLLED ORIGINAL

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
APPROVE
February 23, 2009

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-20

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 24, 2009

*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Summer
Supp.

West Group
Publisher

To amend, on a temporary basis, the Independent Personnel Systems Implementation Act of 1980 to prohibit the Metropolitan Police Department or its agents from issuing subpoenas in pursuance of criminal investigations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Metropolitan Police Department Subpoena Limitation Temporary Amendment Act of 2009".

Sec. 2. Section 3 of the Independent Personnel Systems Implementation Act of 1980, effective September 26, 1980 (D.C. Law 3-109; D.C. Official Code § 1-301.21(a)), is amended by adding a new subsection (a-1) to read as follows:

Note,
§ 1-301.21

“(a-1) Notwithstanding subsection (a) of this section, the Metropolitan Police Department or its agents shall not issue subpoenas in pursuance of criminal investigations.”.

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)).

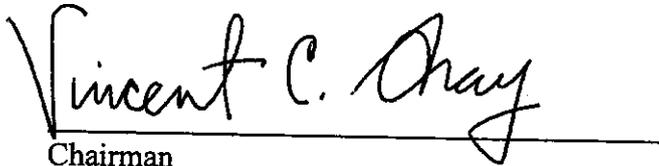
Sec. 4. Effective date.

(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

ENROLLED ORIGINAL

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

UNSIGNED

Mayor
District of Columbia
February 23, 2009

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-21IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
FEBRUARY 23, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Summer
Supp.West Group
Publisher

To require, on a temporary basis, the Board of Library Trustees and District of Columbia Public Library to maintain library services at R.L. Christian Library and Langston Library until a permanent alternative library site is determined, with Council approval, for each site.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Library Kiosk Services Temporary Act of 2009".

Sec. 2. Library closing plan.

(a) The Board of Library Trustees and the District of Columbia Public Library shall submit a library closing plan ("plan") to the Council, for a 45-day period of review, prior to the closing of current library services at R.L. Christian Library, located at 1300 H Street, N.E., in Ward 6, and Langston Library, located at 2600 Benning Road, N.E., in Ward 5.

(b) The 45-day period of review shall exclude Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the plan by resolution, after a public hearing, within the 45-day review period, the proposed plan shall be deemed approved.

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)).

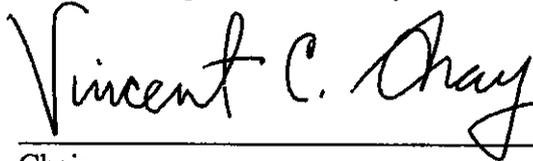
Sec. 4. Effective date.

(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

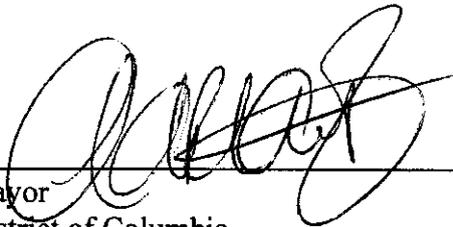
ENROLLED ORIGINAL

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
February 23, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-22

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 23, 2009*Codification
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Columbia
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To authorize, on a temporary basis, the Mayor to regulate vending in the District of Columbia, to require vendors to vend only from designated locations, to authorize development areas within which alternative forms of regulation of vending may be tested, to authorize the Mayor to charge fees for licenses and other authorizations to vend from public space, to authorize the imposition of civil fines for the violation of this act or rules promulgated pursuant to this act, and to authorize the regulation of public markets; and to amend An act to authorize the Commissioners of the District of Columbia to make police regulations for the government of said District, the Fiscal Year 1997 Budget Support Act of 1996, Title 47 of the District of Columbia Official Code, and An Act Relating to the adulteration of feed and drugs in the District of Columbia, to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Vending Regulation Temporary Act of 2009".

Sec. 2. Definitions.

For the purposes of this act, the term:

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

Sec. 3. Vending from public space.

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

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

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(b) The Mayor may authorize the following persons to vend from public space without a basic business license or vending site permit:

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

Mayor.

(c) No authorization from the Mayor is required for vending pursuant to section 105(h) of the First Amendment Assemblies Act of 2004, effective April 13, 2005 (D.C. Law 15-532; D.C. Official Code § 5-331.05(h)).

Sec. 4. Vending locations and assignment.

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

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

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

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

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

(B) The vending location is located in a vending development zone, in

which case the vending location may be assigned by lottery or such other means as may be established for the vending development zone pursuant to section 5.

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

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Sec. 5. Vending development zones.

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

Sec. 6. Public markets.

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

Sec. 7. Fees and funding.

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

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

(2) Deposits into the Fund shall include:

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

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

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

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

(E) Interest on funds deposited in the Fund.

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

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

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Sec. 8. Penalties.

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

Sec. 9. Rules.

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

Sec. 10. Conforming amendments.

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

Note,
§ 1-303.01

(b) Section 602(2) of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 10-1141.02(2)), is amended by striking the phrase “pursuant to paragraph 36 of section 7 of An Act making appropriations for the fiscal year ending June thirtieth, nineteen hundred and three and for other purposes, approved July 1, 1902 (32 Stat. 627; D.C. Code § 47-2834)” and inserting the phrase “issued on or after March 19, 2008” in its place.

Note,
§ 10-1141.02

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

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

Note,
§ 47-2002.01

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

“(a) For the purposes of this section, the term “street vendor” means a person licensed to vend from a sidewalk, roadway, or other public space on or after March 19, 2008.”.

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

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

(ii) Paragraph (4) is repealed.

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

Note,
§ 47-2020
Note, Repeal
§ 47-2834

(3) The table of contents for Chapter 28 is amended by striking the phrase “47-

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2834. Sales on streets or public places.” and inserting the phrase “47-2834. Repealed.” in its place.

(d) Section 2(5)(A)(iii) of An Act Relating to the adulteration of foods and drugs in the District of Columbia, approved February 17, 1898 (30 Stat. 246; D.C. Official Code § 48-102(5)(A)(iii)), is amended by striking the phrase “unless the vending locations are authorized by the Council pursuant to An act to authorize the Commissioners of the District of Columbia to make police regulations for the government of said District, approved January 26, 1887 (24 Stat. 368; D.C. Official Code § 1-303.01)” and inserting the phrase “unless the vending locations are licensed by the Mayor on or after March 19, 2008” in its place.

Note, § 48-102

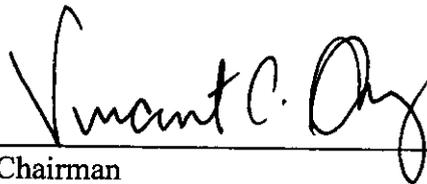
Sec. 11. Fiscal impact statement.

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

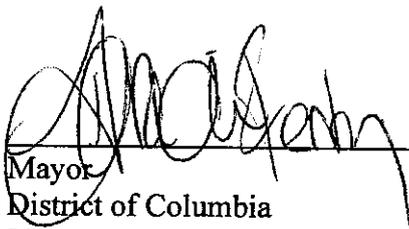
Sec. 12. Effective date.

(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

APPROVE
February 23, 2009

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AN ACT

D.C. ACT 18-23

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 25, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Summer
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Publisher

To amend, on an emergency basis, Chapter 46 of Title 47 of the District of Columbia Official Code to provide for an exemption of real property taxation for the Randall School development project located in Lot 801, Square 643S, in Ward 6.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Randall School Development Project Tax Exemption Emergency Act of 2009".

Sec. 2. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

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

"47-4620. Randall School development project tax exemption."

(b) A new section 47-4620 is added to read as follows:

"§ 47-4620. Randall School development project tax exemption.

"The real property described as Lot 801, Square 643S, known as the Randall School development project, owned by the Trustees of the Corcoran Gallery of Art, a nonprofit corporation, shall be exempt from the tax imposed by Chapter 8 of this title, beginning October 1, 2008, and for so long as the Trustees of the Corcoran Gallery of Art own the real property; provided, that the exemption shall cease once a certificate of occupancy issues for any part of the Randall School development project. The exemption shall be in addition to, and not in lieu of, any other tax relief or assistance from any other source applicable to the Randall School development project."

Sec. 3. Applicability.

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

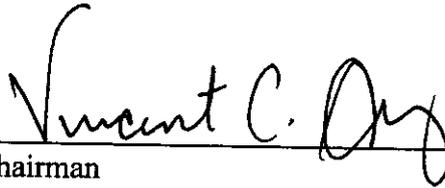
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Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement 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.

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

UNSIGNED

Mayor
District of Columbia
February 23, 2009