

SECOND ENROLLED ORIGINAL

TITLE III. PUBLIC SAFETY AND JUSTICE
SUBTITLE A. CONSUMER PROTECTION FUNDS ACT
Sec. 3001. Short title.

This subtitle may be cited as the "Consumer Protection Funds Act of 2009".

Sec. 3002. Section 28-3911 of the District of Columbia Official Code is amended as follows:

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

"(a)(1) There is established as a nonlapsing fund the District of Columbia Consumer Protection Fund ("Fund"), which shall be used for the purposes set forth in subsection (b) of this section with assets not to exceed \$3.4 million at any time. Any balance at any time in excess of \$3.4 million shall be deposited in the Emergency and Non-Emergency Number Telephone Calling Systems Fund, established by § 34-1802. The Fund shall consist of:

"(A) Sums as may be transferred to the Fund under a court order or judgment in an action brought pursuant to § 28-3909;

"(B) Gifts, grants, or cy pres payments made to support consumer protection activities by the Office of the Attorney General for the District of Columbia ("OAG");

"(C) Sums as may be recovered by the OAG under § 28-3909 by judgment or in settlement of claims; and

"(D) Beginning on October 1, 2009, the following percentages of any recovery from litigation brought by the OAG on behalf of the District or District agencies, other than a recovery governed by subparagraph (C) of this paragraph:

"(i) Five percent of a recovery under \$2 million;

"(ii) For a recovery between \$2 million and \$5 million, \$100,000 plus 2.5 % of any amount in excess of \$2 million; and

"(iii) For a recovery above \$5 million, \$175,000 plus 1% of any amount in excess of \$5 million.

"(2) For the purposes of this subsection, the term "recovery" shall include funds obtained through court determinations or through settlements of lawsuits in which OAG represents the District or District agencies, but shall not include:

"(A) Funds obtained through administrative proceedings in which OAG represents the District or District agencies; or

"(B) Funds obligated to another source or fund by court order, a settlement agreement, or District or federal law."

(b) A new subsection (a-1) is added to read as follows:

"(a-1) 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 a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (b) of this section without regard to fiscal year limitation, subject to authorization by Congress."

(c) The lead-in text to subsection (b) is amended by striking the phrase "Corporation Counsel" and inserting the phrase "OAG" in its place.

SUBTITLE B. E-911 AND CONSUMER PROTECTION FUND AMENDMENT
ACT

SECOND ENROLLED ORIGINAL

Sec. 3010. Short title.

This subtitle may be cited as the "E-911 and Consumer Protection Fund Amendment Act of 2009".

Sec. 3011. The Emergency and Non-Emergency Number Telephone Calling Systems Fund Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 34-1801 *et seq.*), is amended as follows:

(a) Section 603 (D.C. Official Code § 34-1802) is amended by adding a new subsection (b-2) to read as follows:

"(b-2) After October 1, 2010, no monies in the Fund shall be used to defray nonpersonal costs related to overhead, including energy, rentals, janitorial services, security, or occupancy costs. The Fund shall be used solely to defray technology and equipment costs directly incurred by the District of Columbia and its agencies and instrumentalities in providing a 911 system and direct costs incurred by wireless carriers in providing wireless E-911 service. The Fund shall not be used for any other purpose."

(b) Section 604a(b) (D.C. Official Code § 34-1803.01(b)) is amended by striking the phrase "as of May 15, 2007, for the fund set" and inserting the phrase "of \$3.4 million for the fund as set" in its place.

SUBTITLE C. FEMS AND DOC HEADQUARTERS ACT

Sec. 3020. Short title.

This subtitle may be cited as the "FEMS and DOC Headquarters Act of 2009".

Sec. 3021. Relocation of headquarters for Fire and Emergency Medical Services Department and Department of Corrections.

(a) The headquarters of the Fire and Emergency Medical Services Department and the headquarters of the Department of Corrections shall not be relocated to or housed in the Patricia R. Harris Education Center and no funds shall be expended for those purposes.

(b) The Mayor shall develop a plan for the permanent relocation of the headquarters for the Fire and Emergency Medical Services Department and the Department of Corrections that shall:

- (1) Be submitted to the Council no later than March 1, 2010;
- (2) Be included in the Mayor's fiscal year 2011 budget and financial plan submission to the Council;
- (3) Include the proposed location for a headquarters for each agency or the location of a headquarters for both agencies;
- (4) Include the time line for relocating the headquarters;
- (5) Include the total costs for relocating the headquarters; and
- (6) Identify funding for relocating the headquarters.

SUBTITLE D. OFFICE OF ADMINISTRATIVE HEARINGS MAILING CERTIFICATION

Sec. 3030. Short title.

This subtitle may be cited as the "Office of Administrative Hearings Mailing Certification Amendment Act of 2009".

SECOND ENROLLED ORIGINAL

Sec. 3031. Section 216 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3502.16), is amended as follows:

(a) Subsection (b) is amended by striking the phrase "by certified mail or other form of service which assures delivery of the petition" and inserting the phrase "by first-class mail" in its place.

(b) Subsection (c) is amended by striking the phrase "by certified mail or other form of service which assures delivery" and inserting the phrase "by first-class mail" in its place.

(c) Subsection (j) is amended by striking the phrase "by certified mail or other form of service which assures delivery of the decision" and inserting the phrase "by first-class mail" in its place.

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

"(m) The service of any document in a proceeding under this section, including a petition, hearing notice, and decision, shall be accompanied by a certificate of service specifying, at a minimum:

"(1) The person served;

"(2) The date served and by whom; and

"(3) The manner of service."

SUBTITLE E. OFFICE OF JUSTICE GRANTS ADMINISTRATION GRANTS

Sec. 3040. Short title.

This subtitle may be cited as the "Office of Justice Grants Administration Grants Act of 2009".

Sec. 3041. Fiscal year 2010 grants of the Office of Justice Grants Administration.

From the fiscal year 2010 funds available to the Office of Justice Grants Administration, the following grants shall be awarded:

(1) No less than \$200,000 to help fund an organization that runs a rural camp in the region for District youth; provided that, part of the camp curriculum shall be to nurture and reinforce self-awareness, self-esteem, character, and constructive decision-making.

(2) No less than \$125,000 to help fund an organization that assists inmates at the DC Jail or Correctional Treatment Facility and recently released inmates.

(3) A grant shall be awarded to help fund an organization that diverts first-time, non-violent youth offenders away from the juvenile justice system by providing alternative sentencing that involves them in activities that help other youth and the community.

(4) A grant shall be given to help fund a community-based, cross-jurisdictional organization in the area of the Takoma Metro Station, whose objectives are to help reduce crime and promote public safety.

SUBTITLE F. DC JAILS FACILITY CONDITION ASSESSMENT

Sec. 3050. Short title.

This subtitle may be cited as the "Assessment of the District of Columbia Jail Facility Condition Act of 2009".

Sec. 3051. Assessment of District of Columbia Jail and ancillary facilities.

SECOND ENROLLED ORIGINAL

(a) On or before December 15, 2009, the Office of Property Management shall provide to the Council Committees on Public Safety and the Judiciary and Government Operations and Environment a detailed physical assessment of the condition of the District of Columbia Jail and ancillary facilities. The assessment shall:

(1) Determine the amount and location of facility deficiencies, including deferred maintenance and the need for upgrades to equipment and the facility that are mission critical; and

(2) Provide an itemized estimate of the costs to meet each identified need.

(b) An amount of \$50,000 from the Office of Property Management, project BC101C, Facility Condition Assessment, may be used for the purposes set forth in subsection (a) of this section.

TITLE IV. PUBLIC EDUCATION SYSTEM

SUBTITLE A. UNIFORM PER STUDENT FUNDING FORMULA FOR PUBLIC SCHOOLS AND PUBLIC CHARTER SCHOOLS

Sec. 4001. Short title.

This subtitle may be cited as the "Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Amendment Act of 2009".

4002. The Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901 et seq.), is amended as follows:

(a) Section 105 (D.C. Official Code § 38-2904) is amended by striking the tabular array and inserting the following tabular array in its place:

"Grade Level	Weighting	Per Pupil Allocation in FY 2010
"Pre-School	1.34	\$11,752
"Pre-Kindergarten	1.30	\$11,401
"Kindergarten	1.30	\$11,401
"Grades 1-3	1.00	\$ 8,770
"Grades 4-5	1.00	\$ 8,770
"Ungraded ES	1.00	\$ 8,770
"Grades 6-8	1.03	\$ 9,033
"Ungraded MS/JHS	1.03	\$ 9,033
"Grades 9-12	1.16	\$10,173
"Ungraded SHS	1.16	\$10,173
"Alternative Program	1.17	\$10,261
"Special ed schools	1.17	\$10,261
"Adult	0.75	\$ 6,578

(b) Section 106(c) (D.C. Official Code § 38-2905(c)) is amended by striking the tabular array and inserting the following tabular array in its place:

"Special Needs Add-ons: Level/Program	Definition	Weighting	Per Pupil
------------------------------------------	------------	-----------	-----------

SECOND ENROLLED ORIGINAL

			Supplemental FY 2010
Level 1: Special Education	Eight hours or less per week of specialized services	0.52	\$ 4,560
Level 2: Special Education	More than 8 hours and less than or equal to 16 hours per school week of specialized services	0.79	\$ 6,928
Level 3: Special Education	More than 16 hours and less than or equal to 24 hours per school week of specialized services	1.56	\$13,681
Level 4: Special Education	More than 24 hours per week which may include instruction in a self contained (dedicated) special education school other than residential placement	2.83	\$24,819
LEP/NEP	Limited and non-English proficient students	0.45	\$ 3,947
Summer	An accelerated instructional program in the summer for students who do not meet literacy standards pursuant to promotion policies of the District of Columbia Public Schools and public charter schools	0.17	\$ 1,491
Residential D.C. Public School or	public charter school that provides students with room and board in a residential setting, in addition to their	1.70	\$14,909

SECOND ENROLLED ORIGINAL

instructional program

"Residential Add-ons:

Level/Program	Definition	Weighting	Per Pupil Supplemental FY
2010			
Level 1: Special Education - Residentiallevel 1	Special education additional funding to support the after-hours needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.374	\$ 3,280
Level 2: Special Education - Residentiallevel 2	Special education additional funding to support the after-hours needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	1.360	\$11,927
Level 3: Special Education - Residentiallevel 3	Special education additional funding to support the after-hours needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.941	\$25,793
Level 4: Special Education - Residentiallevel 4	Special education additional funding to support the after-hours needs of students living in a D.C. Public School or public	2.924	\$25,644

SECOND ENROLLED ORIGINAL

charter school that provides students with room and board in a residential setting

Level 5: Special Education - Residential support	Residential placement Additional funding to support the after hours level 4 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	9.40	\$82,438
--------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------	----------

LEP/NEP - Residential	Additional funding to support the after-hours Limited and non-English proficiency needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.68	\$ 5,964
-----------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------	----------

Special Education Add-ons for Students with Extended School Year Indicated in Their Individualized Education Programs (IEPs):

Level/Program	Definition	Weight	Per Pupil Supplemental FY
2009			
Special Education Level 1 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.064	\$ 561
Special Education Level 2 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their	0.231	\$2,026

SECOND ENROLLED ORIGINAL

IEPs			
Special Education Level 3 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.500	\$4,385
Special Education Level 4 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.497	\$4,359
Special Education Level 5 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	1.598	\$14,015

(c) Section 107 (D.C. Official Code § 38-2906) is amended as follows:

(1) Subsection (c) is repealed.

(2) Subsection (d) is amended by striking the phrase "State Education Office" and inserting the phrase "Office of the State Superintendent of Education" in its place.

(3) Subsection (e) is amended by striking the phrase "Board of Education is required to submit its budget request" and inserting the phrase "Chancellor is required to submit his or her budget request" in its place;

(d) Section 107a (D.C. Official Code § 38-2906.01) is repealed.

(e) Section 108 (D.C. Official Code § 38-2907) is amended to read as follows:
"38-2907. Education costs excluded from the Formula payments.

"(a) The cost of transportation for students with disabilities, tuition payments for private placements for students with disabilities, and the cost of performing state education functions for the District of Columbia are not covered by the Formula and shall be allocated by the Mayor and Council to the Office of the State Superintendent of Education ("OSSE"), or to another agency as considered appropriate by the Mayor, in addition to the amount generated by the Formula.

"(b) The OSSE, as the state education agency for the District of Columbia, shall perform all state education functions for public charter schools and for DCPS, which are local education agencies."

(h) Section 110 (D.C. Official Code § 38-2909) is repealed.

SECOND ENROLLED ORIGINAL

SUBTITLE B. CHARTER SCHOOL FACILITIES ALLOTMENT

Sec. 4010. Short title.

This subtitle may be cited as the "Charter School Facilities Allotment Reform Amendment Act of 2009".

Sec. 4011. Section 109(b-1) of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2908(b-1)), is amended by striking the figure "\$3,109" and inserting the figure "\$2,800" in its place.

SUBTITLE C. CHARTER SCHOOL FACILITIES ALLOTMENT TASK FORCE

Sec. 4020. Short title.

This subtitle may be cited as the "Public Charter School Facilities Allotment Task Force Establishment Act of 2009".

Sec. 4021. Establishment.

(a) There is established a Public Charter School Facilities Allotment Task Force ("Task Force"). The Task Force shall:

(1) Consult with:

(A) Public charter schools;

(B) The Council;

(C) Relevant District government agencies; and

(D) Banking, or other financial, professionals to determine the

financial implications of any changes to the current uniform per student formula for the public charter schools facilities allotment.

(2) Conduct a comprehensive analysis of facilities expenditures among public charter schools, including the allowable facilities expenditures recommended by the Mayor, and identify additional factors bearing on expenditures, if any, for consideration;

(3) Develop recommendations for a cost-based allocation formula for the public charter schools facilities allotment; and

(4) Identify cost-saving strategies and measures to ensure that public charter schools facilities allotment funds are used exclusively on public charter school facilities.

(b) The Task Force shall submit to the Council its analysis and recommendations, including its recommendation for a cost-based allocation formula for the public charter schools facilities allotment, by November 30, 2009.

(c) The Task Force shall be disbanded by no later than December 31, 2009.

Sec. 4022. Oversight and composition of the Task Force.

(a) The Public Charter School Board shall oversee the Task Force, which shall be comprised of the following members, or their designees:

(1) The Mayor;

(2) The Chairman of the Council;

(3) The Deputy Mayor for Education;

(4) The State Superintendent of Education;

(5) The Chairperson of the Public Charter School Board;

SECOND ENROLLED ORIGINAL

- (6) The Executive Director of the Public Charter School Board; and
 - (7) The Chief Financial Officer for the District of Columbia.
- (b) The following shall serve as advisory members of the Task Force;
- (1) The chief financial officers, or their designees, of at least 6 public charter schools, representing a range of enrollment, grade levels, and geographic location;
 - (2) Professionals in the field of public charter school financing;
 - (3) Representatives from public charter school advocacy groups; and
 - (4) Other individuals considered necessary or beneficial by the Public Charter School Board.

SUBTITLE D. STATE BOARD OF EDUCATION

Sec. 4030. Short title.

This subtitle may be cited as the "State Board of Education Clarification Amendment Act of 2009".

Sec. 4031. Section 3(b)(14) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)(14)), is repealed.

Sec. 4032. Section 403(d) of the State Board of Education Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-2652(d)), is amended to read as follows:

"(d) The Mayor shall, by order, specify the Board's organizational structure, staff, budget, operations, reimbursement of expenses policy, and other matters affecting the Board's functions; provided, that the Board shall be allocated 3 full-time equivalent staff members to perform administrative functions from within the Office of the State Superintendent of Education. These individuals shall be selected by the Board from a list of at least 3 qualified individuals per position produced by the State Superintendent. The individuals selected and serving shall not be removed except with the approval of both the Board and the State Superintendent."

SUBTITLE E. DCPL PROCUREMENT AUTHORITY

Sec. 4040. Short title.

This subtitle may be cited as the "DCPL Procurement Amendment Act of 2009".

Sec. 4041. Section 5 of An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896 (29 Stat. 244; D.C. Official Code § 39-105), is amended as follows:

- (a) Subsection (a) is amended as follows:
- (1) Paragraph (1) is amended to read as follows:
"(1) Have the authority to provide for the care and preservation of the library;
 - (2) Paragraph (3) is amended to read as follows:
"(3) Have the authority to procure all goods and services necessary to operate the library system, independent of the Office of Contracting and Procurement and the

SECOND ENROLLED ORIGINAL

requirements of 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.*) ("Act"), except as specified in section 320 of the Act, and in accordance with subsection (c) of this section;"

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

"(c)(1) The Board may issue rules to govern its procurement. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution, within the 45-day period, the proposed rules shall be deemed disapproved.

"(2) The Board may exercise procurement authority consistent with rules promulgated under the Act until the Board promulgates rules under paragraph (1) of this subsection."

Sec. 4042. Section 320 of the District of Columbia Procurement Practices Act of 1985, effective April 12, 1997 (D.C. Law 11-259; D.C. Official Code § 2-303.20), is amended by adding a new subsection (u) to read as follows:

"(u) Nothing in this act shall affect the authority of the Board of Library Trustees, except that Title IX shall apply to contract protests, appeals, and claims arising from procurements of the Board of Library Trustees."

Sec. 4043. Applicability.

This subtitle shall apply as of March 2, 2009.

SUBTITLE F. DEPARTMENT OF EDUCATION TECHNICAL AMENDMENTS

Sec. 4050. Short title.

This subtitle may be cited as the "Department of Education Establishment Amendment Act of 2009".

Sec. 4051. The Department of Education Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-191 *et seq.*), is amended as follows:

(a) Section 202 (D.C. Official Code § 38-191) is amended as follows:

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

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

"(i) Subparagraph (B) is amended by adding the word "and" at the end.

"(ii) Subparagraph (C) is repealed.

(B) Paragraph (2) is amended by striking the phrase "education level; provided," and inserting the phrase "education level, including the District of Columbia Public Schools, public charter schools, and the University of the District of Columbia; provided," in its place.

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

"(c) By December 31, 2009, the Deputy Mayor for Education shall submit to the to the Council for approval, by resolution, and to the State Board of Education for review, a plan describing the framework that it shall use to develop a statewide, strategic education and youth development plan ("EYD plan").

SECOND ENROLLED ORIGINAL

“(d) By September 30, 2010, the Deputy Mayor for Education shall submit to the Council for approval, by resolution, and to the State Board of Education for review, the EYD plan, which shall include:

“(1) A clearly articulated vision statement for children and youth from zero to 24 years of age;

“(2) Stated goals and operational priorities;

“(3) An assessment of needs, including a showing that the comprehensive strategy to address the stated needs is based on research and data;

“(4) A timeline and benchmarks for planning and implementation;

“(5) An operational framework that provides for shared accountability, broad-based civic community involvement, and coordination:

“(A) With District, school, and other community efforts;

“(B) With key stakeholders throughout the community, including those in top public and civic leadership;

“(C) Of the education sector with housing, health, and welfare;

“(D) With economic development policies and plans; and

“(E) Of multiple funding streams to ensure sustainability of the EYD plan;

“(6) An explication of the location and planning, including intended use and design, for the District’s educational facilities and campuses; and

“(7) Recommendations for policy and legislative changes, if needed, to increase the effectiveness of the EYD plan.

“(e) The Mayor shall review and update the EYD plan every 3 years and submit the plan to the Council for approval, by resolution, and to the State Board of Education for review.”

(b) Section 204 (D.C. Official Code § 38-193) is amended as follows:

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

“(a)(1) By October 1 of each year, beginning in 2009, and every year thereafter, an evaluator shall be retained to conduct an independent evaluation of District of Columbia Public Schools (“DCPS”) and of any affiliated education reform efforts. The evaluation shall be conducted according to the standard procedures of the evaluator, with full cooperation of the Council, Mayor, Chancellor, State Superintendent of Education, and other government personnel.

“(2) The annual evaluation shall include an assessment of:

“(A) Business practices;

“(B) Human resources operations and human capital strategies;

“(C) All academic plans; and

“(D) The annual progress made as measured against the benchmarks submitted the previous year, including a detailed description of student achievement.

“(3) The initial evaluation shall incorporate benchmarks and analysis of the best available data to assess annual achievement.”

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

“(b) On September 30, 2014, the independent evaluator shall submit to the Council, the State Board of Education, and the Mayor a 5-year assessment of the public education system established by this act, which shall include:”

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

SECOND ENROLLED ORIGINAL

“(c)(1) The evaluations, and assessment, required by this section shall be conducted by the National Research Council of the National Academy of Sciences (“NRC”) for the 5-year period described in this section.

“(2) By December 31, 2009, prior to conducting the initial evaluation, NRC shall submit to the Council and the Mayor a compilation of data and an analysis plan, which shows:

“(A) A description of the procedures and method to be used to conduct the evaluation;

“(B) The opportunities for public involvement;

“(C) The estimated release dates of interim and final evaluation reports; and

“(D) A revised budget and funding plan for the evaluation.”

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

“(d) The Office of the Chief Financial Officer shall transfer by October 5, 2009, an amount of \$325,000 in local funds through an intra-District transfer from DCPS to the Office of the District of Columbia Auditor to contract with NRC to conduct the initial evaluation required by this section.”

SUBTITLE G. STATEWIDE COMMISSION ON CHILDREN, YOUTH, AND THEIR FAMILIES

Sec. 4060. Short title.

This subtitle may be cited as the “Interagency Collaboration and Services Integration Commission Establishment Amendment Act of 2009”.

Sec. 4061. The Interagency Collaboration and Services Integration Commission Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 2-1592 *et seq.*), is amended as follows:

(a) Section 502(1) (D.C. Official Code § 2-1592(1)) is amended to read as follows:

“(1) “Commission” means the Statewide Commission on Children, Youth, and their Families established in section 504.”

(b) Section 503 (D.C. Official Code § 2-1593) is amended as follows:

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

“The purpose of the Commission is to promote a vision of the District of Columbia as a stable, safe, and healthy environment for children, youth, and their families by reducing juvenile and family violence and promoting social and emotional skills among children, youth, and their families through the oversight of a comprehensive, community-based integrated service delivery system aligned with the statewide strategic education and youth development plan, described in section 202 of the Department of Education Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-191), that includes:”

(c) Section 504(a) (D.C. Official Code § 2-1594(a)) is amended by striking the phrase “an Interagency Collaboration and Services Integration Commission” and inserting the phrase “the Statewide Commission on Children, Youth, and their Families” in its place.

(d) Section 505(c) (D.C. Official Code § 2-1595(c)) is amended as follows:

(1) Paragraph (3) is amended as follows:

SECOND ENROLLED ORIGINAL

(A) Subparagraph (A) is amended by striking the phrase “of the objectives of the Commission, including” and inserting the phrase “of the efforts to meet the objectives of the Commission, including a description of activities, alignment with the statewide education and youth development framework and strategic plan, and” in its place.

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

(2) New paragraphs (5), (6), and (7) are added to read as follows:

“(5) Develop goals and determine priorities for children, youth, and their families, based on established annual benchmarks and goals that are reported as part of the Deputy Mayor for Education’s agency performance measures;

“(6) Meet at least 4 times a year; and

“(7) Make available on the Deputy Mayor for Education’s website:

“(A) An updated list and description of ongoing initiatives and subcommittees of the Commission;

“(B) An agenda of topics to be discussed, along with all supporting documentation, which shall also be distributed to the members of the Commission at least 48 hours in advance of a Commission meeting, which includes:

“(i) The relevant action steps;

“(ii) An implementation status report; and

“(iii) Any other data relevant to the Commission’s meeting;

and

“(C) Within 2 weeks of each Commission meeting, the minutes of, and action steps determined at, the meeting.”

(e) Section 506 (D.C. Official Code § 2-1596) is amended follows:

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

(A) Paragraph (20) is amended by striking the word “and” at the end.

(B) New paragraphs (22), (23), and (24) are added to read as follows:

“(22) Executive Director of the Children and Youth Investment Trust Corporation;

“(23) President of the State Board of Education; and”

“(24) In consultation with youth service advocates and organizations throughout the community, 5 members from the community, appointed by the Mayor, in accordance with subsection (c) of this section.

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

“(c)(1) The members of the community appointed pursuant to subsection (a)(24) of this section shall include:

“(A) A local funder of youth service and development activities;

“(B) A representative of the early childhood education community;

“(C) A representative of the youth service provider community;

“(D) A representative from the post-secondary preparedness

community;

and

“(E) An expert on primary and secondary education policy.

“(2) Members of the community appointed pursuant to subsection (a)(24) of this section may be rotated or changed based upon the agenda for each Commission meeting.

SECOND ENROLLED ORIGINAL

SUBTITLE H. MASTER FACILITIES PLAN AND SCHOOL FACILITY CIP

Sec. 4070. Short title.

This subtitle may be cited as the "Master Facilities Plan and School Facility Capital Improvement Plan Reconciliation Amendment Act of 2009".

Sec. 4071. Section 1104 of the School Based Budgeting and Accountability Act of 1998, approved March 26, 1999 (D.C. Law D.C. Law 12-175; D. C. Official Code § 38-2803), is amended as follows:

(a) Subsection (a) amended by striking the phrase "The District of Columbia Public Schools shall, by June 1, 2007, submit to the Council for review and approval a revised and comprehensive multiyear Facilities Master Plan, which" and inserting the phrase "The Mayor shall submit a revised comprehensive multiyear Master Facilities Plan for the District of Columbia Public Schools and public charter schools, developed with the Office of Public Education Facilities Modernization in accordance with this section, along with the Mayor's annual submission of a budget recommendation for public schools to the Council for review and approval, which" in its place.

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

(1) The lead-in language is amended by striking the phrase "Facilities Master Plan" and inserting the phrase "Master Facilities Plan" in its place.

(2) Paragraph (6) is amended to read as follows:

"(6) A school-by-school description relating facility needs and requirements to:

"(A) The facility's programmatic usage with specific linkages and relationships to adopted education plans of a local education agency, school district, or institution, including specific plans provided for special education, early childhood education, and career and technical education programs; and

"(B) The statewide education and youth development plan described in Section 202 of the Department of Education Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-191), and how they permit schools to be centers of the community;"

(3) New paragraphs (8), (9), and (10) are added to read as follows:

"(8) A communications and community involvement plan for each school that includes engagement of key stakeholders throughout the community, including:

"(A) Local School Restructuring Teams;

"(B) School Improvement Teams; and

"(C) Advisory Neighborhood Commissions;

"(9) Evidence of coordination of the District's education sector with housing, health, and welfare sectors, and economic development policies and plans; and

"(10) The location, planning, use, and design of the District's educational facilities and campuses."

(c) Subsection (c) and (d) are amended to read as follows:

"(c) In developing the Facilities Master Plan, the Mayor shall consider the facilities needs of all public school students and shall consult with:

"(1) The Council;

"(2) The Director of the Office of Public Education Facilities Modernization;

"(3) The Public Charter School Board;

SECOND ENROLLED ORIGINAL

- “(4) Representatives of public charter schools;
- “(5) The Public School Modernization Advisory Committee; and
- “(6) Key stakeholders throughout the community.

“(d)(1) Beginning in fiscal year 2010, a Public School Facility capital improvement plan (“School Facility CIP”) shall be updated each fiscal year as part of the Mayor’s capital improvement plan for all public facilities, as required by section 444 of the District of Columbia Home Rule Act, approved on December 24, 1973 (87 Stat. 800; D.C. Official Code § 1-204.44).

“(2)(A) The School Facility CIP shall include for each school and other education facilities of DCPS and public charter schools, the following information:

- “(i) A description of the scope of work to be done and schedule of major milestones;
- “(ii) Justification for the work pursuant to the Master Facilities Plan;
- “(iii) A full-funded cost estimate of improvements planned for the next fiscal year and the succeeding 5 fiscal years;
- “(iv) The estimated cost of operating the improved facility, whether the new cost is more or less than the previous School Facility CIP estimate;
- “(v) The amount of capital funds expended in the prior fiscal year; and

“(vi) The name, address, and ward of each project.

“(B) Each School facility CIP shall:

- “(i) Meet the requirements listed in subsection (b) of this section;
- “(ii) Give due consideration to the record established by the testimony, and any exhibits, during the hearing required by paragraph (3) of this subsection; and
- “(iii) Be consistent with the policy of broad public participation, as stated in this section.

“(3)(A) No more than 60 days or less than 30 days prior to the Mayor’s submission of a School Facility CIP to the Council, and upon 15 days public notice, the Mayor shall conduct a public hearing to solicit the views of the public. In no event shall the hearing be prior to the annual submission by the Office of Public Education Facilities Modernization of its proposed budget to the Mayor.

“(B) The Mayor shall transmit the record of the hearing to the Council at or before the public hearing on the annually submitted proposed budget for Office of Public Education Facilities Modernization.”

Sec. 4072. Section 203 of the School Modernization Financing Act of 2006, effective June 8, 2006 (D.C. Law 16-123; D.C. Official Code § 38-2973.03), is repealed.

ACT SUBTITLE I. RESERVE FOR AFRICAN-AMERICAN CIVIL WAR RECORDS

Sec. 4080. Short title.

This subtitle may be cited as the "Reserve for African-American Civil War Records Act of 2009".

SECOND ENROLLED ORIGINAL

Sec. 4081. African-American Civil War Museum Funding.

(a) An amount of \$4 million pooled capital funds from within the Office of Property Management shall be available in Fiscal Year 2010, and \$1 million in capital funds from within the Department of Parks and Recreation shall be available in Fiscal Year 2011, to the District of Columbia Public Library. The purpose of these funds shall be for the renovation of space in the Grimke School for the African-American Civil War Museum.

(b) Access to these funds is contingent upon Council approval of the proposed plan, including cost, for the museum.

(c) The District of Columbia Public Library shall have authority to negotiate additional floor space in the Grimke School for the African-American Civil War Museum.

SUBTITLE J. UNIVERSITY OF THE DISTRICT OF COLUMBIA EXPANSION

Sec. 4090. Short title.

This subtitle may be cited as the "University of the District of Columbia Expansion Act of 2009".

Sec. 4091. The University of the District of Columbia shall have exclusive use of the closed Bertie Backus Middle School building and site located at 5171 South Dakota Avenue, N.E., in Ward 5, to expand upon its collegiate mission.

SUBTITLE K. OFFICE OF PUBLIC EDUCATION FACILITIES
MODERNIZATION FUNDING

Sec. 4100. Short title.

This subtitle may be cited as the "Fiscal Year 2009 Office of Public Education Facilities Modernization Funding Amendment Act of 2009".

Sec. 4101. Notwithstanding the Fiscal Year 2009 Proposed Budget and Financial Plan or section 301 of the Fiscal Year 2009 Balanced Budget Support Temporary Amendment Act of 2008, effective March 21, 2009 (D.C. Law 17-326; 56 DCR 502), the Council authorizes the following allocations for projects from funds previously authorized, but not allocated, in the Fiscal Year 2009 Proposed Financial Plan and Budget:

- (1) An amount up to \$38.4 million to fund ongoing modernization projects at:
 - (A) Wheatley Middle School;
 - (B) Alice Deal Middle School;
 - (C) HD Cooke Elementary School;
 - (D) Savoy Elementary School; and
 - (E) School Without Walls;
- (2) An amount of \$9.5 million for the completion of design and to begin construction of HD Woodson Senior High School in accordance with the Science Technology Engineering and Mathematics academic model;
- (3) An amount of \$7.5 million to begin modernization of Eastern High School;
- (4) An amount of \$1.5 million to continue the development of the designs for Anacostia High School and Wilson High School;
- (5) An amount of \$6.341 million for Phase I modernizations, identified in the proposed Master Facilities Plan for:

SECOND ENROLLED ORIGINAL

- (A) Brent Elementary School;
 - (B) Tubman Elementary School; and
 - (C) Burroughs Elementary School.
- (6) An amount of \$12.537 million for facility additions and new construction at Stoddert Elementary School and Janney Elementary School;
- (7) An amount of \$8.74 million for athletic field and playground work, including facilities at:
- (A) Bell/Lincoln High School;
 - (B) Mann Elementary School;
 - (C) Murch Elementary School;
 - (D) Tubman Elementary School;
 - (E) Green Elementary School; and
 - (F) Other athletic facilities identified by the Office of Public Education Facilities Modernization ("OPEFM").
- (8) An amount of \$265,000 for auditing of the repair, improvement, and modernization programs; and
- (9) An amount of \$2.666 million for planning and program management services.

Sec. 4102. Pursuant to the Fiscal Year 2010 Proposed Financial Plan and Budget and the Reallocation of Capital Budget Funding Act of 2009, passed on 4th reading on September 22, 2009 (Enrolled version of Bill 18-203), the Council authorizes the following allocations to OPEFM:

- (1) An increase of \$3.6 million for Phase I. Elementary, Middle Schools Modernization program, including critical system repairs to Hart Middle School and Ferebee Hope Elementary.
- (2) An increase of \$13.5 million for increases Projects in the Stabilization program city-wide (\$13.5 million), including the following:
- (A) Air conditioning of the Coolidge High School gymnasium and the Banneker High School auditorium (\$2.1 million);
 - (B) Window replacements at Kimball Elementary School, Maury Elementary School, and Ketcham Elementary School (\$4.35 million);
 - (C) Security doors at Hart Middle School (\$550,000);
 - (D) Roof replacement at Brent Elementary School (\$800,000);
 - (E) Installation of a computer lab at Anacostia High School (\$275,000); and
 - (F) Renovation of Rose/Reno School for enhanced capacity at Deal Middle School (\$4 million).
- (3) An amount of \$2.48 million for Projects in a new program, Elementary Athletic Facilities and Playgrounds (\$2.48 million), to include improvements at the following elementary schools:
- (A) Orr;
 - (B) Terrell McGogney;
 - (C) River Terrace; and
 - (D) Kenilworth.

SECOND ENROLLED ORIGINAL

(4) Increases in the Selected Additions and New Construction program of \$9 million for advancing the start of construction of a new Dunbar High School to fiscal year 2010, and of \$11 million for Stoddert Elementary;

(5) An amount of \$2.2 million for planning to support development of individual projects and completion of a comprehensive Master Facilities Plan; and

(6) An amount \$3.5 million for improvements required by the Americans with Disabilities Act, approved July 26, 1990 ((Pub. L. No. 101-336; 104 Stat. 327), including at Banneker High School and Beers Elementary School.

Sec. 4103. The Mayor shall provide to the Council information and estimates for all the projects listed in sections 4121 and 4122, as required by law prior, to submission of contracts.

SUBTITLE L. ACCURACY IN ENROLLMENT PROJECTIONS

Sec. 4110. Short title.

This subtitle may be cited as the "Accuracy in Public Education Projections Act of 2009".

Sec. 4111. The Office of the State Superintendent, with the participation of the Council, District of Columbia Public Schools, and the Public Charter School Board shall convene a working group that shall develop a uniform method by which enrollment projections will be completed for both public schools and the public charter schools based on empirical and objective data. The methodology shall be developed by a third party that shall be independent of the government of the District of Columbia. The enrollment projections shall include demographic analysis and necessary programmatic factors upon which future budgets shall be based, beginning with the fiscal year 2011 budget.

SUBTITLE M. PRE-KINDERGARTEN COMMUNITY-BASED ORGANIZATION SUPPORT

Sec. 4120. Short title.

This subtitle may be cited as the "Pre-Kindergarten Community-Based Organization Support Act of 2009".

Sec. 4121. Of the fiscal year 2010 local funds appropriated for pre-kindergarten programs and services within the Office of the State Superintendent of Education, \$2.4 million shall be used for increasing pre-k slots in community-based organizations.

SUBTITLE N. SLATER SCHOOL

Sec. 4130. Short title.

This subtitle may be cited as the "District of Columbia School Reform Education Facility Act of 2009".

Sec. 4131. (a) Pursuant to section 2209(b)(1)(A)(i)(I)(bb) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.09(b)(1)(A)(i)(I)(bb)), Associates for Renewal of Education, Inc., as an organization

SECOND ENROLLED ORIGINAL

providing youth and educational services and a tenant of Slater School since prior to December 2004, shall:

- (1) Be offered the right of first offer on a disposition of Slater School;
- (2) Be permitted to remain and continue to operate in Slater School under existing terms and conditions throughout the leasing preference procedure; and
- (3) Be permitted to make any functional improvements and general repairs as necessary.

(b) The Office of Property Management shall finalize a lease with Associates for Renewal of Education, Inc., within 90 days of the effective date of the District of Columbia School Reform Education Facility Emergency Act of 2009, passed on emergency basis on September 22, 2009 (Enrolled version of Bill 18-443).

SUBTITLE O. UDC CAPITAL BUDGET AUTHORITY AND FUNDING
TRANSFER

Sec. 4140. Short title.

This subtitle may be cited as the "Transfer of Capital Budget Authority and Funding to the University of the District of Columbia Act of 2009".

Sec. 4141. Beginning October 1, 2009, all University of the District of Columbia ("UDC") capital projects shall be the responsibility of UDC to implement. The budget authority and any unexpended balances of appropriations, allocations, income, and other funds for all UDC capital projects shall be transferred from the Department of Real Estate Services (formerly, the Office of Property Management) to UDC upon the effective date of the Fiscal Year 2010 Budget Support Second Emergency Act of 2009, passed on emergency basis on September 22, 2009 (Enrolled version of Bill 18-443).

SUBTITLE P. DISTRICT OF COLUMBIA PUBLIC SCHOOLS REALTY OFFICE
TRANSFER TO THE OFFICE OF PUBLIC EDUCATION FACILITIES
MODERNIZATION

Sec. 4150. Short title.

This subtitle may be cited as the "District of Columbia Public Schools Realty Office Transfer Act of 2009".

Sec. 4151. (a) All functions, authority, programs, positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available to the District of Columbia Public Schools Realty Office shall be transferred to the Office of Public Education Facilities Modernization by the effective date of this subtitle.

(b) All rules, orders, obligations, determinations, grants, contracts, licenses, and agreements of the District of Columbia Public Schools Realty Office transferred to the Office of Public Education Facilities Modernization under subsection (a) of this section shall continue in effect according to their terms until lawfully amended, repealed, or modified.

SUBTITLE Q. CARNEGIE LIBRARY EXHIBITS

Sec. 4160. Short title.

This subtitle may be cited as the "Carnegie Library Exhibit Act of 2009".

SECOND ENROLLED ORIGINAL

Sec. 4161. Grants to The Historical Society of Washington, D.C.

An amount of \$1 million in capital funds shall be available from the Department of Parks and Recreation capital funds in Fiscal Year 2010 to the District of Columbia Public Library ("DCPL") to support The Historical Society of Washington, D.C. in developing exhibits in the Carnegie Library. For these purposes only, DCPL is authorized to provide grants to The Historical Society of Washington, D.C.

SUBTITLE R. CHILD CARE SERVICES

Sec. 4170. Short title.

This subtitle may be cited as the "Child Care Services Act of 2009".

Sec. 4171. (a) The Office of the State Superintendent of Education ("OSSE") shall continue to provide through the Department of Parks and Recreation direct child care programs, including daycare and early and after school care services at all recreation-based sites, including all sites in the Request for Offers (OPM-RFO-OUT-2009-2) issued by the Office of Property Management, unless a contract for a licensed provider to provide those same services has been executed by the District and, if required by section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), approved by the Council.

(b) The OSSE shall provide to the Council a comprehensive analysis and plan for child care programs for special needs and developmentally disabled children in fiscal year 2010 by November 15, 2009.

TITLE V. HUMAN SUPPORT SERVICES

SUBTITLE A. GRANDPARENT CAREGIVERS EXTENSION PROGRAM

Sec. 5001. Short title.

This subtitle may be cited as the "Grandparent Caregivers Extension Program Amendment Act of 2009".

Sec. 5002. Section 102 of the Grandparent Caregivers Pilot Program Establishment Act of 2005, effective March 8, 2006 (D.C. Law 16-69; D.C. Official Code § 4-251.02), is amended as follows:

(a) Subsection (a) is amended by striking the word "pilot".

(b) Subsection (b) is repealed.

SUBTITLE B. DEPARTMENT OF HEALTH GRANT AUTHORITY

Sec. 5010. Short title.

This subtitle may be cited as the "Department of Health Grant Authority Amendment Act of 2009".

Sec. 5011. The Department of Health Functions Clarification Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731 *et seq.*), is amended by adding a new section 4907a (to be codified at D.C. Official Code § 7-736.01) to read as follows:

"4907a. Grant authority.

SECOND ENROLLED ORIGINAL

"(a) For fiscal year 2010, the Director of the Department of Health shall have the authority to issue grants to qualified community organizations for the purposes of conducting health promotion, preventing disease, and providing health services; provided, that any grant in excess of \$250,000 shall be awarded through a competitive process unless otherwise authorized under law.

"(b) The Department of Health shall submit a quarterly report to the Council on all grants issued pursuant to the authority granted in subsection (a) of this section."

SUBTITLE C. EFFI SLAUGHTER BARRY HIV/AIDS INITIATIVE

Sec. 5020. Short title.

This subtitle may be cited as the "Effi Slaughter Barry HIV/AIDS Initiative Amendment Act of 2009".

Sec. 5021. The Effi Slaughter Barry HIV/AIDS Initiative Act of 2008, effective March 20, 2008 (D.C. Law 17-117; D.C. Official Code § 7-1611 *et seq.*), is amended as follows:

(a) Section 4 (D.C. Official Code § 7-1613) is amended to read as follows:

"(a) The initiative shall provide technical and financial assistance to selected community HIV/AIDS service providers located east of the Anacostia river to support the:

"(1) Implementation or expansion of HIV/AIDS prevention and support programs;

"(2) Development of accurate performance measurement capabilities; and

"(3) Promotion of revenue diversity.

"(b) Assistance to selected community HIV/AIDS service providers shall be provided for up to 2 years."

(b) Section 6 (D.C. Official Code § 7-1615) is amended as follows:

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

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

"(b) All grants awarded pursuant to the initiative shall be subject to terms and conditions approved by the Department of Health."

(c) Section 7 (D.C. Official Code § 7-1616) is amended to read as follows:

"The Department of Health shall distribute capacity building grants to initiative participants in an amount not to exceed the funds available in the Effi Slaughter Barry Initiative Fund, as established by section 7a."

(d) Section 7a (D.C. Official Code § 7-1617) is amended by adding a new subsection (e) to read as follows:

"(e) The Director of the Department of Health may make grants from the Fund to effectuate the purpose of the initiative."

SUBTITLE D. MEDICAL ASSISTANCE PROGRAM

Sec. 5030. Short title.

This subtitle may be cited as the "Medical Assistance Program Amendment Act of 2009".

Sec. 5031. Section 1(a) of An Act to enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical

SECOND ENROLLED ORIGINAL

assistance program and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02(a)), is amended by adding a new paragraph (3) to read as follows:

"(3) Review and approval by the Council of the Fiscal Year 2010 Budget and Financial Plan shall constitute the Council review and approval required by paragraph 2 of this subsection of any modification or waiver to the state plan required to implement during fiscal year 2010 an initiative to:

"(A) Utilize Disproportionate Share Hospital funding to support the transition of individuals into health insurance programs through the modification of the Disproportionate Share Hospital qualification and distribution methodology;

"(B) Change service limit methodology for personal care aide services;

"(C) Enhance prescription drug utilization and review activities;

"(D) Reduce reimbursement rates for prescription drugs to align pharmaceutical spending with national payment trends;

"(E) Change methodologies for recovering improper payments;

"(F) Obtain available State Children's Health Insurance Program funding for immigrant children and pregnant women;

"(G) Shift coverage for unborn children of undocumented immigrants from the D.C. HealthCare Alliance to Medicaid;

"(H) Implement a new methodology for fee-for-service inpatient hospital reimbursement; and

"(I) Reduce disallowances for public provider agencies."

SUBTITLE E. CONTINUATION OF HEALTH COVERAGE

Sec. 5040. Short title.

This subtitle may be cited as the "Continuation of Health Coverage Amendment Act of 2009".

Sec. 5041. Section 3(a) of the Continuation of Health Coverage Act of 2002, effective June 25, 2002 (D.C. Law 14-149; D.C. Official Code § 32-732(a)), is amended by striking the phrase "3 months" and inserting the phrase: "3 months, or for the period of time during which the employee is eligible for premium assistance under the American Recovery and Reinvestment Act of 2009, approved February 17, 2009 (123 Stat. 115; 26 U.S.C. § 1, note)," in its place.

SUBTITLE F. REPORTING REQUIREMENTS HUMAN SERVICES

Sec. 5050. Short title.

This subtitle may be cited as the "Human Services Reporting Requirements Act of 2009".

Sec. 5051. Housing First report.

By January 30, 2010, the District of Columbia Auditor shall submit to the Council a financial impact report measuring the government-wide savings produced by the District's Housing First Program, including in emergency services, physical and mental health services, substance abuse services, personal safety, police services, and incarceration.

SECOND ENROLLED ORIGINAL

Sec. 5052. Winter plan report.

By September 1, 2010, the Department of Human Services shall submit to the Council, along with the annual winter plan required by section 5(b)(9) of Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-36; D.C. Official Code § 4-752.02(b)(9)), an evaluation of case management services provided to homeless individuals during the hypothermia season, including a detailed protocol to evaluate residents' needs to help them emerge from homelessness.

Sec. 5053. Healthy Foods Initiative report.

By October 10, 2010, the Department of Human Services shall submit to the Council a report on its implementation of the healthy foods initiative, which shall be funded by not less than \$500,000 of federal stimulus funds, to supplement food stamp benefits for families receiving Temporary Assistance for Needy Families benefits to allow certain stamps to be used at area Farmers' Markets to purchase locally grown and fresh produce.

SUBTITLE G. GRANTS TO CYITC REQUIREMENTS

Sec. 5060. Short title.

This subtitle may be cited as the "Children and Youth Initiative Establishment Amendment Act of 2009".

Sec. 5061. The Children and Youth Initiative Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D. C. Official Code § 2-1551 *et seq.*), is amended as follows:

(a) Section 2403 (D.C. Official Code § 2-1553) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "The Mayor" and inserting the phrase "Subject to the requirements in subsections (a-1) and (a-2) of this section, the Mayor" in its place.

(2) New subsections (a-1) and (a-2) are added to read as follows:

"(a-1)(1) Sub-grants shall be awarded on a 3-year basis, subject to the availability of funding.

"(2) At least 50 % of the members of a review panel for sub-grant applications shall be individuals who are not employees or contractors of the Children Youth Investment Trust Corporation.

"(a-2) No grant may be awarded under this section in excess of \$1 million during a 12-month period, either singularly or cumulatively, unless the grant is submitted to the Council for approval, in accordance with section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), or by act."

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

"(c) Beginning October 1, 2009, the Mayor shall submit a quarterly status report to the Council for all grants in excess of \$1 million, which includes:

"(1) Detailed grantee data;

"(2) Performance measures and performance outcomes under each grant;

"(3) The specific services provided to children and youth under each grant;

"(4) The entity providing the services, if one other than the grantee;

"(5) The time period of delivery of the services;

"(6) The type of service provided;

SECOND ENROLLED ORIGINAL

"(7) The actual amount paid for the services; and

"(8) The amount of other expenditures under the grant, if any."

(b) A new section 2404a is added to read as follows:

"Sec. 2404a (to be codified at D.C. Official Code § 2-1553.01) is added to read as follows:

"Sec. 2404a. The Children and Youth Investment Corporation, or a successor single non-service provider, nonprofit organization, shall submit a biannual assessment and funding report to the Council, which includes:

"(1) A research-based needs assessment of at-risk youth, which identifies:

"(A) Available resources;

"(B) Needed resources, if any; and

"(C) Any gap in services; and

"(2) A list of funding priorities based upon the needs assessment."

SUBTITLE H. DEPARTMENT ON DISABILITY SERVICES REPORTING,
WAITING LIST, AND ASSESSMENT REQUIREMENTS

Sec. 5070. Short title.

This subtitle may be cited as the "Department on Disability Services Reporting, Waiting List, and Assessment Amendment Act of 2009".

Sec. 5071. The Department on Disability Services Establishment Act of 2006, effective March 14, 2007 (D.C. Law 16-264; D.C. Official Code § 7-761.01 *et seq.*), is amended as follows:

(a) Section 105 (D.C. Official Code § 7-761.05) is amended as follows:

(1) Paragraph (5) is amended by striking the word "and" at the end.

(2) Paragraph (6) is amended by striking the period and inserting the phrase "where appropriate;" in its place.

(3) New paragraphs (7) and (8) are added to read as follows

"(7) In the establishment of a waiting list for supports and services, DDS shall confer with residents with intellectual and developmental disabilities and their families, service providers, and advocates to provide information to the Department in developing rules and procedures, which shall provide:

"(A) That persons on the waiting list begin to receive supports and services within a reasonable period of time;

"(B) That the allocation of supports and services is based on a fair, equitable, and consistent method;

"(C) That the minimum supports and services are available to all eligible persons;

"(D) The supports and services for which a waiting list will be established;

"(E) How a person is placed on the waiting list;

"(F) The criteria that determine rank on the waiting list;

"(G) The criteria for providing immediate services to a person on the waiting list:

"(i) If the person is homeless or at imminent risk of becoming homeless, as these terms are defined in section 2(18) and (23) of the Homeless Services

SECOND ENROLLED ORIGINAL

reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01(18) and (23)); or

"(ii) If there is a reasonable belief that the person is in imminent danger or will be subject to abuse or neglect if the person does not receive immediate support or service;

"(H) The process for a person to appeal his or her placement or rank on the waiting list; and

"(I) The notice procedure for informing a person of his or her placement on the waiting list, including how long the person can expect to wait for supports and services; and

"(8) In partnership with residents with intellectual and developmental disabilities and their families, service providers, and advocates, through work groups, sponsor forums, or other type of assembly that ensures meaningful community participation, conduct a needs assessment of District residents with intellectual and developmental disabilities and their families, which shall be published no later than September 30, 2010."

(b) New sections 106a and 106b (to be codified at D.C. Official Code § 7-761.06a and 7-761.06b) are added to read as follows:

"Sec. 106a. Reporting requirements.

"(a) The Mayor shall publish reports on persons seeking and receiving services from the Department. Each report shall provide a monthly and year-to-date statistical profile of:

"(1) Persons who have applied for services, organized by:

"(A) Referral source;

"(B) Application status; and

"(C) Average length of time spent in each stage of the application

process;

"(2) Eligible persons who have requested but not yet received one or more services, organized by service type;

"(3) Persons receiving services, organized by service type; and

"(4) Persons terminated from services, organized by reason for termination.

"(b) The Mayor shall publish the reports required under subsection (a) of this section on a bimonthly basis throughout fiscal year 2010 and on a quarterly basis thereafter, no later than the 15th day following the end of the month or quarter for which the report is required.

"Sec. 106b. Reports and notices to be made available to the public.

"The Department shall make all reports and notices required under this act available on its website within one business day of publication, and shall provide copies to the public upon request."

SUBTITLE I. CATEGORICAL ELIGIBILITY

Sec. 5080. Short title.

This subtitle may be cited as the "Food Stamp Expansion Act of 2009".

Sec. 5081. Definitions

For the purpose of this subtitle, the term:

(1) "Categorical eligibility" means the automatic eligibility for the food stamps program as determined by the enrollment in a separate TANF funded program.

SECOND ENROLLED ORIGINAL

- (2) "Food stamp program" means the federally funded Supplemental Nutrition Assistance Program.
- (3) "LIHEAP" means the Low Income Home Energy Assistance program.
- (4) "Maximum standard utility allowance" means the maximum level of accepted utility-based income deductions used in determining benefits under the food stamp program.
- (5) "TANF" means the Temporary Assistance for Needy Families program.

Sec. 5082. Categorical eligibility for food stamps.

- (a) The Mayor shall establish a TANF funded program or service for the purpose of establishing categorical eligibility.
- (b) Categorical eligibility shall be granted to all applicants with a gross income at or below 200% of the federal poverty level.

Sec. 5083. LIHEAP Heat and Eat initiative.

- (a) The Mayor shall establish a LIHEAP Heat and Eat initiative for the purpose of providing the maximum standard utility allowance to all participants.
- (b) All food stamp program recipients shall be automatically enrolled in the LIHEAP Heat and Eat initiative.
- (c) All LIHEAP Heat and Eat participants shall receive a minimum annual benefit of \$1.
- (d) Participation in the LIHEAP Heat and Eat initiative shall not preclude any recipient from receiving standard LIHEAP benefits for which he or she is eligible.

SUBTITLE J. DEPARTMENT OF PARKS AND RECREATION ENTERPRISE FUND PURCHASE AUTHORIZATION

Sec. 5090. Short title.

This subtitle may be cited as the "Recreation Enterprise Fund Amendment Act of 2009".

Sec. 5091. Section 4(b) of the Recreation Act of 2004, effective January 13, 1995 (D.C. Law 10-246; D.C. Official Code § 10-303(b)), is amended as follows:

- (a) Designate the existing text as paragraph (1).
- (b) A new paragraph (2) is added to read as follows:
- "(2) Proceeds from the Recreation Enterprise Fund may be used to purchase food, snacks, and non-alcoholic beverages for the general public, Department of Parks and Recreation program participants, and District government employees."

SUBTITLE K. COMMUNITY HEALTH PROGRAM SUPPORT

Sec. 5100. Short title.

This subtitle may be cited as the "Community Access to Health Care Amendment Act of 2009".

Sec. 5101. Section 102 of the Community Access to Health Care Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-288; D.C. Official Code § 7-1932 *et seq.*), is amended as follows:

SECOND ENROLLED ORIGINAL

(a) Subsection (b) (D.C. Official Code § 7-1932(b)) is amended as follows:

(1) Paragraph (4) is amended by striking the phrase "subject to subsection (d) of this section." and inserting the following in its place: "subject to subsection (d) of this section; provided, that \$750,000 shall be utilized during fiscal year 2010 to support tobacco cessation programs including the DC Quitline and free nicotine replacement programs for District residents.

(2) A new paragraph (10) is added to read as follows:

"(10) For fiscal year 2010, grant \$750,000 to support operational expenses associated with the Medical Homes DC Initiative, subject to subsection (d) of this section.

(b) Subsection (d)(1) (D.C. Official Code § 7-1932(d)(1)) is amended by striking the phrase "subsection (b)(4),(5), (6) or (7) of this section" and inserting the phrase "subsection (b)(4),(5), (6), (7), (9), or (10) of this section" in its place.

SUBTITLE L. HEALTH PROFESSIONAL LOAN REPAYMENT PROGRAM

Sec. 5110. Short title.

This subtitle may be cited as the "Health Professional Recruitment Program Amendment Act of 2009".

Sec. 5111. Section 8(a)(2) of the District of Columbia Health Professional Recruitment Program Act of 2005, effective March 8, 2006 (D.C. Law 16-71; D.C. Official Code § 7-751.07(a)(2)), is amended to read as follows:

"(2) Participants shall provide full-time service of at least 1,800 hours per year, with no more than 12 hours of work performed in any 24 hour period. On-call status does not count toward the annual 1,800 hour requirement. Any exceptions to the 1,800 hour annual requirement or the on-call provision of this subsection must be approved by the Director prior to placement."

SUBTITLE M. FIXED COSTS ALLOCATIONS

Sec. 5120. Short title.

This subtitle may be cited as the "Fixed Costs Allocation Act of 2009".

Sec. 5121. Fixed costs allocations.

For fiscal year 2010, the Department of Health, the Department of Mental Health, and the Department of Health Care Finance shall not enter into a memorandum of understanding or other similar agreement with another agency of the District of Columbia for the transfer of funds in an amount that exceeds the amount budgeted for such services; provided, that nothing shall prohibit these departments from entering into an agreement for the transfer of funds when the purpose of the transfer is to allow for transition or other costs associated with moving into District-owned property.

SUBTITLE N. HEALTHY DC FUND AMENDMENT

Sec. 5130. Short title.

This subtitle may be cited as the "Hospital and Medical Services Corporation Regulatory Amendment Act of 2009".

SECOND ENROLLED ORIGINAL

Sec. 5131. 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 (d) to read as follows:

"(d) Notwithstanding subsection (a) of this section, for fiscal year 2010, up to \$3.25 million from the Fund shall be utilized to support the following one-time allocations:

(1) An amount of \$2.5 million shall support a grant to an acute care pediatric hospital in the District for the purpose of supporting operational expenses associated with the new pediatric emergency facility located at the United Medical Center; and

"(2) Up to \$750,000 to support operational expenses associated with the delivery of health care services at the D.C. Jail.

SUBTITLE O. DESIGNATED ALLOCATIONS

Sec. 5140. Short title.

This subtitle may be cited as the "Designated Appropriation Allocations Act of 2009".

Sec. 5141. Designated allocations.

(a) Of the gross funds included in the fiscal year 2010 budget of the Department of Health, the following allocations shall be made:

(1) An amount of \$75,000 from within the Health Emergency Preparedness and Response Administration to support a community grant to facilitate hospital emergency preparedness response efforts in the District of Columbia;

(2) An amount of \$75,000 from within the HIV/AIDS Administration to support a community grant for pediatric HIV/AIDS programs and services;

(3) An amount of \$700,000 from within the HIV/AIDS Administration to be allocated to the Effi Slaughter Barry Initiative Fund, established by section 7a of the Effi Slaughter Barry HIV/AIDS Initiative Act of 2008, effective August 16, 2008 (D.C. Law 17-219; D.C. Official Code § 7-1617), for purposes of effectuating the Effi Slaughter Barry Initiative;

(4) An amount of \$150,000 from within the Community Health Administration to be dedicated to pre-school immunization programs for District residents;

(5) An amount of \$200,000 from within the Community Health Administration to support community partnerships for asthma prevention programs;

(6) An amount of \$600,000 from within the Community Health Administration to support a community grant for clinical nutritional home delivery services for individuals living with cancer and other life-threatening diseases;

(7) An amount of at least \$500,000 from within the Community Health Administration to support community grants for the prevention and treatment of diabetes, obesity, and cardiovascular disease;

(8) An amount of \$500,000 from within the Community Health Administration to improve perinatal outcomes;

(9) An amount of \$20,000 from within the Community Health Administration to support annual membership dues for the District of Columbia in the National Association of Prescription Drug Prices;

(10) An amount of \$700,000 from within the Community Health Administration to support allied health training programs affiliated with a hospital or university in the District of Columbia;

SECOND ENROLLED ORIGINAL

(11) An amount of \$400,000 from within the Community Health Administration to be allocated to the Health Professional Recruitment Fund, as established by section 16a of the District of Columbia Health Professional Recruitment Program Act of 2005, effective March 2, 2007 (D.C. Law 16-192; D.C. Official Code § 7-751.15a), for purposes of effectuating the Health Professional Recruitment program;

(12) An amount of \$5.3 million in local funds from within the Community Health Administration to support the delivery of school nursing services in partnership with an acute care pediatric hospital in the District, which shall be in addition to any non-local funding allocated to school nursing programs in fiscal year 2010;

(b) Of the gross funds included in the fiscal year 2010 budget of the Department of Mental Health, the following allocations shall be made:

(1) An amount of \$250,000 to support a community grant for parental support and post-partum counseling for District residents;

(2) An amount of \$250,000 to support financial audits of certified mental health rehabilitation service providers in the District; and

(3) An amount of up to \$250,000 to support a contract with a qualified vendor to provide technical assistance and to support management projects.

SUBTITLE P. CHILD AND FAMILY SERVICES TRANSPORTATION FUND

Sec. 5150. Short title.

This subtitle may be cited as " Child and Family Services Transportation Fund Amendment Act of 2009".

Sec. 5151. The Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.01 *et seq.*), is amended by adding a new section 303c to read as follows:

"Sec. 303c. Child and Family Services Agency Transportation Fund.

"(a)(1) There is established as a nonlapsing fund the Child and Family Services Agency Transportation Fund ("CFSA Fund"), which shall be used to pay, each fiscal year, the costs associated with the transportation of District wards with special needs living outside of the District and being transported on special transportation routes transporting District wards only.

"(2) The Agency shall pay the Administrator within 60 days of receiving an invoice for transportation services.

"(b) In a fiscal year, funds in excess of what is needed to pay the transportation costs described in subsection (a)(1) of this section, if any, may be used for other Agency purposes, including offering a payment differential for Agency licensed specialized foster homes or a bonus payment to Agency, or private agency, licensed specialized foster parents in the District.

"(c) All funds deposited into the CFSA 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 a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsections (a) and (b) of this section without regard to fiscal year limitation, subject to authorization by Congress."

SUBTITLE Q. UNITED MEDICAL CENTER REPAYMENT

SECOND ENROLLED ORIGINAL

Sec. 5160. Short title.

This subtitle may be cited as the "Community Access to Health Care United Medical Center Amendment Act of 2009".

Sec. 5161. Section 102(b)(1) of the Community Access to Health Care Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-288; D.C. Official Code § 7-1932(b)(1)), is amended by striking the phrase "Community Hospital;" and inserting the phrase "Community Hospital; provided, that notwithstanding any agreement regarding the repayment of funds associated with this public-private partnership, beginning in calendar year 2009, repayment by Specialty Hospitals of America, LLC, or certain of its subsidiaries, of the \$20 million working capital loan shall be deferred until December 31, 2015; at which time the originally agreed to repayment schedule shall resume." in its place.

SUBTITLE R. TANF AMENDMENT

Sec. 5170. Short title.

This subtitle may be cited as the "TANF Work Incentives Act of 2009".

Sec. 5171. Public Assistance Act amendments.

The District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D. C. Official Code § 4-201.01), is amended as follows:

(a) Section 519b (D.C. Official Code § 4-205.19b) is amended as follows:

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

"(a) As a condition of eligibility, all TANF applicants shall complete a preliminary assessment of their skills, prior work experience, employability, and barriers to employment."

(2) A new subsection (a-1) is added to read as follows:

"(a-1) As a condition of eligibility, all work-eligible TANF applicants shall complete an employment program orientation."

(b) Section 519d (D.C. Official Code § 4-205.19d) is amended as follows:

(1) A new subsection (a-1) is added to read as follows:

"(a-1) Recipients referred by the Mayor to an employment or education vendor or program shall participate in an assessment."

(2) New subsections (f) and (g) are added to read as follows:

"(f) Subject to the availability of funds, the Mayor may provide monetary incentives to recipients for compliance with the federal work participation standards."

"(g) The Mayor may promulgate rules to implement this section."

(c) Section 519e(d) (D.C. Official Code § 4-205.19e(d)) is repealed.

SUBTITLE S. CFSA RAPID HOUSING ASSISTANCE ACT

Sec. 5180. Short title.

This subtitle may be cited as "Child and Family Services Rapid Housing Assistance Amendment Act of 2009".

Sec. 5181. The Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.02 *et seq.*), is amended by adding a new section 303x to read as follows:

"Sec. 303x. Rapid Housing Program assistance.

SECOND ENROLLED ORIGINAL

“(a) The Agency shall track and publicly report the number of emancipating youth and families who apply for or are referred for assistance under the Rapid Housing Program, the number of youth and families who are eligible for assistance, and the number of youth and families who receive assistance.

“(b) The Agency shall maintain a waiting list of emancipating youth and families who are eligible but cannot receive assistance due to insufficient funds.”.

TITLE VI. PUBLIC WORKS

SUBTITLE A. DRIVER EDUCATION PROGRAM AND FLEET PROGRAM

Sec. 6001. Short title.

This subtitle may be cited as the "Driver Education Program and Fleet Program Amendment Act of 2009".

Sec. 6002. Section 9(c) of the Motor Vehicle Services Fees and Driver Education Support Act of 1982, effective April 3, 1982 (D.C. Law 4-97; D.C. Official Code § 50-1405.01(c)), is amended to read as follows:

"(c) Amounts allocated to, or deposited in, the Driver Education Program Fund shall be used by a District of Columbia agency, including the Department of Motor Vehicles, for the purposes of offering driver education programs approved by the Department of Motor Vehicles or used at the discretion of the Mayor for Department of Motor Vehicle functions as set forth in section 1825 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 50-904)."

Sec. 6003. Section 304a of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2303.04a) ("Act"), is amended as follows:

(a) The heading is amended by striking the word "adjudication" and inserting the word "reconciliation" in its place.

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

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

“(1) "Fleet" means 10 or more company owned or long-term leased motor vehicles, or a vehicle that was part of the fleet adjudication program, which the motor vehicle owner elects to be part of the fleet reconciliation program.

“(2) "Motor vehicle fleet owner" means any corporation, firm, agency, association, organization, or other entity holding legal title to 10 or more company owned or leased motor vehicles and an owner who was part of the fleet adjudication program and elects to be part of the fleet reconciliation program.".

(c) Subsection (b) is amended by striking the word "adjudication" and inserting the word "reconciliation" in its place.

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

(1) The lead-in language is amended by striking the word "adjudication" and inserting the word "reconciliation" in its place.

(2) Paragraph (2) is amended by striking the word "adjudication" and inserting the word "reconciliation" in its place.

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

SECOND ENROLLED ORIGINAL

“(3) Satisfy all outstanding parking, moving, and automatic enforcement infractions prior to registration in the program.”

(e) Subsection (e) is amended to read as follows:

“(e) A fleet owner participating in the fleet reconciliation program shall pay the amount owed stated in the monthly fleet infraction report, which sets forth the date and time of the infraction and other information contained in the original notice of infraction, within 30 days of its receipt. If the amount set forth in the fleet infraction report is not paid within 30 days, the Director shall notify the owner in writing that failure to pay within 30 days of the date of the notice of failure to pay shall be grounds for removal from the program. A fleet owner shall be given notice in writing if it is being removed from the program. The effective date of the removal shall be the date that notice of removal is sent to the fleet owner. A fleet owner shall not be entitled to adjudicate any violations listed in the monthly fleet infraction report. Penalties set forth in section 105(a)(2) are not applicable to the fleet reconciliation program. If a fleet owner is removed from the program by the Director, then the penalties set forth in section 105(a)(2) shall immediately apply and the owner shall be responsible for any penalties that would have incurred if the vehicle had not been part of the program. A fleet vehicle shall not be subject to towing or immobilization, for failure to pay notices of infraction while part of the fleet reconciliation program. If a fleet vehicle is removed from the program, either voluntarily or as a result of removal by the Director, the vehicle shall become immediately subject to towing or immobilization if the vehicle would have been subject to towing or immobilization had it not been part of the program.”

“(f) Notwithstanding the provisions of the Driver Education Program and Fleet Program Amendment Act of 2009, passed on 4th reading on September 22, 2009 (Enrolled version of Bill 18-203), a member of the fleet reconciliation program shall be able to adjudicate a ticket on the basis of a citation having an invalid license plate or tag number, or for a duplicate citation for the same infraction.”

SUBTITLE B. VEHICLE INSPECTION IMPROVEMENT

Sec. 6010. Short title.

This subtitle may be cited as the “Vehicle Inspection Improvement Amendment Act of 2009”.

Sec. 6011. Title 18 of the District of Columbia Municipal Regulations is amended as follows:

(a) Section 600 (18 DCMR § 600) is amended as follows:

(1) Section 600.1 (18 DCMR § 600.1) is amended to read as follows:

“This chapter shall contain rules prescribing standards for inspection of all motor vehicles registered in the District; and the procedure under which approved and rejected vehicles shall be processed.”

(2) Section 600.4 (18 DCMR § 600.4) is amended by striking the phrase “public street or space” and inserting the phrase “or, if applicable, as set forth in §§ 601.4, 601.5 and 601.6” in its place.

(b) Section 601 (18 DCMR § 601) is amended as follows:

(1) Section 601.2 (18 DCMR § 601.2) is amended by striking the phrase “Motor Vehicle Inspection Manual of the District of Columbia (also referred to as the “District Inspection Manual” or “Manual””, and inserting the phrase “current edition of the

SECOND ENROLLED ORIGINAL

Washington DC Vehicle Inspection Program Lane Operator's Manual (also referred to as the "Lane Operator's Manual") or, when applicable, to the current edition of the American Association of Motor Vehicle Administrator's Vehicle Inspection Manual (also referred to as the "AAMVA Manual") in its place.

(2) Section 601.3 (18 DCMR § 601.3) is amended as follows:

(A) Strike the phrase "The 1982 and 1999 issues of the Motor Vehicle Inspection Manual of the District of Columbia" and insert the phrase "The "Lane Operator's Manual" or, when applicable, the "AAMVA Manual" in its place.

(B) Strike the phrase "Motor Vehicle Inspection Manual of the District of Columbia" and insert the phrase "the 'Lane Operator's Manual' or the 'AAMVA Manual'" in its place.

(3) Section 601.4 (18 DCMR § 601.4) is amended by striking the phrase "safe operating condition".

(4) Section 601.5 (18 DCMR § 601.5) is amended by striking the phrase "safety and".

(5) A new section 601.6 is added to read as follows:

"601.6 Vehicles registered in the District of Columbia shall be inspected periodically for safe operating condition and compliance with this Title as follows:

"(1) Bus not owned or leased by the Washington Metropolitan Area Transit Authority Bus: semiannually;

"(2) Taxicab and other public vehicle for hire: semiannually;

"(3) Commercial vehicle: annually; and

"(4) Tow truck: annually."

(c) Section 602 (18 DCMR § 602) is amended as follows:

(1) Section 602.5 (18 DCMR § 602.5) is amended by striking the word "safety".

(2) Section 602.6 (18 DCMR § 602.6) is amended by striking the word "After" and inserting the phrase "No later than" in its place.

(d) Section 603 (18 DCMR § 603) is amended as follows:

(1) Section 603.1 (18 DCMR § 603.1) is amended to read as follows:

"603.1 If, upon inspection of any vehicle, the Director determines that it conforms to the standards contained in the current edition of the "Lane Operator's Manual", or when applicable, the current edition of the "AAMVA Manual" and this Title, the Director shall issue to the registrant or person desiring registration an approved inspection sticker for the vehicle."

(2) Section 603.4 (18 DCMR § 603.4) is repealed.

(e) Section 604 (18 DCMR § 604) is amended as follows:

(1) Section 604.1 (18 DCMR § 604.1) is amended to read as follows:

"If, upon inspection of any vehicle, the Director determines it does not conform to the standards in the current edition of the "Lane Operator's Manual"; or when applicable, the current edition of the "AAMVA Manual" and this Title, the Director shall issue to the registrant or person desiring registration a rejection sticker".

(2) Sections 604.2, 604.6, 604.7, 604.9 and 604.10 (18 DCMR §§ 604.2, 604.6, 604.7, 604.9, and 604.10) are repealed.

(f) Section 605 (18 DCMR § 605) is amended as follows:

(1) Section 605.2 (18 DCMR § 605.2) is amended to read as follows:

SECOND ENROLLED ORIGINAL

"The determination that the items that were the basis for the issuance of the rejection sticker have been brought into compliance with the applicable standard and the subsequent issuance of an "approved" inspection sticker may be made by personnel of the motor vehicle inspection facilities operated by the District of Columbia, except as provided in § 600.6."

(2) Sections 605.3 through 605.27 (18 DCMR §§ 605.3 and 605.27) are repealed.

(g) Section 606.2 (18 DCMR § 606.2) is amended by striking the phrase "District Inspection Manual" and inserting the phrase "Lane Operator's Manual" or when applicable, the current "AAMVA Manual" in its place.

(h) Sections 610, 611, 612, and 613 (18 DCMR §§ 610, 611, 612, and 613) are repealed.

(i) Sections 615, 616, 617 and 618 (18 DCMR §§ 615, 616, 617, and 618) are repealed.

(j) Section 700.6 (18 DCMR § 700.6) is amended by striking the phrase "The Motor Vehicle Inspection Manual of the District of Columbia (also referred to as "District Inspection Manual" or "Manual" and inserting the phrase "The current edition of the Washington DC Vehicle Inspection Program Lane Operator's Manual (also referred to as the "Lane Operator's Manual") or when applicable, to the current edition of the American Association of Motor Vehicle Administrator's Vehicle Inspection Manual (also referred to as the "AAMVA Manual")" in its place.

(k) Section 700.7 (18 DCMR § 700.7) is amended as follows:

(1) Strike the phrase "District Inspection Manual" and insert phrase "the current edition of the "Lane Operator's Manual", or when applicable, to the current edition of the "AAMVA Manual" in its place.

(2) Strike the phrase "Copies of the Manual" and insert the phrase "Copies of current edition of the Lane Operator's Manual" and the current edition of the "AAMVA Manual" in its place.

(l) Section 754.4 (18 DCMR § 754.4) is amended by striking the phrase "Vehicle Inspection Manual" and inserting the phrase "the current edition of the Lane Operator's Manual, or when applicable, to the current edition of the AAMVA Manual" in its place.

(m) Section 756.3 (18 DCMR § 756.3) is amended by striking the phrase "Vehicle Inspection Manual" and inserting the phrase "the current edition of the Lane Operator's Manual, or when applicable, to the current edition of the AAMVA Manual" in its place.

SUBTITLE C. EQUITABLE PARKING METER RATES

Sec. 6020. Short title.

This subtitle may be cited as the "Equitable Parking Meter Rates Amendment Act of 2009".

Sec. 6021. Chapter 24 of Title 18 of the District of Columbia Municipal Regulations is amended as follows:

(a) Section 2404 is amended by adding a new section 2404.25 to read as follows:

"2404.25. Except as provided in § 2424, and notwithstanding the provisions of this section, the rates for parking meters in the District of Columbia shall be increased as follows:

"(1) Parking meters in premium demand parking meter rate zones shall charge a rate of \$2 per hour.

SECOND ENROLLED ORIGINAL

"(2) Parking meters in normal demand parking meter rate zones shall charge a rate of \$0.75 per hour."

(b) Section 2426 is repealed.

Sec. 6022. Section 2(a) of the Parking Meter Fee Moratorium Act of 2004, effective April 5, 2005 (D.C. Law 15-273; D.C. Official Code § 50-2633.01(a)), is amended to read as follows:

"(a) The Director of the District Department of Transportation ("Director") shall exempt particular neighborhoods from Saturday meter enforcement where the Director determines that Saturday meter enforcement would not be in the public interest. In making such a determination, the Director shall consider whether Saturday meter enforcement is necessary to maintain available curbside parking; provided, that by October 15, 2009, the Director shall submit to the Council for approval, by resolution, the neighborhoods to be exempted from Saturday enforcement and the criteria used to exempt each neighborhood. Nothing in this subsection may be implemented until the Council affirmatively approves the submission of the Director."

Sec. 6023. The Equitable Parking Meter Rates Temporary Amendment Act of 2009, effective March 31, 2009 (D.C. Law 17-374; 56 DCR 1390), is repealed.

SUBTITLE D. DISTRICT DEPARTMENT OF TRANSPORTATION
ESTABLISHMENT

Sec. 6030. Short title.

This subtitle may be cited as the "District Department of Transportation Establishment Amendment Act of 2009".

Sec. 6031. Section 9c of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.11), is amended as follows:

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

(1) Paragraph (1) is amended by striking the phrase "financing tools," and inserting the phrase "financing tools, to pay a portion of the District's annual operating subsidies to the Washington Metropolitan Area Transit Authority, to pay the annual operating budgets of the Bicycle Advisory Council and the Pedestrian Advisory Council," in its place.

(2) Paragraph (2) is repealed.

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

"(3) Funds from the Unified Fund shall be deposited in the unrestricted fund balance of the General Fund of the District of Columbia as follows:

"(A) For Fiscal Year 2010, an amount of \$3.5 million;

"(B) For Fiscal Year 2011, an amount of \$3.6 million; and

"(C) For Fiscal Year 2012, and each succeeding fiscal year, an amount of \$3.7 million."

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

(1) Paragraph (4) is amended to read as follows:

"(4) One hundred percent of the proceeds collected by the District for rental of public space, including revenue generated by public space rental fees collected pursuant to

SECOND ENROLLED ORIGINAL

the District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1156; D.C. Official Code § 10-1101.01 *et seq.*) ("Act"), and bus shelter advertising revenue; provided, that any incremental revenue generated by public space rental fees for vaults pursuant to section 304 of the Act (D.C. Official Code § 10-1103.03) shall be deposited into the Highway Trust Fund."

(2) Paragraph (6) is amended by striking the phrase "District Department of Transportation." and inserting the phrase "District Department of Transportation; provided, that beginning in fiscal year 2010 the first \$2 million collected in each fiscal year shall be directed to the General Fund of the District of Columbia." in its place.

SUBTITLE E. D.C. TAXICAB COMMISSION SPECIAL ACCOUNT

Sec. 6040. Short title.

This subtitle may be cited as the "District of Columbia Taxicab Commission Establishment Amendment Act of 2009".

Sec. 6041. Section 20a of the District of Columbia Taxicab Commission Establishment Act of 1985, effective May 10, 1988 (D.C. Law 7-107; D.C. Official Code § 50-320), is amended as follows:

(a) Subsection (a) is amended by striking the phrase "This fund shall consist of all assessments levied by the Public Service Commission of the District of Columbia" and inserting the phrase "The Fund shall consist of all assessments levied by the Commission" in its place.

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

"(b) The Fund shall be used to pay the costs of the Commission, including the costs of operating and administering programs, investigations, proceedings, and inspections, and any costs including any costs for improving the District's taxicab fleet."

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

(1) Strike the phrase "taxicab operators" and insert the phrase "taxicab and passenger vehicle for hire operators" in its place.

(2) Strike the phrase "taxicab rates" and insert the phrase "taxicab and passenger vehicle for hire rates" in its place.

(d) Subsection (d) is amended by striking the phrase "taxicab operator" and inserting the phrase "taxicab and passenger vehicle for hire operator" in its place.

(e) Subsections (e) and (f) are repealed.

SUBTITLE F. DISTRICT OF COLUMBIA TAXICAB LICENSE FEE

Sec. 6050. Short title.

This act may be cited as the "District of Columbia Taxicab License Fee Amendment Act of 2009".

Sec. 6051. Section 2829 of Title 47 of the District of Columbia Official Code is amended as follows:

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

(1) Strike the figure "\$35" and insert the figure "\$75" in its place.

SECOND ENROLLED ORIGINAL

- (2) Strike the figure "\$100" and insert the figure "\$200" in its place.
- (b) Subsection (i) is amended as follows:
 - (1) Strike the figure "\$5" and insert the figure "\$75" in its place.
 - (2) Strike the figure "\$100" and insert the figure "\$200" in its place.

Sec. 6052. Title 31 of the District of Columbia Municipal Regulations is amended as follows:

(a) Section 501.4 (31 DCMR § 501.4) is amended by striking the phrase "two hundred fifty dollars (\$250)" and inserting the phrase "four hundred seventy-five dollars (\$475), comprising an annual operating authority of three hundred seventy-five dollars (\$375) and a business license fee of one hundred dollars (\$100)" in its place.

(b) Section 801.5 (31 DCMR 801.5) is repealed.

(c) Section 827.1 (31 DCMR § 827) is amended as follows:

(1) Under the Annual Taxicab Vehicle License heading, strike the phrase "Taxicab 26.20" and insert the phrase "Taxicab 35.00" in its place.

(2) Under the Annual Operator ID Cards heading:

(A) Strike the phrase "Not valid for hire 35.00" and insert the phrase "Not valid for hire 100.00" in its place.

(B) Strike the phrase "Taxicab 35.00" and insert the phrase "Taxicab 75.00" in its place.

(d) Section 1005.2 (31 DCMR § 1005.2) is amended by striking the phrase "five dollars (\$5.00)" and inserting the phrase "seventy-five dollars (\$75.00)" in its place.

(e) Section 1008.7 (31 DCMR § 1008.7) is amended by striking the phrase "five dollars (\$5.00)" and inserting the phrase "seventy-five dollars (\$75.00)" in its place.

(f) Section 1009.8 (31 DCMR § 1009.8) is amended by striking the phrase "five dollars (\$5.00)" and inserting the phrase "one hundred dollars (\$100.00)" in its place.

(g) Section 1016.5 (31 DCMR § 1016.5) is amended by striking the phrase "twenty-five dollars (\$25)" and inserting the phrase "thirty-two dollars (\$32)" in its place.

(h) Section 1101 (31 DCMR § 1101) is amended by striking the phrase "taxicab operators" from the heading and inserting the phrase "public vehicle for hire operators" in its place.

(i) Section 1101.1 (31 DCMR § 1101.1) is amended by striking the phrase "taxicab operator" and inserting the phrase "operator licensed by the Commission" in its place.

(j) Section 1101.2 (31 DCMR § 1101.2) is amended by striking the phrase "taxicab operator" and inserting the phrase "operator licensed by the Commission" in its place.

(k) Section 1101.3 (31 DCMR § 1101.3) is amended by striking the phrase "taxicab operator" and inserting the phrase "operator licensed by the Commission" in its place.

(l) Section 1101.4 (31 DCMR § 1101.4) is amended by striking the phrase "taxicab operators" and inserting the phrase "operators licensed by the Commission" in its place.

(m) Section 1202.1 (31 DCMR § 1202.1) is amended as follows:

(1) By striking the phrase "two hundred fifty dollars (\$250) for the limousine organization" and inserting the phrase "four hundred seventy-five dollars (\$475), comprising an annual operating authority of three hundred seventy-five dollars (\$375) and a business license fee of one hundred dollars (\$100), for a limousine organization," in its place.

(2) By striking the phrase "one hundred dollars (\$100) for an independently operated limousine" and inserting the phrase "two hundred fifty dollars (\$250), comprising

SECOND ENROLLED ORIGINAL

an annual operating authority of one hundred fifty dollars (\$150) and a business license fee of one hundred dollars (\$100), for an independently operated limousine," in its place.

(n) Section 1215.5 (31 DCMR § 1215.5) is amended by striking the phrase "one hundred and twenty-five dollars (\$125)" and inserting the phrase "one hundred and sixty-two dollars (\$162)"

(o) Section 1216.4 (31 DCMR § 1216.4) is amended to read as follows:

"1216.4. The annual fee for an interjurisdictional permit, including any permit for any limousine operating within the District of Columbia under an authorization issued by the Washington Metropolitan Area Transit Commission, shall be four hundred dollars (\$400) per vehicle."

(p) A new section 1216.22 is added to read as follows:

"1216.22. Two hundred dollars (\$200) of the annual fee in subsection 1216.4 shall be used to increase enforcement of this section, including providing a list of approved limousine services to District hotels for service within District boundaries with a copy of applicable regulations."

Sec. 6053. Section 14(c-1) of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-313(c-1)), is repealed.

SUBTITLE G. PEDESTRIAN ADVISORY COUNCIL

Sec. 6060. Short title.

This subtitle may be cited as the "Pedestrian Advisory Council Establishment Act of 2009".

Sec. 6061. Pedestrian Advisory Council.

(a) There is established a Pedestrian Advisory Council ("PAC").

(b) The PAC shall be composed of 18 members appointed as follows:

- (1) The Director of the District Department of Transportation, or designee;
- (2) The Chief of the Metropolitan Police Department, or designee;
- (3) The Director of the Office of Planning, or designee;
- (4) The Director of the Department of Parks and Recreation, or designee;
- (5) The Chancellor of the District of Columbia Public Schools, or designee;

and

(6) Thirteen community representatives who are District of Columbia residents with a demonstrated interest in pedestrian safety, with each member of the Council of the District of Columbia appointing one representative.

(c) A chairperson shall be elected from among the 13 community representatives at the first meeting of the PAC, who shall serve for a term of 2 years.

(d) The community members shall be appointed for a term of 3 years, with initial staggered appointments of 4 members appointed for one year, 5 members appointed for 2 years, and 4 members appointed for 3 years. The members to serve the one-year term, the members to serve the 2-year term, and the members to serve the 3-year term shall be determined by lot at the first meeting of the PAC.

(e) The District Department of Transportation shall provide the PAC with an annual operating budget, which shall include funds to maintain a website where the PAC shall

SECOND ENROLLED ORIGINAL

provide a public listing of members, meeting notices, and meeting minutes.

(f) The purpose of the PAC shall be to serve as the advisory body to the Mayor, the Council of the District of Columbia, and the District agencies on matters pertaining to the improvement of pedestrian safety and accessibility.

Sec. 6062. District Department of Transportation operating funding for the Bicycle Advisory Council.

Section 5 of the District of Columbia Comprehensive Bicycle Transportation and Safety Act of 1984, effective March 16, 1985 (D.C. Law 5-179; D.C. Official Code § 50-1604), is amended by adding a new subsection (c-1) to read as follows:

"(c-1) The District Department of Transportation shall provide the Bicycle Advisory Council with an annual operating budget, which shall include funds to maintain a website, where the Bicycle Advisory Council shall provide a public listing of members, meeting notices, and meeting minutes."

SUBTITLE H. WMATA FUND AMENDMENT

Sec. 6070. Short title.

This subtitle may be cited as the "Washington Metropolitan Area Transit Authority Fund Amendment Act of 2009".

Sec. 6071. The Washington Metropolitan Area Transit Authority Fund Act of 2006, effective June 16, 2006 (D.C. Law 16-132; 53 DCR4727), is amended as follows:

(a) Section 2 is amended as follows:

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

"(a)(1) There is established as a nonlapsing fund the Washington Metropolitan Area Transit Authority Fund ("Fund"), which shall be used solely for the purposes set forth in subsection (b) of this section.

"(2) 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 a fiscal year or at any other time, but shall be continually available for the uses and purposes set forth in subsection (b) of this section, subject to authorization by Congress.

"(3)(A) Except as provided in subparagraph (B) of this paragraph, the Fund shall be funded solely by an annual appropriation of \$50 million ("Required Funding").

"(B) If in any fiscal year, the amount appropriated for the Fund ("Anticipated Funding") is less than the Required Funding, a percentage of the sales tax revenue collected annually under Chapter 20 of Title 47 of the District of Columbia Official Code equal to the difference between the Required Funding and the Anticipated Funding ("Deficit") shall be apportioned from the proceeds of such annual sales tax revenues, other than dedicated taxes as defined under section 490(n)(5) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 807; D.C. Official Code § 1-204.90(n)(5)), and shall be deposited into the Fund in accordance with subsection (a-1)(2) of this section."

(2) New subsections (a-1) and (a-2) are added to read as follows:

"(a-1) On or before October 31 of each fiscal year, the Chief Financial Officer shall certify to the Mayor and the Council that:

"(1) The Congress appropriated \$50 million for the Fund in the current fiscal

SECOND ENROLLED ORIGINAL

year and the funds are available for obligation and expenditure in the current fiscal year; or

“(2) The amount of funds that are available for obligation and expenditure from the Fund and the amount of the Deficit.

“(a-2) In each fiscal year that the Chief Financial Officer certifies that there is a Deficit, in accordance with subsection (a-1)(2) of this section, the Chief Financial Officer shall, beginning November 1, commence the deposit of a percentage of sales tax revenues collected each month under Chapter 20 of Title 47 of the District of Columbia Official Code, apportioned from the proceeds of such monthly sales tax revenues, other than dedicated taxes as defined under section 490(n)(5) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 807; D.C. Official Code § 1-204.90(n)(5)), until the Deficit has been fully funded; provided, that the amount of such monthly sales tax shall be reduced by the interest on the Anticipated Funding earned during the fiscal year. The Chief Financial Officer shall determine the percentage of sales tax revenues necessary to satisfy the Deficit within the fiscal year.”

(b) Section 3 is amended by striking the phrase “Section 2 shall” and inserting the phrase “Section 2(b) shall” in its place.

SUBTITLE I. COST DRIVEN RE-FORMULATION OF THE DISTRICT DEPARTMENT OF TRANSPORTATION BUDGET FOR FISCAL YEAR 2011

Sec. 6080. Short title.

This subtitle may be cited as the “District Department of Transportation’s Cost Driven Budget Reformulation Act of 2009”.

Sec. 6081. Pursuant to the Budget Support Act of 2005, effective October 20, 2005 (D.C. Law 16-33; 52 DCR 7503), mandating the establishment of cost drivers for each budget activity, the Chief Financial Officer is directed to provide support to the District Department of Transportation to identify the key cost drivers in the agency and to submit a report detailing the results of the analysis to the Council by February 1, 2010.

SUBTITLE J. ANACOSTIA COMMUNITY BOATHOUSE ASSOCIATION RELOCATION

Sec. 6090. Short title.

This subtitle may be cited as the “Anacostia Community Boathouse Association Relocation Act of 2009”.

Sec. 6091. Anacostia Community Boathouse Association relocation.

No later than January 1, 2010, the Mayor shall execute an agreement with the Anacostia Community Boathouse Association (“ACBA”) to either;

(1) Affirm the District’s commitment as set forth in the 11th Street Bridges Project Environmental Impact Statement (“EIS”) and Record of Decision to relocate ACBA to the Washington Gas site, located on the Anacostia River adjacent to the 11th Street Bridge, following environmental remediation; or

(2) Provide an alternative site capable of meeting the EIS objective of fully supporting ACBA’s operations, as adjudged by a boathouse expert appointed with the approval of the District, ACBA and the Member of the Council of the District of Columbia for Ward 6.

SECOND ENROLLED ORIGINAL

SUBTITLE K. TOUR BUS FEES

Sec. 6100. Short title.

This subtitle may be cited as the "Tour Bus Act of 2009".

Sec. 6101. Establishment of a domestic tour bus program.

(a) By December 30, 2009, the Mayor shall establish a new program to encourage domestic sightseeing tour bus operations, which shall include setting a yearly fee schedule for tour bus operators to encourage operators to register their vehicles in the District.

(b) All funds raised from the fee schedule shall be transferred to the Department of Parks and Recreation for environmental recreation programs.

TITLE VII. FINANCE AND REVENUE

SUBTITLE A. BUDGET FINANCING CONTINGENCIES

Sec. 7001. Short title.

This subtitle may be cited as the "Budget Financing Contingencies Amendment Act of 2009".

Sec. 7002. Section 401 of the Southwest Waterfront Bond Financing Act of 2008, effective October 22, 2008 (D.C. Law 17-252; 55 DCR 9251), is repealed.

Sec. 7003. Section 3 of the National Public Radio Real Property Tax Abatement Act of 2008, effective August 29, 2008 (D.C. Law 17-220; 55 DCR 8235), is repealed.

Sec. 7004. Section 15 of the City Market at O Street Tax Increment Financing Act of 2008, effective November 28, 2008 (D.C. Law 17-278; 55 DCR 11050), is repealed.

Sec. 7005. Section 3 of the Georgia Commons Real Property Tax Exemption and Abatement Act of 2007, effective February 27, 2008 (D.C. Law 17-113; 55 DCR 1866), is repealed.

Sec. 7006. Section 3 of the Urban Institute Real Property Tax Abatement Temporary Act of 2009, effective March 31, 2009 (D.C. Law 17-376; 56 DCR 1383), is repealed.

Sec. 7007. Section 5 of the Tregaron Conservancy Tax Exemption and Relief Act of 2008, effective March 20, 2008 (D.C. Law 17-119; 55 DCR 1473), is repealed.

Sec. 7008. Section 47-446 of the District of Columbia Official Code is repealed.

Sec. 7009. Section 2202(e) of the Service Improvement and Fiscal Year 2000 Budget Support Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D.C. Official Code § 1-307.03(e)), is amended by striking the first sentence.

Sec. 7010. Section 15 of the Recreation Volunteer Background Check and Screening Act of 2000, effective May 23, 2000 (D.C. Law 13-123, §15; 47 DCR 2050), is repealed.

Sec. 7011. Section 3 of the Government Employer-Assisted Housing Amendment

SECOND ENROLLED ORIGINAL

Act of 1999, effective May 9, 2000 (D.C. Law 13-96; D.C. Official Code § 42-2502), is amended by striking the phrase "Subject to availability of funds, there" and inserting the word "There" in its place.

Sec. 7012. Section 7 of the Public Access to Automated External Defibrillator Act of 2000, effective April 27, 2001 (D.C. Law 13-278; 48 DCR 1869) is repealed.

Sec. 7013. Section 2(f) of the Greater Southeast Community Hospital Corporation and the Greater Southeast Management Company Loan Emergency Approval Resolution of 1999, effective July 13, 1999 (Res. 13-245; 46 DCR 7141), is amended by striking the second sentence.

Sec. 7014. Section 3 of the Greater Southeast Community Hospital Corporation and Hadley Memorial Hospital Tax Abatement Act of 2001, effective March 19, 2002 (D.C. Law 14-82; 49 DCR 194), is repealed.

Sec. 7015. Section 3 of the DC Teachers Federal Credit Union Real Property Tax Exemption Act of 2002, effective March 27, 2003 (D.C. Law 14-253; 50 DCR 229), is repealed.

Sec. 7016. Section 3 of the Woolly Mammoth Theatre Tax Abatement Act of 2002, effective May 2, 2002 (D.C. Law 14-128; 49 DCR 2327), is repealed.

Sec. 7017. Section 3 of the Square 456 Payment in Lieu of Taxes Act of 2002, effective May 2, 2002 (D.C. Law 14-129; 49 DCR 2331), is repealed.

Sec. 7018. Section 5 of the Mandarin Oriental Hotel Project Tax Deferral Act of 2002, effective March 25, 2003 (D.C. Law 14-232; D.C. Official Code § 2-1217.32, note), is repealed.

Sec. 7019. Section 3 of the Square 456 Payment in Lieu of Taxes Act of 2002, effective March 25, 2003 (D.C. Law 14-234; D.C. Official Code § 47-1052, note), is repealed.

Sec. 7020. Section 2(a)(6) of the South Capitol Street Development Disposition Approval Resolution of 2006, effective July 11, 2006 (Res. 16-716; 53 DCR 6036), is amended by striking the phrase ", subject to the availability of appropriations,".

Sec. 7021. Section 3 of the Taxation Without Representation Federal Tax Pay-Out Message Board Installation Act of 2008, effective October 21, 2008 (D.C. Law 17-232; 55 DCR 9008), is repealed.

Sec. 7022. Section 3 of the Lower Income Homeownership Cooperative Housing Association Re-Clarification Act of 2008, effective July 18, 2008 (D.C. Law 17-180; 55 DCR 6255), is repealed.

SECOND ENROLLED ORIGINAL

Sec. 7023. Section 3 of the So Others Might Eat Property Tax Exemption Act of 2008, effective July 18, 2008 (D.C. Law 17-185; 55 DCR 6104), is repealed.

Sec. 7024. Section 506b(b)(1) of the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978, effective October 22, 2008 (D.C. Law 17-249; D.C. Official Code § 7-1305.06b(b)(1)), is amended by striking the phrase “, subject to availability of funds.”.

Sec. 7025. Section 3 of the St. Martin’s Apartments Tax Exemption Act of 2008, effective March 25, 2009 (D.C. Law 17-355; 56 DCR 1159), is repealed.

Sec. 7026. Section 301 of the Prohibition of the Investment of Public Funds in Certain Companies Doing Business with the Government of Iran and Sudan Divestment Conformity Act of 2008, effective March 21, 2009 (D.C. Law 17-337; 56 DCR 939), is repealed.

Sec. 7027. Section 5(b) of the Domestic Partnership Police and Fire Amendment Act of 2008, effective March 25, 2009 (D.C. Law 17-358; 56 DCR 1188), is repealed.

Sec. 7028. Section 3 of the Gateway Market Center and Residences Real Property Tax Exemption Act of 2008, effective March 25, 2009 (D.C. Law 17-359; 56 DCR 1193), is repealed.

Sec. 7029. Section 3 of the Asbury United Methodist Church Equitable Real Property Tax Relief Act of 2008, effective March 21, 2009 (D.C. Law 17-340; 55 DCR 951), is repealed.

Sec. 7030. Section 3 of the Eckington One Residential Project Economic Development Act of 2008, effective March 25, 2009 (D.C. Law 17-348; 55 DCR 971), is repealed.

Sec. 7031. The Limitation on Borrowing and Establishment of the Operating Cash Reserve Act of 2008, effective March 25, 2009 (D.C. Law 17-360; 56 DCR 1200), is amended as follows:

“Sec. 3a. Applicability.

“Section 2(d) shall take effect subject to the inclusion of its fiscal effect in an approved budget and financial plan.”.

Sec. 7032. Section 3 of the Washington Metropolitan Area Transit Authority Fund Act of 2006, effective June 16, 2006 (D.C. Law 16-132; 53 DCR 4727), is amended by adding a new paragraph (4) to read as follows:

“(4) Inclusion of the fiscal effect of this act in an approved budget and financial plan.

SECOND ENROLLED ORIGINAL

Sec. 7033. Section 3 of the Washington, D.C. Fort Chaplin Park South Congregation of Jehovah's Witnesses, Inc. Real Property Tax Relief Temporary Act of 2009, effective March 25, 2009 (D.C. Law 17-373; 56 DCR 1363), is repealed.

Sec. 7034. Section 3 of the NoMA Residential Development Tax Abatement Act of 2009, signed by the Mayor on April 29, 2009 (D.C. Act 18-54; 56 DCR 3568), is repealed.

Sec. 7035. Section 3 of the Randall School Development Project Tax Temporary Act of 2009, effective June 2, 2009 (D.C. Law 18-6; 56 DCR 2662), is repealed.

Sec. 7036. Section 8(b) and (d) of the Opportunity Accounts Act of 2000, effective April 3, 2001 (D.C. Law 13-266; D.C. Official Code § 1-307.67(b) and (d)), is amended by striking the phrase "Subject to appropriations" and inserting the phrase "Subject to annual available appropriations" in its place.

Sec. 7037. The Fiscal Year 2007 Budget Support Act of 2006, effective March 2, 2007 (D.C. Law 16-192; 53 DCR 6899), is amended as follows:

- (a) Section 2013 is repealed.
- (b) Section 4013 is repealed.

Sec. 7038. (a) Section 7(a) of the Government Employer-Assisted Housing Amendment Act of 1999, effective May 9, 2000 (D.C. Law 13-96; D.C. Official Code § 42-2506(a)), is amended by striking the phrase "following assistance:" and inserting the phrase "following assistance, subject to annual available appropriations:" in its place.

- (b) This section shall apply as of October 1, 2009.

Sec. 7039. Section 501(o)(2) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3505.01(o)(2)), is amended to read as follows:

"(2) This subsection shall not apply until its fiscal effect is included in an approved budget and financial plan."

SUBTITLE B. SALES TAX APPLICABILITY

Sec. 7040. Short title.

This subtitle may be cited as the "Sale Tax Applicability Act of 2009".

Sec. 7041. Section 47-2005 (32A) of the District of Columbia Official Code is repealed.

SUBTITLE C. FISCAL YEAR 2010 EXPENDITURE OF CERTAIN DEDICATED TAXES

Sec. 7050. Short title.

This subtitle may be cited as the "Fiscal Year 2010 Expenditure of Dedicated Taxes Amendment Act of 2009".

SECOND ENROLLED ORIGINAL

Sec. 7051. Notwithstanding any provision of the Neighborhood Investment Act of 2004, effective March 30, 2004 (D.C. Law 15-131; D.C. Official Code § 6-1071 *et seq.*), up to \$11.566 million may be expended from the Neighborhood Investment Fund in fiscal year 2010 for :

- “(1) New Communities human capital activities;
- “(2) Community-serving projects implemented by the:
 - “(A) Department of Parks and Recreation;
 - “(B) Commission on Arts and Humanities;
 - “(C) Department of Human Services;
 - “(D) Department of Health, and
 - “(E) Office of the Deputy Mayor for Planning and Economic Development;
- “(3) Grants or other financial support for community-serving nonprofit organizations;
- “(4) Operating expenses of community development projects administered by the District;
- “(5) Operating expenses of the District's economic development and community development activities; and
- “(6) Other expenses as may be included in the Fiscal Year 2010 budget or a reprogramming.”.

SUBTITLE D. SCHOOL MODERNIZATION FINANCING

Sec. 7060. Short title.

This subtitle may be cited as the "School Modernization Financing Amendment Act of 2009".

Sec. 7061. Section 47-305.02 of the District of Columbia Official Code is amended as follows:

- (a) Subsection (a)(4), (5), and (6) is repealed.
- (b) Subsection (b) is repealed.

SUBTITLE E. REAL PROPERTY FAIRNESS

Sec. 7070. Short title.

This subtitle may be cited as the "Owner-Occupant Residential Tax Credit Act of 2009".

Sec. 7071. Chapter 8 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by striking the section designation "47-864.01. Owner-occupant residential tax credit (conditional)." and inserting the section designation "47-864.01. Repealed." in its place.

(b) Section 47-864 is amended to read as follows:

"§ 47-864. Owner-occupant residential tax credit.

"(a) Real property receiving the homestead deduction under § 47-850 or § 47-850.01 shall receive an owner-occupant residential tax credit.

"(b) The credit under subsection (a) of this section shall be calculated as follows:

"(1)(A) In the case of real property that did not receive the credit under this

SECOND ENROLLED ORIGINAL

section in the prior tax year:

"(i) Subtract the current tax year's homestead deduction from the prior tax year's assessed value; and

"(ii) Multiply the amount by 110% to determine the current tax year's taxable assessment; or

"(B) In the case of real property that did receive the credit under this section in the prior tax year:

"(i) Multiply the prior tax year's taxable assessment by 110%; and

"(ii) Subtract from that amount the difference of the current tax year's homestead deduction less the prior tax year's homestead deduction to determine the current tax year's taxable assessment.

"(2) Subtract the current tax year's homestead deduction from the current tax year's assessed value.

"(3) Subtract the current tax year's taxable assessment determined under paragraph (1) of this subsection from the amount determined in paragraph (2) of this subsection;

"(4) If the amount determined under paragraph (3) of this subsection is a positive number, multiply the amount by the applicable real property tax rate to determine the credit for the current tax year.

"(c) The credit under this section shall not apply if:

"(1) During the prior tax year:

"(A)(i) The real property was transferred for consideration to a new owner; or

"(ii) The return required by §§ 42-1103(d) and 47-903(d) was due;

"(B) The value of the real property was increased due to a change in the zoning classification of the real property initiated or requested by the homeowner or anyone having an interest in the real property; or

"(C) The assessed value of the real property was clearly erroneous due to an error in calculation or measurement of improvements on the real property;

"(2) During the prior calendar year, the real property was assessed under § 47-829; or

"(3) During the current tax year, the qualifying homestead deduction applications for dwelling units in a cooperative housing association are:

"(i) Filed for less than 50% of the dwelling units; or

"(ii) Not filed timely for the entire tax year.

"(d) Notwithstanding any other provision of this section, if the entire interest in the real property is transferred to a new owner and the real property no longer qualifies as a homestead pursuant to § 47-850 or § 47-851, the real property shall be entitled to the credit applicable to the installment payable during the half tax year during which the ownership interest was transferred. At the end of the half tax year, the credit shall cease.

"(e) Notwithstanding any other provision of this chapter, if the current tax year's taxable assessment of a real property receiving the homestead deduction under § 47-850 or § 47-850.01 is less than 40% of the current tax year's assessed value, the current tax year's taxable assessment for purposes of subsection (b)(1) of this section shall be 40% of the

SECOND ENROLLED ORIGINAL

current tax year's assessed value.

"(f) The credit under this section shall:

"(1) Be nonrefundable;

"(2) Be apportioned equally between each installment during the tax year;

and

"(3) Not be carried forward or carried back."

(c) Section 47-864.01 is repealed.

Sec. 7072. Applicability.

Section 7091 shall apply to tax periods beginning after September 30, 2009.

SUBTITLE F. DISALLOWANCE OF CERTAIN EXPENSES PAID TO RELATED PARTIES

Sec. 7080. Short title.

This subtitle may be cited as the "Interest Expense and Intangible Expense Paid to Related Parties Disallowance Act of 2009".

Sec. 7081. Section 47-1803.03 of the District of Columbia Official Code is amended as follows:

(a) Subsection (a)(19) is repealed.

(b) Subsection (d) is amended as follows: to add a new paragraph (7) to read as follows:

"(7)(A) Any otherwise deductible interest expense or intangible expense if the interest expense or intangible expense is directly or indirectly paid to, or accrued or incurred by, one or more related members in connection directly or indirectly with one or more direct or indirect transactions.

"(B) The disallowance under subparagraph (A) of this paragraph shall not apply to any portion of the interest expense or intangible expense to the extent that the corporation establishes, as determined by the Chief Financial Officer, that:

"(i) The transaction giving rise to the payment of the interest expense or intangible expense between the corporation and the related member did not have as a principal purpose the avoidance of any portion of the tax due under this title;

"(ii) The interest expense or intangible expense was paid pursuant to arm's length contracts at an arm's length rate of interest or price; and

"(iii)(I) During the same taxable year, the related member directly or indirectly paid interest expense to, or the interest expense or intangible expense was accrued or incurred by, a person who is not a related member; or

"(II)(aa) The related member was subject to a tax measured by its net income or receipts in the District, a state or possession of the United States, or a foreign nation that has entered into a tax treaty with the United States government;

"(bb) A measure of the tax imposed by the District, a state or possession of the United States, or a foreign nation that has entered into a comprehensive tax treaty with the United States government included in the interest expense or intangible expense received by the related member from the corporation; and

"(cc) The aggregate effective tax rate imposed

SECOND ENROLLED ORIGINAL

on the amounts received by the related member is equal to or greater than 4.5%; provided, that a related member receiving the interest or intangible payment shall not be considered to be subject to a tax merely by virtue of the related member's inclusion in a combined or consolidated return in one or more states.

“(C) A subtraction from federal taxable income shall be allowed from the taxable income of a corporation equal to the amount received as royalties, interest, or similar income from intangibles from a related member, to the extent the related member, with respect to the payment, is denied a deduction under subparagraph (A) of this paragraph or there is a similar deduction denial or addition modification of a state, possession of the United States, or of a foreign nation that has entered into a comprehensive tax treaty with the United States government for intangible expenses or interest expenses paid to related members.

“(D) For the purposes of this paragraph, the term:

“(i) "Aggregate effective tax rate" means the sum of the effective rates of tax imposed by the District of Columbia, states, or possessions of the United States, and foreign nations that have entered into comprehensive tax treaties with the United States government, where a related member receiving a payment of interest expense or intangible expense is subject to tax and where the measure of the tax imposed included the payment.

“(ii) "Intangible expense" means:

“(I) An expense, loss, or cost for, related to, or in connection directly or indirectly with the direct or indirect acquisition, use, maintenance, management, ownership, sale, exchange, or any other disposition of intangible property, to the extent the expense, loss, or cost is allowed as a deduction or cost in determining taxable income for the taxable year under the Internal Revenue Code of 1986;

“(II) A loss related to or incurred in connection directly or indirectly with factoring transactions or discounting transactions; or

“(III) A royalty, patent, technical, or copyright and licensing fee; or

“(IV) Any other similar expense or cost.

“(iii) "Intangible property" means patents, patent applications, trade names, trademarks, service marks, copyrights, and similar types of intangible assets.

“(iv) "Interest expense" means an amount directly or indirectly allowed as a deduction under section 163 of the Internal Revenue Code for purposes of determining taxable income under the Internal Revenue Code of 1986.

“(v) "Related entity" means a person that, under the attribution rules of section 318 of the Internal Revenue Code of 1986, is:

“(I) A stockholder who is an individual or a member of the stockholder's family enumerated in section 318 of the Internal Revenue Code of 1986, if the stockholder and the members of the stockholder's family own directly, indirectly, beneficially, or constructively, in the aggregate, at least 50% of the value of the taxpayer's outstanding stock;

“(II) A stockholder or a stockholder's partnership, limited liability company, estate, trust, or corporation, if the stockholder and the stockholder's partnership, limited liability company, estate, trust, or corporation own directly, indirectly, beneficially, or constructively, in the aggregate, at least 50% of the value of the taxpayer's

SECOND ENROLLED ORIGINAL

outstanding stock; or

“(III) A corporation or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under the attribution rules of section 318 of the Internal Revenue Code of 1986, if the taxpayer owns directly, indirectly, beneficially, or constructively, at least 50% of the value of the corporation's outstanding stock.

“(vi) "Related member" means:

“(I) A person that, with respect to the taxpayer any time during the year, is a related entity;

“(II) A component member, as defined in section 1563(b) of the Internal Revenue Code of 1986;

“(III) A controlled group of which the taxpayer is also a component; or

“(IV) Is a person to or from whom there is attribution of stock ownership in accordance with section 1563(e) of the Internal Revenue Code of 1986.”.

Sec. 7082. Applicability

Section 7081 shall be effective for taxable years beginning after December 31, 2008.

SUBTITLE G. ECONOMIC INTERESTS IN REAL PROPERTY

CLARIFICATION

Sec. 7090. Short title.

This subtitle may be cited as the "Economic Interests in Real Property Clarification Amendment Act of 2009".

Sec. 7091. The District of Columbia Deed Recordation Tax Act of 1962, approved March 2, 1962 (76 Stat. 11; D.C. Official Code § 42-1101 *et seq.*), is amended as follows:

(a) Section 302b (D.C. Official Code § 42-1102.02) is amended by adding a new subsection (c) to read as follows:

“(c) Notwithstanding any other provision of this act, a transfer of shares in a cooperative housing association in connection with the grant, transfer, or assignment of proprietary leasehold or other proprietary interest, in whole or in part, shall be a transfer of an economic interest.”.

(b) Section 303(a)(2) (D.C. Official Code § 42-1103(a)(2)) is amended by striking the period and inserting the phrase “; provided, that in the case of a transfer of shares in a cooperative housing association that is in connection with a grant, transfer, or assignment of a proprietary leasehold or other proprietary interest, in whole or in part, where the consideration allocable to the real property is less than \$400,000, the rate of tax shall be 2.2%.”.

SUBTITLE H. REAL PROPERTY TAX REFORM

Sec. 7100. Short title.

This subtitle may be cited as the "Real Property Tax Reform Classification Amendment Act of 2009".

SECOND ENROLLED ORIGINAL

Sec. 7101. Section 12(7) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, effective April 27, 2001 (D.C. Law 13-281; D.C. Official Code § 42-3131.12(7)), is amended by striking the phrase "holes, breaks," and inserting the phrase "holes, graffiti, breaks," in its place.

Sec. 7102. Section 47-813 of the District of Columbia Official Code is amended by adding a new subsection (c-8) to read as follows:

"(c-8)(1) For tax year 2010 and thereafter, the following classes of taxable real property are established:

"(A) Class 1 Property;

"(B) Class 2 Property; and

"(C) Class 3 Property;

"(2)(A) Except as otherwise provided in this paragraph, Class 1 Property shall be comprised of residential real property that is occupied, improved, and used exclusively for nontransient residential dwelling purposes; provided, that the improved and nontransient real property shall not be classified as Class 1 Property if it appears on the list compiled under § 42-3131.16.

"(B) Unimproved real property benefitting from an exemption under subsection (c-6)(2)(C) of this section on December 27, 2006, shall continue to benefit from the exemption and be classified as Class 1 Property for the duration permitted under that subsection; provided, that the exemption shall not be valid after September 30, 2007; provided further, that the unimproved real property may qualify for an exemption in effect after December 28, 2006, and subject to the time restriction and exclusion set forth in subparagraph (E)(ii)(II) of this paragraph.

"(C) Real property used as a parking lot shall be classified as Class 1 Property if it appertains to improved Class 1 Property and if each approval required from the District government for use as a parking lot has been obtained.

"(D) Unimproved real property that abuts Class 1 Property shall be classified as Class 1 Property if the real property and the Class 1 Property have common ownership.

"(E)(i) Unimproved, residential real property shall be classified as Class 1 Property if:

"(I) The real property is actively offered for sale or rental at a reasonable market price as of September 30 of the preceding tax year or as of March 31 of the current tax year; provided, that a real property that has been offered for sale for more than 8 months shall be presumed not to be offered for sale at a reasonable market price, and a rental offered for rental for more than 90 days shall be presumed not to be offered for rental at a reasonable market price;

"(II) A building permit to construct at least one nontransient dwelling unit has been issued and construction is actively pursued as of September 30 of the preceding tax year or as of March 31 of the current tax year;

"(III) The zoning regulations adopted by the Zoning Commission for the District of Columbia do not allow the building of any structure on the real property as a matter of right;

"(IV) The unimproved air rights lot appertains to

SECOND ENROLLED ORIGINAL

improved Class 1 Property;

“(V) For a period not to exceed 12 months, the real property is the subject of a pending application for a necessary approval for development before the Board of Zoning Adjustment, the Zoning Commission for the District of Columbia, the Commission of Fine Arts, the Historic Preservation Review Board, the Mayor's Agent for Historic Preservation, the Department of Public Works, or the National Capital Planning Commission; or

“(VI) For a period not to exceed 12 months, the real property is encumbered by a deed of trust that was recorded during the 12 months preceding the current tax year.

“(ii)(I) Classification of unimproved real property as Class 1 Property pursuant to sub-subparagraph (i)(I), (II), (III), or (IV) of this subparagraph shall not exceed 3 tax years under the same, substantially similar, or related ownership.

“(II) Notwithstanding sub-sub-subparagraph (I) of this sub-subparagraph, unimproved real property under the same, substantially similar, or related ownership that qualified for and benefitted from an exemption under sub-subparagraph (i) of this subparagraph or under subsection (c-6)(2)(C) or (c-6)(2)(E) of this section, other than under sub-subparagraph (i)(V) or (VI) of this subparagraph or a similar provision of subsection (c-6)(2)(C), for 3 or more tax years shall no longer be classified as Class 1 Property beginning in tax year 2008.

“(III) For purposes of this sub-subparagraph, ownership shall be related if a deduction for a loss from the sale or exchange of properties between taxpayers would be disallowed under section 267 of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 78; 26 U.S.C. § 267); provided, that the exclusion under section 267(a)(1) for a loss in a distribution in a complete liquidation shall not apply.

“(F) Unimproved real property that is separated from Class 1 Property by a public alley less than 30 feet wide shall be classified as Class 1 Property if:

“(i) The real property is less than 1,000 square feet;

“(ii) The zoning regulations adopted by the Zoning Commission for the District of Columbia do not allow the building of any structure on the real property as a matter of right; and

“(iii) The real property and the Class 1 Property separated by the alley from the real property have common ownership.

“(3)(A) Except as otherwise provided in this paragraph, Class 2 Property shall be comprised of all real property which is not Class 1 or Class 3 Property.

“(B) Unimproved real property benefitting from an exemption under subsection (c-6)(3)(C) of this section on December 27, 2006, shall continue to benefit from the exemption and be classified as Class 2 Property for the duration permitted under subsection (c-6)(3)(c) of this section; provided, that the exemption shall not be valid after September 30, 2007; provided further, that the unimproved real property may qualify for an exemption in effect after December 28, 2006, and subject to the time restriction and exclusion set forth in subparagraph (E)(ii)(II) of this paragraph.

“(C) Real property used as a parking lot shall be classified as Class 2 Property if each approval required from the District government for use as a parking lot has been obtained.

“(D) Unimproved real property which abuts Class 2 Property shall be

SECOND ENROLLED ORIGINAL

classified as Class 2 Property if the real property and the Class 2 Property have common ownership.

“(E)(i) Unimproved, commercial real property shall be classified as Class 2 Property if:

“(I) The real property is actively offered for sale or rental at a reasonable market price as of September 30 of the preceding tax year or as of March 31 of the current tax year; provided, that a real property which has been offered for sale for more than 8 months shall be presumed not to be offered for sale at a reasonable market price, and a rental offered for rental for more than 90 days shall be presumed not to be offered for rental at a reasonable market price;

“(II) A building permit to construct an improvement or a parking lot has been issued and construction is actively pursued as of September 30 of the preceding tax year or as of March 31 of the current tax year;

“(III) The unimproved air rights lot appertains to improved Class 2 Property; or

“(IV) For a period not to exceed 12 months, the real property is the subject of a pending application for a necessary approval for development before the Board of Zoning Adjustment, the Zoning Commission for the District of Columbia, the Commission of Fine Arts, the Historic Preservation Review Board, the Mayor's Agent for Historic Preservation, the Department of Public Works, or the National Capital Planning Commission; or

“(V) For a period not to exceed 12 months, the real property is encumbered by a deed of trust that was recorded during the 12 months preceding the current tax year.

“(ii)(I) Classification of unimproved real property as Class 2 Property pursuant to sub-subparagraph (i)(I), (II), or (III) of this subparagraph shall not exceed 3 tax years under the same, substantially similar, or related ownership.

“(II) Notwithstanding sub-sub-subparagraph (I) of this sub-subparagraph, unimproved real property under the same, substantially similar, or related ownership that qualified for and benefitted from an exemption under sub-subparagraph (i) of this subparagraph or under subsection (c-6)(3)(C) of this section, other than under sub-subparagraph (i)(IV) or (V) of this subparagraph or under a similar provision of subsection (c-6)(3)(C) of this section, for 3 or more tax years shall no longer be classified as Class 2 Property beginning in tax year 2008.

“(III) For the purposes of this sub-subparagraph, ownership shall be related if a deduction for a loss from the sale or exchange of properties between taxpayers would be disallowed under section 267 of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 78; 26 U.S.C. § 267); provided, that the exclusion under section 267(a)(1) for a loss in a distribution in a complete liquidation shall not apply.

“(F) Unimproved real property which is separated from Class 2 Property by a public alley less than 30 feet wide shall be classified as Class 2 Property if:

“(i) The real property is less than 1,000 square feet;

“(ii) The zoning regulations adopted by the Zoning Commission for the District of Columbia do not allow the building of any structure on the real property as a matter of right; and

SECOND ENROLLED ORIGINAL

“(iii) The real property and the Class 2 Property separated by the alley from the real property have common ownership.

“(G) Class 2 Property shall include, as of September 30 of the preceding tax year, the unimproved real property that is within the Northeast No. 1/Eckington Yards Special Treatment Area and the Buzzard Point/Near Southeast Development Opportunity Area, as designated on the current District of Columbia Generalized Land Use Map that is part of the Comprehensive Plan; provided, that the real property is zoned for commercial development and the real property owner is engaged in predevelopment activities as supported by written documentation. For the purpose of this subparagraph, the term "predevelopment activities" means completion of one of the following:

“(i) Preparation of subdivision or large tract review applications;

“(ii) Preparation or application for District of Columbia permits or authorizations to proceed with development;

“(iii) Participation in special planning or transportation studies prepared in conjunction with the District of Columbia; or

“(iv) Completion of environmental assessment or mitigation studies prepared in conjunction with the District of Columbia.

“(4) Class 3 Property shall be comprised of all improved real property that is classified as blighted property in accordance with subparagraph (A) of this paragraph.

“(A) For the purposes of this section, blighted Property shall be comprised of all improved vacant real property determined by the Mayor or the Board of Condemnation of Insanitary Buildings to be unsafe, insanitary, or which is otherwise determined to threaten the public health, safety, or general welfare of the community. The following may be considered in determining whether a property is blighted:

“(i) Failure to comply with the following vacant building maintenance standards:

“(I) Doors, windows, areaways, and other openings are weather-tight and secured against entry by birds, vermin, and trespassers, and missing or broken doors, windows, and other openings are covered;

“(II) The exterior walls are free of holes, breaks, graffiti, and loose or rotting materials, and exposed metal and wood surfaces are protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint; or

“(III) All balconies, porches, canopies, marquees, signs, metal awnings, stairways, accessory and appurtenant structures, and similar features are safe and sound, and exposed metal and wood surfaces are protected from the elements by application of weather-coating materials, such as paint; or

“(ii) The structure is boarded up.

“(B) The Department of Consumer and Regulatory Affairs shall regularly transmit a list of the real properties that are blighted property to the Office of Tax and Revenue.

“(C) To determine whether a real property is blighted, the Office of Tax and Revenue may request the Department of Consumer and Regulatory Affairs to inspect the real property to determine whether the real property is correctly included on the list compiled under subparagraph (B) of this paragraph.”.

SECOND ENROLLED ORIGINAL

SUBTITLE I. TAX COMPLIANCE

Sec. 7110. Short title.

This subtitle may be cited as the "Tax Compliance Act of 2009".

Sec. 7111. Chapter 44 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:

" 47-4407. Amnesty for tax periods ending prior to December 31, 2009."

(b) A new section 47-4407 is added to read as follows:

"§ 47-4407. Amnesty for tax periods ending prior to December 31, 2009.

"(a) The Chief Financial Officer may establish a program to provide amnesty to a taxpayer liable for the payment of certain Title 47 taxes on returns or reports required for tax periods ending prior to December 31, 2008; provided, that if the Chief Financial Officer shall establish the tax amnesty program for a period ending after December 31, 2009, the tax amnesty program shall apply to tax returns or reports for tax periods ending prior to December 31, 2009.

"(b) Those eligible may receive amnesty from the imposition of any fee under § 47-4405, any fine or other civil or criminal penalty authorized under Chapters 41 or 42 of this title for the failure of the taxpayer to file a return or report, or pay a tax due for certain Title 47 taxes on a return or report that was required to be filed for tax periods as provided in, subsection (a) of this section.

"(c)(1) The Chief Financial Officer may implement and administer the program for amnesty under this section.

"(2) The Chief Financial Officer may determine the specific dates for the amnesty period.

"(3) Excluding Title 47 real property fees and taxes under Chapters 8, 9, and 12 of this title, any Title 47 payments in lieu of real property taxes and ballpark fees in Chapter 27B of this title, the Chief Financial Officer may determine the specific tax types for which amnesty shall be granted.

"(4) The Chief Financial Officer may:

"(A) Require a taxpayer seeking amnesty to submit the documents or records as the Chief Financial Officer considers necessary to determine the truthfulness or accuracy of a return or report filed pursuant to this section; or

"(B) Subject any return or report filed pursuant to this section to the same audit procedures to which a return or report for the tax type is subjected.

"(5) The Chief Financial Officer may promulgate rules as may be necessary to interpret, administer, and enforce the provisions of this section."

SUBTITLE J. RECOVERY ACT TAX DEDUCTION DECOUPLING

Sec. 7120. Short title.

This subtitle may be cited as the "Recovery Act Tax Deduction Decoupling Act of 2009".

Sec. 7121. Section 47-1803.02 is amended as follows:

(a) Subsection (a) is amended by adding a new subparagraph (Y) to read as follows:

"(Y) Computations of discharge of indebtedness income under section

SECOND ENROLLED ORIGINAL

108(i) of the Internal Revenue Code of 1986."

(b) A new subsection (a-1) is added to read as follows:

"(a-1) Notwithstanding subsection (a) of this section, for the purposes of the deduction for state sales and excise taxes on the purchase of certain motor vehicles, the term "gross income" shall have the same meaning as set forth in section 61 of the Internal Revenue Code of 1986, as that section existed on December 31, 2008."

SUBTITLE K. THE NON-INDIVIDUAL INCOME TAX ELECTRONIC FILING ACT OF 2009

Sec. 7130. Short title.

This subtitle may be cited as the "Non-Individual Income Tax Electronic Filing Act of 2009".

Sec. 7131. Section 47-4402(c) of the District of Columbia Official Code is amended by striking the phrase "\$25,000" and inserting the phrase "\$10,000" in its place.

SUBTITLE L. BUILDING BRIDGES ACROSS THE RIVER TAX EXEMPTION

Sec. 7140. Short title.

This subtitle may be cited as the "Building Bridges Across the River, Inc. Real Property Tax Exemption and Real Property Tax Relief Act of 2009".

Sec. 7141. Chapter 10 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:

"47-1081. Building Bridges Across the River, Inc., Lots 2 and 6, Square 5894."

(b) A new section 47-1081 is added to read as follows:

"§ 47-1081. Building Bridges Across the River, Inc., Lots 2 and Square 5894.

"The real property located at 3315 and 3321 23rd Street, S.E., Lots 2 and 6, Square 5894, owned by Building Bridges Across the River, Inc., a nonprofit corporation, shall be exempt from all taxation so long as the real property continues to be owned by Building Bridges Across the River, Inc., and is used as a community playground."

Sec. 7142. Equitable real property tax relief.

The Council orders that all real property taxes, interest, penalties, fees, and other related charges assessed Building Bridges Across the River, Inc., from the period beginning on October 1, 2008, on real property located at 3315 and 3321 23rd Street, S.E., Lots 2 and 6, Square 5894, be forgiven and any payments already made for these periods be refunded.

SUBTITLE M. FORT CHAPLIN PARK SOUTH CONGREGATION OF JEHOVAH'S WITNESSES, INC. TAX RELIEF ACT

Sec. 7150. Short title.

This subtitle may be cited as the "Washington, D.C. Fort Chaplin Park South Congregation of Jehovah's Witnesses, Inc. Real Property Tax Relief Act of 2009".

Sec. 7151. Equitable real property tax relief.

SECOND ENROLLED ORIGINAL

The Council orders that all real property taxes, interest, penalties, fees, and other related charges assessed for the period of January 1, 2005 to June 30, 2007, on the real property described as Lot 0813, Square 5434, owned by the Washington, D.C. Fort Chaplin Park South Congregation of Jehovah's Witnesses, Inc., be forgiven and any payments made for this period be refunded.

SUBTITLE N. URBAN INSTITUTE REAL PROPERTY TAX ABATEMENT ACT
Sec. 7160. Short title.

This subtitle may be cited as "The Urban Institute Real Property Tax Abatement Act of 2009".

Sec. 7161. 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. The Urban Institute -- 10-year real property tax abatement."

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

"§ 47-4620. The Urban Institute -- 10-year real property tax abatement.

"(a) Subject to subsection (b) of this section, the tax imposed by Chapter 8 of this title on the portion of the real property described as Lot 840, Square 673 that is owned by The Urban Institute, shall be abated during the following tax years in the following amounts:

"(1) Tax year 2010: \$200,000; provided, that the abatement shall be applied to the 2nd semiannual installment;

"(2) Tax year 2011: \$625,000;

"(3) Tax year 2012: \$925,000;

"(4) Tax year 2013: \$1.5 million;

"(5) Tax year 2014: \$1.6 million;

"(6) Tax year 2015: \$1.7 million;

"(7) Tax year 2016: \$1.8 million;

"(8) Tax year 2017: \$1.9 million;

"(9) Tax year 2018: \$2 million;

"(10) Tax year 2019: \$2.1 million; and

"(11) Tax year 2020: \$650,000.

"(b) The abatement of real property taxes provided for by subsection (a) of this section shall apply so long as:

"(1) The real property continues to be owned and, except as set forth in paragraph (2) of this subsection, occupied by The Urban Institute;

"(2) At least 10,000 square feet of the real property is leased at a rate below the market rate to tenants that are exempt from federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3)), and the leased real property is used for the tenants' exempt purposes; and

"(3) The Urban Institute files the report required by § 47-1007(a), and includes the following:

"(A) The name of each tenant of the real property that is exempt from federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3));

SECOND ENROLLED ORIGINAL

"(B) The square footage leased by each such tenant;
"(C) A certification that each such tenant is being charged a lease rate that is below the market rate, a statement of the lease rate per square foot, and an explanation of the basis upon which the determination was made that each such tenant's lease rate is below the market rate; and
"(D) Other information as may be required by the Chief Financial Officer.

"(c) The Urban Institute shall be subject to § 47-1007(b) and (c)."

SUBTITLE O. RANDALL SCHOOL DEVELOPMENT TAX ABATEMENT ACT
Sec. 7170. Short title.

This subtitle may be cited as the "Randall School Development Project Tax Relief Act of 2009".

Sec. 7171. 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:

"47-4621. Randall School development project tax exemption."

(b) A new section 47-4621 is added to read as follows:

"§ 47-4621. 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."

SUBTITLE P. CAPITAL GRANT AUTHORITY REPEAL

Sec. 7180. Short title.

This subtitle may be cited as the "Capital Grant Authority Repeal Amendment Act of 2009".

Sec. 7181. The Arts, Cultural, and Educational Facilities Support Act of 2004, effective April 5, 2005 (D.C. Law 15-271; D.C. Official Code § 39-401 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 39-402) is repealed.

(b) A new section 3a (to be codified at D.C. Official Code § 39-402.01) is added to read as follows:

"Sec. 3a. Continuing authorization to provide public support.

"Subject to the appropriation of funds or the identification of legally available funds, the Mayor may provide economic assistance to pay all or a portion of the capital costs incurred by a project approved by the Council prior to November 1, 2009."

SECOND ENROLLED ORIGINAL

SUBTITLE Q. 14W AND THE YMCA ANTHONY BOWEN PROJECT REAL PROPERTY TAX EXEMPTION AND REAL PROPERTY TAX RELIEF ACT OF 2009

Sec. 7190. Short title.

This subtitle may be cited as the "14W and YMCA Anthony Bowen Project Real Property Tax Exemption and Real Property Tax Relief Act of 2009".

Sec. 7191. 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:

"47-4622. 14W and the YMCA Anthony Bowen Project. Lot 164, Square 234."

(b) A new section 47-4622 is added to read as follows:

"§ 47-4622. 14W and the YMCA Anthony Bowen Project. Lot 164, Square 234.

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

"(1) "14W and the YMCA Anthony Bowen Project" means the acquisition, development, construction, installation, and equipping of a mixed-use project on the 14W and the YMCA Anthony Bowen Property, including the redevelopment of the historic Anthony Bowen YMCA, the construction of 231 units of rental housing, of which 18 will be affordable units at 60% or less of area median income, 12,200 square feet of ground-level retail space, and 170 below-grade parking spaces.

"(2) "14W and the YMCA Anthony Bowen Property" means the real property described as Lot 164, Square 234, owned by Perseus Realty, LLC.

"(b) The 14W and the Anthony Bowen Property shall be exempt from real property taxation under Chapter 8 of this title for 20 consecutive years as follows: 10 years capped at the Fiscal Year 2008 rate, and thereafter a 10% increase allowed per annum in years 11 through 20, until the annual real property taxation equals 100%.

"(c) The 14W and the YMCA Anthony Bowen Project shall be exempt from the tax imposed by Chapter 20 of this title on materials used directly for construction of the 14W and the YMCA Anthony Bowen project.

"(d) The exemptions set forth in subsections (b) and (c) of this section shall continue so long as the 14W and the YMCA Anthony Bowen Project consists of:

"(1) Two hundred and thirty-one rental apartment units (18 of which are inclusionary zoning units, to be permanently reserved for residents making 60% or less of current area median income);

"(2) A 170-space, below-grade garage, 12,200 square feet of ground-floor retail space; and

"(3) The new YMCA Anthony Bowen, a 45,000 square-foot, state-of-the-art community and wellness facility dedicated to the growing needs of the District's residents."

SUBTITLE R. VIEW 14 PROJECT ECONOMIC DEVELOPMENT ACT OF 2009

Sec. 7200. Short title.

This subtitle may be cited as the "View 14 Project Economic Development Act of 2009".

Sec. 7201. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

SECOND ENROLLED ORIGINAL

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

“47-4623. View 14 Project tax exemptions.”

(b) A new section 47-4623 is added to read as follows:

“§ 47-4623. View 14 Project tax exemption.

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

“(1) “Developer” means L2CP, LLC, its successors, affiliates, and assigns.

“(2) “View 14 Project” means the acquisition, development, construction, installation, and equipping, including the financing, refinancing, or reimbursing of costs incurred of the mixed-use, multifamily residential and retail project under construction on the east side of 14th Street, N.W., between Florida Avenue and Belmont Street, to consist of:

“(A) One hundred and eighty-five units of condominium/apartment house use totaling approximately 173,765 square feet of floor area, including a minimum of 6,000 square feet devoted to affordable housing for residents with an income that is no greater than 80% of the metropolitan Washington D.C. area media income;

“(B) Approximately 13,903 square feet of retail space; and

“(C) A below-grade parking garage.

“(3) “View 14 Property” means the real property, including any improvements constructed thereon, described as Lot 155, Square 2868, as recorded on Page 68 of Book 201 in the Office of the Surveyor for the District of Columbia (or as the land for such lots may be subdivided into a record lot or lots or assessment and taxation lots, condominium lots, air rights lots, or any combination in the future).

“(b)(1) The View 14 Property shall be exempt from real property taxation under Chapter 8 of this title for 20 consecutive years, 10 years at 100% and a 10% increase in years 11 through 20 until the annual real property taxation equals 100%.

“(2) The View 14 Project shall be exempt from the tax imposed by Chapter 20 of this title on materials used directly for construction of the View 14 Project, which are incorporated into and become a part of the real property.

“(3) The tax exemptions granted by paragraphs (1) and (2) of this subsection shall not exceed, in the aggregate, \$5.7 million.

“(c) The tax exemptions pursuant to subsection (b) of this section shall be in addition to, and not in lieu of, any other tax relief or assistance from any other source applicable to the View 14 Project, the View 14 Property, or the developer.

“(d) This section shall not prevent or restrict the developer from utilizing any other tax, development or other economic incentives available to the View 14 Project, the View 14 Property, or the developer.

“(e) Nothing in this section shall be construed to limit the owner of the View 14 Property from appealing or contesting its real estate tax assessment.”

SUBTITLE S. LIMITATION ON BORROWING TECHNICAL AMENDMENTS

Sec. 7210. Short title.

This subtitle may be cited as the "Limitation on Borrowing Technical Amendments Act of 2009".

Sec. 7211. Chapter 3 of Title 47 of the District of Columbia Official Code is amended as follows:

SECOND ENROLLED ORIGINAL

(a) Section 47-334 is amended to read as follows:

"§ 47-334. Definitions.

"For the purposes of this subchapter, the term:

"(1) "Debt Service" means the amount of money necessary to pay interest on outstanding District Bonds, including interest payments deferred to future years, the principal on maturing District Bonds, and the required contributions to a sinking fund for District Bonds, but excluding debt service payments rebated to the District pursuant to the American Recovery and Reinvestment Act of 2009, approved February 17, 2009 (123 Stat. 115; 26 U.S.C. § 1 note).

"(2) "District Bonds" means:

"(A) General obligation bonds issued pursuant to the Home Rule Act;

"(B) Treasury capital-project loans;

"(C) Tax supported revenue bonds, notes, or other debt instruments secured by revenues derived from taxes, fees, or other general revenues of the District, or its agencies and authorities, pursuant to the District's power to tax and impose fees, including tax increment financed bonds, notes, or other debt instruments and bonds, notes, or other debt instruments financed by payments in lieu of taxes, but excluding revenue bonds, notes, or other debt instruments issued for the purpose of funding water and sewer facilities, as described in section 490(a) of the Home Rule Act, and bonds, notes, or other debt instruments paid or secured by revenues from the Master Settlement Agreement with tobacco companies, federal grants, or revenues from the operation of public enterprises, so long as those enterprises are fully self-supporting;

(D) Certificates of participation, and

(E) Lease purchase financing obligations.

"(3) "District Bond Issuance" means the District's authorizing, selling, and delivering of District Bonds, including District Bonds to refund outstanding District Bonds.

"(4) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

"(5) "Total Expenditures" means the total amount included in the Total Expenditures and Transfers line item in the enacted District Budget and Financial Plan for the General Fund for an applicable fiscal year, plus any Debt Service amounts in an applicable fiscal year on District Bonds for which the Debt Service on such District Bonds is not included in the Total Expenditures and Transfers line item in the enacted District Budget and Financial Plan for the General Fund.

(b) Section 47-335.02 is amended to read as follows:

"§ 47-335.02. Borrowing limitation.

"(a) The Council shall not approve proposed District Bonds if the applicable annual Debt Service on the proposed District Bonds would cause the Debt Service on all District Bonds in the fiscal year in which the proposed District Bonds are issued, or in any of the 3 succeeding fiscal years, to exceed 12% of Total Expenditures in any applicable fiscal year, as contained in the most recently enacted District Budget and Financial Plan.

"(b) Obligations incurred pursuant to the authority contained in subchapter II of Chapter 3 of Title 3, obligations incurred by the agencies transferred or established by sections 201 or 202 of the Home Rule Act, whether incurred before or after such transfer or establishment, and obligations incurred pursuant to District Bonds issued prior to October 1, 1996, for the financing of Department of Public Works, Water and Sewer Utility

SECOND ENROLLED ORIGINAL

Administration capital projects shall not be included in determining the aggregate amount of Debt Service on all outstanding District Bonds subject to the 12% limitation specified in subsection (a) of this section.

"(c) The 12% limitation specified in subsection (a) of this section shall be calculated by the Office of the Chief Financial Officer as follows:

"(1) Determine the dollar amount equivalent to 12% of the Total Expenditures during the fiscal year for which the proposed District Bonds will be issued and the 3 succeeding fiscal years;

"(2) Determine the actual total amount of Debt Service to be paid during the fiscal year for which the proposed District Bonds will be issued and the 3 succeeding fiscal years for all outstanding District Bonds;

"(3) Determine the amount of Debt Service to be paid during the fiscal year for which the proposed District Bonds will be issued and the 3 succeeding fiscal years; and

"(4) If in any applicable fiscal year the sum of paragraphs (2) and (3) of this subsection exceeds the amount determined under paragraph (1) of this subsection, then the proposed District Bonds or Treasury loan shall not be issued."

(c) Section 47-392.02(j-1) is amended as follows:

(1) Paragraph (3)(A) is amended by striking the phrase "that \$25 million" and inserting the phrase "that not less than \$25 million" in its place

(2) Paragraph (4) is amended by striking the phrase "Cash Reserve" and inserting the phrase "Cash Reserve, including the \$25 million specified in paragraph 3(A)) of this subsection," in its place.

SUBTITLE T. GOD OF SECOND CHANCE TAX RELIEF ACT

Sec. 7220. Short title.

This subtitle may be cited as the "God of a Second Chance Ministry Real Property Tax Relief Act of 2009".

Sec. 7221. Equitable real property tax relief; exemption from penalties, or fees.

The Council orders that all unpaid real property taxes, interest, penalties, fees, and other related charges assessed against real property located at Lot 0153, Square 5365, be forgiven from the period beginning June 23, 2008, through May 31, 2009, and that any payment already made for this period be refunded.

SUBTITLE U. COMBINED REPORTING REFORM ACT

Sec. 7230. Short title.

This subtitle may be cited as the "Combined Reporting Reform Authorization Act of 2009".

Sec. 7231. Implementation of combined reporting reform.

The Council shall pass legislation to require, for tax years beginning after December 31, 2010, that all corporations taxable in the District of Columbia shall determine the income apportionable or allocable to the District of Columbia by reference to the income and apportionment factors of all commonly controlled corporations organized within the United States with which they are engaged in a unitary business.

SUBTITLE V. REVENUE ENHANCEMENT ACT

SECOND ENROLLED ORIGINAL

Sec. 7240. Short title.

This subtitle may be cited as the "Revenue Enhancement Act of 2009".

Sec. 7241. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-850(a) is amended to read as follows:

"(a) For purposes of levying the real property tax during a tax year, the Mayor shall deduct \$67,500, increased annually, beginning October 1, 2012, by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50), from the assessed value of real property which qualifies as a homestead. The deduction shall be apportioned equally between each installment during a tax year and shall not be carried forward or carried back."

(b) Section 47-850.01(a) is amended to read as follows:

"(a) For purposes of levying the real property tax during a tax year, the Mayor shall deduct from the assessed value of the real property owned by a cooperative housing association, as determined under § 47-820.01, \$67,500, increased annually, beginning October 1, 2012, by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50), for each homestead located therein. The deduction shall be apportioned equally between each installment during a tax year and shall not be carried forward or carried back."

(c) Section 47-1801.04(26) is amended as follows:

(1) Subparagraph (A) is amended by striking the phrase "beginning January 1, 2009," and inserting the phrase "beginning January 1, 2013," in its place.

(2) Subparagraph (B) is amended by striking the phrase "beginning January 1, 2009," and inserting the phrase "beginning January 1, 2013," in its place.

(d) Section 47-1806.02 is amended as follows:

(1) Subparagraph (f)(1)(A) is amended by striking the phrase "beginning January 1, 2009," and inserting the phrase "beginning January 1, 2013," in its place.

(2) Subsection (i) is amended by striking the phrase "beginning January 1, 2009," and inserting the phrase "beginning January 1, 2013," in its place.

(e) Section 47-2001 is amended as follows:

(1) A new subsection (b-1) is added to read as follows:

"(b-1) "Cigar" means any roll for smoking, other than a cigarette as defined in § 47-2401(1), made wholly or in part of tobacco, and where the wrapper or cover of the roll is made of natural leaf tobacco or any substance containing tobacco."

(2) A new subsection (i-1) is added to read as follows:

"(i-1) "Premium cigar" means any cigar with a retail cost of \$ 2.00 or more, or packaged units of cigars averaging \$ 2.00 or more per packaged cigar at retail."

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

"(v-1) "Other tobacco products" means any product containing tobacco that is intended or expected to be consumed, other than a cigarette, cigar, premium cigar, or pipe tobacco."

(f) Section 47-2002 is amended as follows:

(1) The introductory language is amended by striking the phrase "5.75%, except for the period beginning June 1, 1994, and ending September 30, 1994, the rate shall be 7%," and inserting the phrase "5.75%, except for the period beginning October 1, 2009, and ending September 30, 2012, the rate shall be 6%," in its place.

SECOND ENROLLED ORIGINAL

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

"(4A) The rate of tax shall be 5.75% of the gross receipts from the sale of or charges for tangible personal property or services by legitimate theaters, or by entertainment venues with 10,000 or more seats, excluding any such theaters or entertainment venues from which such taxes are applied to pay debt service on tax-exempt bonds;"

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

"(5) The rate of tax shall be 12% of the gross receipts from the sale of or charges for cigars, excluding premium cigars; and"

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

"(6) The rate of tax shall be 12% of the gross receipts from the sale of or charges for other tobacco products."

(g) Section 47-2202 is amended by striking the phrase "5.75%, except for the period beginning June 1, 1994, and ending September 30, 1994, the rate shall be 7%," and inserting the phrase "5.75%, except for the period beginning October 1, 2009, and ending September 30, 2012, the rate shall be 6%," in its place.

(h) Section 47-2301(a) is amended by striking the phrase "20 cents per gallon, except for the period beginning June 1, 1994, and ending September 30, 1994, a tax of 22.5 cents per gallon," and inserting the phrase "\$.235 per gallon" in its place.

(i) Chapter 24 of Title 47 of the District of Columbia Official Code is amended as follows:

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

"47-2402.01. Weight-based excise tax."

(2) Section 47-2401(1) is amended to read as follows:

"(1) The term "cigarette" means:

"(A) Any roll for smoking containing tobacco wrapped in paper or in any substance other than tobacco leaf;

"(B) Any roll for smoking containing tobacco, wrapped in any substance, weighing 4 pounds per thousand or less, except those wrapped entirely in whole tobacco leaf that do not have a filter; or

"(C) Any roll for smoking containing tobacco wrapped in any substance, however labeled or named, flavored or not, which because of its appearance, size, the type of tobacco used in the filler, or its packaging, pricing, marketing, or labeling, is likely to be offered to, purchased by, or consumed by consumers as a cigarette as described in this paragraph."

(3) Section 47-2402(a) is amended by striking the phrase "\$.10" and inserting the phrase "\$.125" in its place.

(4) A new section 47-2402.01 is added to read as follows:

"§ 47-2402.01. Weight-based excise tax.

"(a) In addition to the 12% gross sales tax imposed pursuant to § 47-2002(6), a tax of \$0.75 per ounce and a proportionate tax at the same rate on all fractional parts of an ounce shall be imposed on the possession of other tobacco products as that term is defined in § 47-2001(v-1). All funds generated pursuant to this subparagraph shall be deposited in the Community Health Care Financing Fund, established by section 101(a) of the Community Access to Health Care Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-288; D.C. Official Code § 7-1931(a)).

"(b)(1) On or before the 21st day of each calendar quarter, every person upon whom the

SECOND ENROLLED ORIGINAL

weight-based excise tax is imposed under the provisions of this chapter, during the preceding calendar quarter, shall file a return with the Mayor. The return shall provide:

“(A) The total amount of product subject to tax for the quarter for which the return is filed;

“(B) The amount of tax for which the person is liable; and

“(C) Any other information as the Mayor considers necessary for the computation and collection of the tax.

“(c) The Mayor may permit or require the returns to be made for other periods and upon other dates as he may specify.

“(d) The form of returns shall be prescribed by the Mayor and shall contain such information as the Mayor may consider necessary for the proper administration of this chapter.”

(5) This subsection shall apply to tax periods beginning after December 31, 2009.

TITLE VIII O-TYPE TRANSFERS AND CAPITAL PROJECT REVISIONS

SUBTITLE A. FISCAL YEAR 2009 TRANSFER OF O-TYPE REVENUE

Sec. 8001. Short title.

This subtitle may be cited as the "Fiscal Year 2009 Additional Transfer of Special Purpose Revenues Act of 2009".

Sec. 8002. Fiscal Year 2009 Transfer of special purpose fund balances to local funds.

Notwithstanding any provision of law limiting the use of the funds listed in subsections (a) through (y) of this section ("Special Purpose Funds") for special purposes, the Chief Financial Officer shall transfer to local funds and recognize as fiscal year 2009 revenue \$106,240,358 from the Special Purpose Funds, as follows:

(a) From certified fund balances in accounts administered by the Office of Property Management, \$238,161, comprised of the following:

(1) \$94,294 from the Eastern Market enterprise fund; and

(2) \$143,867 from the rent fund;

(b) From certified fund balances administered by the Office of the Chief Financial Officer, \$3,608,710, comprised of the following:

(1) \$3,337,702 from the compliance and real property tax administration fund;

and

(2) \$271,008 from the bank fees fund;

(c) From certified fund balances in accounts administered by the Office of Contracting and Procurement, \$445,128, comprised of the following:

(1) \$297,963 from the surplus personal property sales fund; and

(2) \$147,165 from the supply schedule sales discount and operation fund;

(d) From certified fund balances in accounts administered by the Department of Employment Services ("DOES"), \$8,681,527, comprised of the following:

(1) \$1.4 million from the special purpose revenue fund;

(2) \$6.6 million from the unemployment insurance administrative assessment tax;

(3) \$33,379 from the special purpose revenue fund;

(4) \$172,607 from the unemployment insurance interest/penalties fund;

(5) \$400,939 from the DOES relocation fund; and

(6) \$74,602 from the unemployment insurance administrative assessment fund.

(e) From certified fund balances in accounts administered by the Office of the Tenant

SECOND ENROLLED ORIGINAL

Advocate, \$600,000 from the condominium conversion fund (also known as the housing assistance fund);

(f) From certified fund balances in accounts administered by the Department of Consumer and Regulatory Affairs, \$1,159,964, comprised of the following:

- (1) \$794,126 from the occupations and professions licensing fund; and
- (2) \$365,838 from the engineers' fund;

(g) From certified fund balances in accounts administered by the Department of Housing and Community Development, \$3,567,116 from the home purchase assistance fund;

(h) From certified fund balances in accounts administered by the Office of the Deputy Mayor for Planning and Economic Development, \$2 million from the industrial revenue bond program account;

(i) From certified fund balances in accounts administered by the Department of Fire and Emergency Medical Services, \$138,595 from the special events fund;

(j) From certified fund balances in accounts administered by the Office of the Chief Medical Examiner, \$24,450 from the medical examiner fees fund;

(k) From certified fund balances in accounts administered by the District of Columbia Public Schools, \$3,912,603, comprised of the following:

- (1) \$10,000 from the lease income-security deposits fund;
- (2) \$482,301 from the utility reimbursement (Pepco/Washington Gas) fund;
- (3) \$573,614 from the custodial reimbursement fund;
- (4) \$1,137,077 from the security deposits account; and
- (5) \$1,709,611 from the nonresident tuition account;

(l) From certified fund balances in accounts administered by the Office of Public Education Facilities Modernization, \$380,226 from the lease income fund;

(m) From certified fund balances in accounts administered by the Department of Health, \$5,353,727, comprised of the following:

- (1) \$55,574 from the vital records fee fund;
- (2) \$15,190 from the drug interdiction fund;
- (3) \$446,254 from the food handlers certification fund;
- (4) \$295,733 from the adjudication hearings and fines fund;
- (5) \$52,150 from the professional licensing fund;
- (6) \$82,857 from the animal control license fees fund;
- (7) \$216,290 from the health facility fee fund;
- (8) \$75,902 from the emergency medical services fees fund;
- (9) \$1,286,791 from the health care safety net fund;
- (10) \$15,011 from the adjudication hearings/adjudication fines fund;
- (11) \$1,492 from the other medical licenses and fees fund;
- (12) \$652 from the Medicaid reimbursement-APRA fund;
- (13) \$2,612,651 from the D.C. General collections fund; and
- (14) \$197,179 from the civil monetary penalties fund;

(n) From certified fund balances in accounts administered by the Department of Health Care Finance, \$799,665 from the bill of rights grievances and appeals fund;

(o) From certified fund balances in accounts administered by the Department of Human Services, \$40,000 from the special purpose revenue fund;

(p) From certified fund balances in accounts administered by the Office of People's Counsel, \$191,970 from the advocate for consumers fund;

SECOND ENROLLED ORIGINAL

- (q) From certified fund balances in accounts administered by the District Department of the Environment, \$3,131,908, comprised of the following:
- (1) \$207,590 from the renewable energy development fund;
 - (2) \$28,159 from the air quality adjudication hearings fund;
 - (3) \$106,154 from the water quality adjudication hearings fund;
 - (4) \$244,114 from the municipal aggregation account; and
 - (5) \$2,545,891 from the sustainable energy trust fund;
- (r) From certified fund balances administered by the Department of Motor Vehicles, \$1,136,061, comprised of the following:
- (1) \$235,736 from the out-of-state vehicle registration fund; and
 - (2) \$900,325 from the general o-type revenue sources fund;
- (s) From certified fund balances in accounts administered by the District of Columbia Taxicab Commission, \$81,949 from the taxicab assessment fund;
- (t) \$18.3 million from the certified fund balance available pursuant to section 102(b)(1) and (2) of the Community Access to Health Care Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-288; D.C. Official Code § 7-1932(b)(1) and (2));
- (u) From certified balances in the Community Benefit Fund, \$23.409 million;
- (v) From certified balances in the Healthy DC Fund, \$13 million;
- (w) From certified fund balances in the Nursing Facility Quality of Care Fund, \$16 million;
- (x) From certified fund balances in accounts administered by the Department of Insurance, Securities and Banking, \$820 from the insurance recovery fund; and
- (y) From certified fund balances in accounts administered by the District of Columbia Public Library, \$21,778 from the Franklin Restitution payment fund.

Sec. 8003. Fiscal Year 2009 Transfer of special purpose fund to local funds.

Notwithstanding any provision of law limiting the use of the funds listed in paragraphs (1) through (5) of this section ("Special Purpose Funds") for special purposes, the Chief Financial Officer shall transfer to local funds and recognize as fiscal year 2009 revenue \$22,258,000 from the Special Purpose Funds, as follows:

- (1) From certified special purpose revenue \$1.4 million from the reversal of the HRSA disallowance;
- (2) From certified special purpose revenue \$5.17 million from new legal settlements;
- (3) From certified special purpose revenue \$250,000 from the Motor Vehicle Theft Prevention Commission;
- (4) From certified special purpose revenue \$2.167 million from the parking tax (originally for PAYGO); and
- (5) From certified special purpose revenue \$13.271 million from the Community Benefits Fund.

SUBTITLE B. RESCISSION AND MODIFICATION OF FISCAL YEAR 2009
CAPITAL PROJECT FUNDING

Sec. 8010. Short title.

SECOND ENROLLED ORIGINAL

This subtitle may be cited as the "Capital Projects Modification Act of 2009".

Sec. 8011. Rescission of capital projects.

(a) The following capital projects and their associated budget authority are rescinded; provided, that the associated budget authority may thereafter be transferred to pay-go capital projects enumerated in subsection (b) of this section to replace existing budget authority for such pay-go capital projects:

Agency	Project #	Name	Amount (\$)
AM0	MA702C	Underground Storage Tanks	300,000
AM0	RG037C	General Improvements	300,000
BE0	BE501C	Information Technology	279,986
CRO	RPD02C	Real Property Database	207,925
DB0	EB201C	Neighborhood Revitalization - Columbia Heights	177,537
EB0	JA102C	Old Convention Center Study	336,001
ELC	EQ301C	DMV Destiny	291,860
ELC	HC701C	Medicate Management Information System	809,113
ELC	N2401C	Telco Safety and Security	185,000
HA0	RN015C	Takoma Pool (Aquatic Center)	274,490
HCO/HT 0	HC501C	Community Clinic Construction	1,994,830
KA0	EQ902C	Master Equipment Lease - DMV	110,475
KA0	FM103C	Heavy Equipment Staging Area and Storage	175,014
KTO	FM603C	Fleet Customer Intake	440,000
KTO	FM604C	Snow Equipment Staging Area	560,000
FB0	LD137C	Engine 28	1,980,022
GA0	NB437C	Birney Elementary School Rehab	421,178
AW0	ANA06C	Anacostia Waterfront Corporation	3,994,843
KA0	CDT14A	Sousa Bridge	1,008,721
KA0	CDT15A	Taft Bridge	1,791,750
KA0	CDT20A	Wisconsin Av Overpass C&O	632,359
FB0	20600C	Fire Apparatus Replacement	354,556

(b) If the capital budget authority associated with a project listed in subsection (a) of this section is transferred to a pay-go capital project listed in this subsection, the pay-go budget authority associated with that pay-go capital project shall be transferred to local funds and recognized as revenue for the fiscal year in which the pay-go funds are budgeted.

Agency	Project #	Name	Amount (\$)
AT0	BF211C	EIS Financial Application	2,000,000

SECOND ENROLLED ORIGINAL

AT0	CSP07C	Computer Systems Project	2,000,000
BJ0	JM102C	Rewriting of Zoning Regulations	357,000
CR0	EB301C	Vacant Property Revitalization	1,514,571
CE0	TPL01C	Temporary Space for DC Public Library	1,614,651
CR0	ISM07C	IT Systems Modernization	275,747
EB0	ASW12C	Southwest Waterfront	813,005
EB0	AW303C	Marvin Gaye Park	772,000
EB0	AW707C	Boathouse Row	800,000
FB0	LI337C	Mobile Field Force Deployment	1,370,000
KA0	CK302C	Adams Morgan Streetscape/Champlain Street	1,288,000
TO0	ZA145C	Information Technology Initiative	15,000
AY0	AWC01C	District Subsidy to AWC	1,703,643
EB0	EB310C	Anacostia Waterfront Corporation	775,483
EB0	JA102C	Old Convention Center Study	336,001
HA0	QH238C	Wilson High School Pool	200,000
HA0	QK538C	New Fort Greble Recreation Center	100,000

Sec. 8012. Modification of capital project funding.

The Chief Financial Officer shall transfer the dedicated tax or special purpose funds associated with the following capital project to local funds and recognize as fiscal year 2009 revenue \$2,167,101 from the following capital projects; provided, that the following capital projects may thereafter be funded with capital funds:

Agency	Project #	Name	Amount (\$)
CE0	TPL01C	Temporary space	1,867,101
HA0	QS6426	Oyster Adams playground	300,000

SUBTITLE C. FISCAL YEAR 2010 TRANSFER OF O-TYPE REVENUE

Sec. 8020. Short title.

This subtitle may be cited as the "Fiscal Year 2010 Transfer of Special Purpose Revenues Act of 2009".

Sec. 8021. Fiscal Year 2010 Transfer of O-type funds.

Notwithstanding any provision of law limiting the use of the funds listed in subsections (a) through (ff) of this section ("Special Purpose Funds") for special purposes, the Chief Financial Officer shall transfer to local funds and recognize as fiscal year 2010 revenue \$82,791,821 from the Special Purpose funds, as follows:

(a) From accounts administered by the Office of Property Management, \$199,990 from the Eastern Market enterprise fund;

(b) From accounts administered by the Office of the Chief Financial Officer, \$715,944; comprised of the following

- (1) \$552,902 from the compliance and real property tax administration Fund;
- (2) \$78,803 from the payroll service fees fund; and

SECOND ENROLLED ORIGINAL

- (3) \$84,238 from the service contracts fund;
- (c) From accounts administered by the Office of the Secretary, \$22,000, from the distribution fees fund;
- (d) From accounts administered by the Office of the Attorney General, \$1,571,413, comprised of the following:
 - (1) \$1,563,000 from the child support Title IVD incentives fee funds; and
 - (2) \$8,413 from the driving under the influence fund;
- (e) From accounts administered by the Office of Contracting and Procurement, \$123,509, comprised of the following:
 - (1) \$15,320 from the surplus personal property sales fund; and
 - (2) \$108,189 from the supply schedule sales discount and operation fund;
- (f) From accounts administered by the Office of the Chief Technology Officer, \$10,000, from the ServUS program fund;
- (g) From accounts administered by the Public Service Commission, \$176,540, from the operating-utility assessment fund;
- (h) From accounts by the Office of People's Counsel, \$56,352 from the advocate for consumers fund.
- (i) From accounts administered by the Office of the Deputy Mayor for Planning and Economic Development, \$54,001 from the economic development special account;
- (j) From accounts administered by the Metropolitan Police Department, \$493,638 from the automated traffic enforcement fund;
- (k) From accounts administered by the Department of Corrections, \$669,640 from the corrections trustee reimbursement account;
- (l) From accounts administered by the Office of Administrative Hearings, \$145 from the adjudication fines fund;
- (m) From accounts administered by the District of Columbia Public Library, \$5,000 from the copies and printing account.
- (n) From accounts administered by the Office of the State Superintendent for Education, \$12,651, comprised of the following:
 - (1) \$5,651 from the State Superintendent of Education fees account; and
 - (2) \$7,000 from the OPLA special account;
- (o) From accounts administered by the Department of Parks and Recreation, \$86,093 from the enterprise fund account;
- (p) From accounts administered by the Department of Health Care Finance, \$153,798 from the bill of rights-grievances and appeals fund
- (q) From accounts administered by the District Department of the Environment, \$1,364,360, comprised of the following:
 - (1) \$20,238 from the oil spill fee fund;
 - (2) \$386,745, from the soil erosion and sediment control fund;
 - (3) \$65,465 from the storm water permit review fund;
 - (4) \$4,818 from the renewable energy development fund;
 - (5) \$2,209 from the air quality adjudication hearings fund;
 - (6) \$23,962 from the water quality adjudication hearings fund;
 - (7) \$971 from the wells fund;
 - (8) \$19,560 from the residential aid discount fund;
 - (9) \$7,607 from the residential essential services fund;

SECOND ENROLLED ORIGINAL

- (10) \$3,391 from the WASA utility discount program;
- (11) \$42,903 from the municipal aggregation account; and
- (12) \$786,493 from the sustainable energy trust fund;
- (r) From accounts administered by the District Department of Transportation, \$15,000 from the restoration of public space projects fund;
- (s) From accounts administered by the Department of Public Works, \$523,109 from the solid waste disposal fee fund; and
- (t) From accounts administered by the Department of Motor Vehicles, \$168,638, comprised of the following:
 - (1) \$21,200 from the out-of-state vehicle registration fund; and
 - (2) \$147,438 from the commercial drivers license fund.
- (u) From accounts administered by the Office of Cable Television, \$942,000 from the cable franchise fees fund;
- (v) From accounts administered by the Office of the Deputy Mayor for Planning and Economic Development, \$7.02 million from the neighborhood investment fund;
- (w) From the community benefit fund, \$13.271 million;
- (x) From the ballpark revenue fund, \$11 million;
- (y) From the Healthy DC Fund, \$3.85 million;
- (z) From accounts administered by the Office of Property Management, \$2.255 million from the parking fees fund;
- (aa) From accounts administered by the District Department of Transportation, \$3.842 million from the unified fund;
- (bb) \$14.84 million from the certified fund balance available pursuant to sections 102(b)(1) and (2) of the Community Access to Health Care Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-288; D.C. Official Code § 7-1932(b)(1) and (2));
- (cc) From certified fund balances in the Nursing Facility Quality of Care Fund, \$600,000.
- (dd) From accounts administered by the Office of Unified Communications, convert \$6.95 million associated with the E-911 fee to Local;
- (ee) From the dedicated tax TIF revenues, \$9.8 million; and
- (ff) From additional certified funds from parking and moving violation tickets issued by the District Department of Transportation, \$2 million.

SUBTITLE D. FINANCIAL PLAN TRANSFER OF O-TYPE REVENUE

Sec. 8030. Short title.

This subtitle may be cited as the "Financial Plan Transfer of Special Purpose Revenues Act of 2009".

Sec. 8031. Financial plan transfer of O-type funds.

(a) Notwithstanding any provision of law limiting the use of the funds listed in subsections (a) through (c) of this section ("Special Purpose Funds") for special purposes, the Chief Financial Officer shall transfer to local funds and recognize as fiscal year 2011 revenue \$38.338 million from the Special Purpose Funds, as follows:

- (1) From the ballpark revenue fund, \$14 million;
- (2) From the community benefit fund, \$12.883 million;
- (3) From accounts administered by the Office of Property Management, \$2.255 million from the parking fees fund;

SECOND ENROLLED ORIGINAL

(4) From accounts administered by the Office of the Deputy Mayor for Planning and Economic Development, \$3.2 million from the neighborhood investment fund;

(5) \$4 million from the certified fund balance available pursuant to sections 102(b)(1) and (2) of the Community Access to Health Care Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-288; D.C. Official Code § 7-1932(b)(1) and (2)); and

(6) From additional certified funds from parking and moving violation tickets issued by the District Department of Transportation, \$2 million.

(b) Notwithstanding any provision of law limiting the use of the funds listed in subsections (a) through (c) of this section ("Special Purpose Funds") for special purposes, the Chief Financial Officer shall transfer to local funds and recognize as fiscal year 2012 revenue \$30.456 million from the Special Purpose Funds, as follows:

(1) From the ballpark revenue fund, \$10 million;

(2) From the community benefit fund, \$13.001 million;

(3) From accounts administered by the Office of Property Management, \$2.255 million from the parking fees fund; and

(4) From accounts administered by the Office of the Deputy Mayor for Planning and Economic Development, \$3.2 million, from the neighborhood investment fund; and

(5) From additional certified funds from parking and moving violation tickets issued by the District Department of Transportation, \$2 million.

(c) Notwithstanding any provision of law limiting the use of the funds listed in subsections (a) through (c) of this section ("Special Purpose Funds") for special purposes, the Chief Financial Officer shall transfer to local funds and recognize as fiscal year 2013 revenue \$36.550 million from the Special Purpose Funds, as follows:

(1) From the ballpark revenue fund, \$15 million;

(2) From the community benefit fund, \$14.095 million;

(3) From accounts administered by the Office of Property Management, \$2.255 million from the parking fees fund;

(4) From accounts administered by the Office of the Deputy Mayor for Planning and Economic Development, \$3.2 million from the neighborhood investment fund; and

(5) From additional certified funds from parking and moving violation tickets issued by the District Department of Transportation, \$2 million.

TITLE IX. COMMITTEE REPORTS

Sec. 9001. Short title.

This subtitle may be cited as the "Report Authority Act of 2009".

Sec. 9002. The budget allocations, policy recommendations, and performance measure recommendations set forth in the committee report of the Committee of the Whole for the Fiscal Year 2010 Budget Request Act, passed on 1st reading on May 12, 2009 (Enrolled version of Bill 18-202), which includes the reports of all committees, are incorporated into this act.

TITLE X. FISCAL IMPACT AND EFFECTIVE DATE

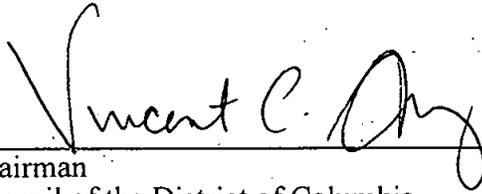
Sec. 10001. Fiscal impact statement.

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)).

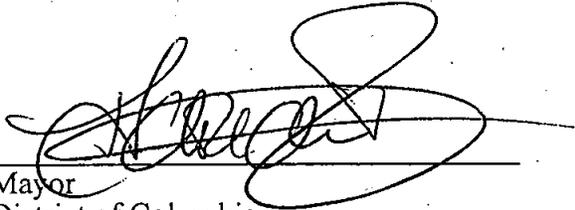
SECOND ENROLLED ORIGINAL

Sec. 10002. 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 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 18, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-256

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 30, 2009

To authorize, on an emergency basis, the Mayor to enter into an agreement between the District of Columbia and Boys and Girls Club of Greater Washington and to make payments under the agreement, and to authorize the Mayor to enter into a contract with the Boys and Girls Club of Greater Washington for the acquisition of certain real property.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Agreements Between the District of Columbia and Boys and Girls Club of Greater Washington Emergency Approval Act of 2009".

Sec. 2. Approval of services and activities agreement.

(a) Notwithstanding the provisions of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.01 *et seq.*), the Mayor may enter into the agreement ("Agreement") between the District of Columbia and Boys and Girls Club of Greater Washington ("BGCGW"), titled "Agreement Between the District of Columbia Department of Parks and Recreation and the Boys and Girls Clubs of Greater Washington for Certain Services and Payments," and may make payments, including direct payments, authorized by the Agreement, including payments for services received and to be received.

(b) 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 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 the Agreement as a contract involving expenditures in excess of \$1 million during a 12-month period.

(c) The provisions of the Child and Youth, Safety and Health Omnibus Amendment Act of 2004, effective April 13, 2005 (D.C. Law 15-353; 52 DCR 2331) ("Act"), shall not apply to the Agreement; provided, that BGCGW shall comply with the criminal background check standards of the Act.

ENROLLED ORIGINAL

Sec. 3. Approval of acquisition contract.

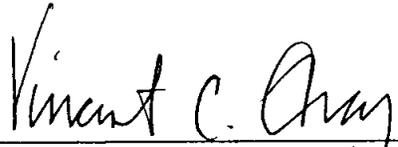
Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding sections 1806c and 1806d of the Office of Property Management Establishment Act of 1998, effective March 16, 2005 (D.C. Law 15-238; D.C. Official Code §§ 10-1008 and 10-1009), the Council approves the agreement between the District of Columbia and BGCGW for the acquisition by the District of Lots 964 and 1010, Square 1299, Lot 0802, Square 1088 and Lot 0205, Square 2662, as both a multiyear contract and a contract involving expenditures in excess of \$1 million during a 12-month period.

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



Mayor
District of Columbia
APPROVED
December 30, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-257

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 4, 2010

To approve, on an emergency basis, an increase in funding for the multiyear Memorandum of Understanding between the District and the Defense Supply Center Philadelphia for pharmaceuticals for participants in the District's AIDS Drug Assistance program and other indigent-care programs, and to authorize payment for the goods and services received and to be received under the Memorandum of Understanding.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Defense Supply Center Philadelphia Memorandum of Understanding Approval and Payment Authorization Emergency Act of 2009".

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 the funding increase for the Memorandum of Understanding between the District and the Defense Supply Center Philadelphia for pharmaceuticals for participants in the District's AIDS Drug Assistance program and other indigent-care programs and authorizes payment not to exceed \$4.3 million for the goods and services received and to be received under the Memorandum of Understanding.

Sec. 3. Fiscal impact statement.

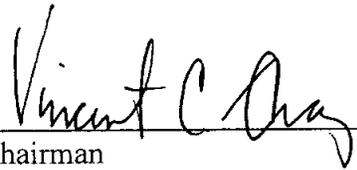
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

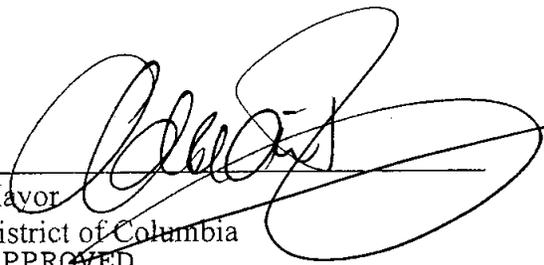
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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
January 4, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-258

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 4, 2010

To approve, on an emergency basis, the award of a contract with Forney-Manhattan Deanwood Community Center and Library Joint Venture for general contractor services for the Deanwood Community Center project and to authorize payment for services received, and to be received, under that contract; to approve a contract with Forrester Construction Company for general contractor services for the Walker Jones School Project and to authorize payment for services received, and to be received, under that contract; to approve Contract No. HE-2007-16 with Regan Associates for project management services for the Walker Jones School project and to authorize payment for services received, and to be received, under that contract; to disapprove Contract No. 2009-05 with Banneker Ventures for project management services for the renovation of certain recreation centers and public parks; to require the Office of the Chief Financial Officer to transfer all funds associated with Department of Parks and Recreation capital projects in disapproved Contract No. 2009-05 from the Office of the Deputy Mayor for Planning and Economic Development to the Department of Parks and Recreation and to develop a plan to restore funding to the Rosedale Recreation Center capital project that was transferred to other capital projects; and to authorize the Office of Public Education Facilities Modernization to manage the modernization, renovation, or new construction of certain capital projects; and to require the Department of Parks and Recreation to enter into a memorandum of understanding with the Office of Public Education Facilities Modernization to manage those projects.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contracts for Project Management and General Contractor Services for the Revitalization of District Recreation Centers, Schools, and Public Parks Approval and Payment Authorization Emergency Act of 2009".

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 contract with

ENROLLED ORIGINAL

Forney-Manhattan Deanwood Community Center and Library Joint Venture for general contractor services for the Deanwood Community Center project is approved in the amount of \$23,647,080 and payment is authorized for services received, and to be received, under that contract.

Sec. 3. 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 contract with Forrester Construction Company for general contractor services for the Walker Jones School Project is approved in the amount of \$41,461,097 and payment is authorized for services received, and to be received, under that contract.

Sec. 4. 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), Contract No. HE-2007-16 with Regan Associates for project management services for the Walker Jones School project in the amount of \$1,410,000 is approved and payment is authorized for services received under that contract.

Sec. 5. 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), Contract No. 2009-05 with Banneker Ventures for project management services for the renovation of certain recreation centers is disapproved.

Sec. 6. (a) The Office of the Chief Financial Officer shall transfer all funds associated with Department of Parks and Recreation ("DPR") capital projects in the disapproved contract in section 5 from the Office of the Deputy Mayor for Planning and Economic Development to DPR.

(b) The Office of the Chief Financial Officer shall develop a plan to restore funding to the Rosedale Recreation Center capital project that was transferred to other capital projects.

(c) Notwithstanding any other provision of law, the Office of Public Education Facilities Modernization ("OPEFM") shall have authority to manage the modernization, renovation, or new construction for the following capital projects as authorized funds become available:

- (1) 10th Street Park;
- (2) Bald Eagle Recreation Center;
- (3) Barry Farms Recreation Center;
- (4) Chevy Chase Community Center;

ENROLLED ORIGINAL

- (5) Fort Stanton Community Center;
- (6) Guy Mason Recreation Center;
- (7) Kenilworth-Parkside Recreation Center;
- (8) 39th and Newark Park;
- (9) Raymond Recreation Center; and
- (10) Rosedale Recreation Center.

(d) No later than 30 calendar days from the effective date of this act, DPR shall enter into a memorandum of understanding with OPEFM to manage the modernization, renovation, or new construction of the capital projects enumerated in subsection (c) of this section.

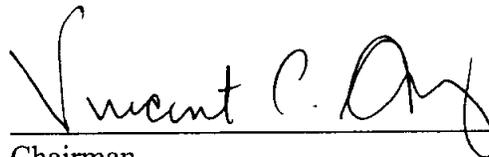
(e) All non-legal work product produced regarding the capital projects enumerated in subsection (c) of this section, including architectural and engineering designs, that were paid for, from District capital funds, shall be transferred to DPR and shall ultimately be transferred to OPEFM under the terms of a memorandum of understanding between DPR and OPEFM.

Sec. 7. Fiscal impact statement.

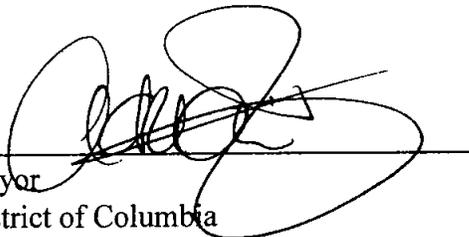
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 8. 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
January 4, 2010

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-259

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 4, 2010

*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Winter
Supp.

West Group
Publisher

To amend, on an emergency basis, the Prevention of Child Abuse and Neglect Act of 1977 to amend the definition of case plan to include additional requirements for any child in foster care whose permanency plan is placement with a relative guardian and receipt of kinship guardianship assistance and to include a plan for ensuring the educational stability of a child in foster care.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Prevention of Child Abuse and Neglect Emergency Amendment Act of 2009".

Sec. 2. Section 102(3) of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.02(3)), is amended by adding new subparagraphs (F) and (G) to read as follow:

Note,
§ 4-1301.02

"(F) In the case of a child with respect to whom the permanency plan is placement with a relative and receipt of kinship guardianship assistance payments under D.C. Official Code § 16-2399, a description of the:

"(i) Steps taken to determine that it is not appropriate for the child to be returned home or adopted;

"(ii) Reasons for any separation of siblings during placement;

"(iii) Reasons a permanent placement with a fit and willing relative through a kinship guardianship-assistance arrangement is in the child's best interests;

"(iv) Ways in which the child meets the eligibility requirements for a kinship guardianship-assistance payment;

" (v) Efforts made to discuss adoption by the child's relative foster parent as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of the reasons therefore; and

"(vi) Efforts made to discuss with the child's parent the kinship guardianship-assistance arrangement, or the reasons the efforts were not made; and

"(G) A plan for ensuring the educational stability of the child while in

ENROLLED ORIGINAL

foster care, including:

"(i) Assurances that the placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement; and

"(ii)(I) An assurance that the Agency has coordinated with appropriate local educational agencies, as defined under section 601(f) of the Elementary and Secondary Education Act of 1965, approved April 11, 1965 (79 Stat. 27; 20 USC § 7801)), to ensure that the child remains in the school in which the child is enrolled at the time of placement; or

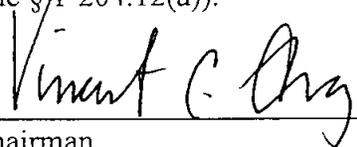
"(II) If remaining in the school the child is enrolled in at the time of placement is not in the best interests of the child, assurances by the Agency and the local educational agencies to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school."

Sec. 4. Fiscal impact statement.

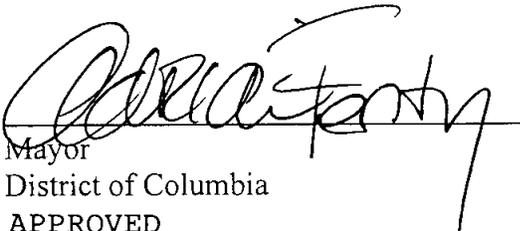
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 4, 2010