

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-348

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 25, 2010

To approve, on an emergency basis, modifications to Contract No. DCAM-2006-C-0033A with R&R Janitorial, Painting & Building Services, Inc. for city-wide janitorial and supplemental services at District-owned and leased facilities and to authorize payment for the services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. DCAM-2006-C-0033A Option Year 2 and Option Year 3 Approval and Payment Authorization Emergency Act of 2010".

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 Option Year 2 and Option Year 3 to Contract No. DCAM-2006-C-0033A for city-wide janitorial and supplemental services at District-owned and leased facilities and authorizes payment in the amount of \$2,574,794.10 for services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

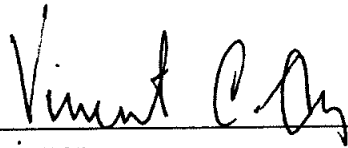
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

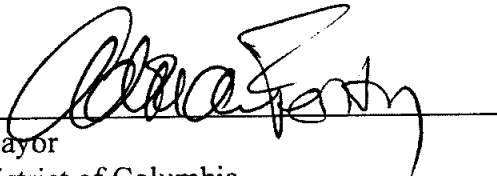
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
March 25, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-349

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 25, 2010*Codification
District of
Columbia
Official Code*

2001 Edition

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To provide that a parent may surrender a newborn infant to an authorized receiving facility without being charged with abuse, neglect, or abandonment of the newborn infant where there is no actual or suspected abuse or neglect, to require the Mayor to post signs for further information on the exterior of each authorized receiving facility, to require hospitals to accept a surrendered newborn infant, to provide for further placement with the Child and Family Services Agency, to provide for the relinquishment and restoration of parental rights, to provide immunity to a facility and personnel receiving a surrendered new-born infant, to require the Mayor to submit an annual status report, and to require the Mayor to issue rules to implement this act and to submit the proposed rules to the Council for approval; to amend section 16-304 of the District of Columbia Official Code to provide for adoption under this act; and to amend An act to provide for the organization of the militia of the District of Columbia to provide that funds contributed to the District of Columbia National Guard Tuition Assistance Program may be used for all members or for all new recruits if the member or new recruit is a resident of the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Newborn Safe Haven Amendment Act of 2010".

TITLE I. SAFE HAVEN.

Sec. 101. Definitions.

For the purposes of this act, the term:

- (1) "Authorized Receiving Facility" means a hospital, or other place authorized by the Mayor, by rule, to accept a newborn for surrender pursuant to this act.
- (2) "CFSA" means the Child and Family Services Agency.
- (3) "Newborn" means an infant whose parent refuses or is unable to assume the responsibility for the infant's care, control, and subsistence and who is surrendered by that parent and who a licensed physician or other person authorized to accept the surrender reasonably believes is 14 days old or less.

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(4) "Surrender" means to bring a newborn to an Authorized Receiving Facility during its hours of operation and to leave the newborn with personnel of the Authorized Receiving Facility.

Sec. 102. Surrender.

(a) Except when there is actual or suspected child abuse or neglect, a custodial parent who is a resident of the District of Columbia may surrender a newborn in accordance with this act and shall have the right to remain anonymous and to leave the place of surrender at any time and shall not be pursued by any person at the time of surrender or prosecuted for the surrender of the newborn.

(b) To surrender a newborn in accordance with this act, and rules promulgated pursuant to this act, shall not, by itself, constitute a basis for a finding of abuse, neglect, or abandonment.

(c) The Authorized Receiving Facility personnel receiving the surrendered newborn shall make a reasonable effort to obtain family and medical history from the surrendering parent, including personal information such as both of the parents' identities, and shall provide to the surrendering parent information on adoption and counseling services.

(d) The Authorized Receiving Facility personnel receiving the surrender of a newborn shall file a written statement with the CFSA, on or before the time CFSA assumes physical custody of the newborn, that includes the:

- (1) Date of the surrender;
- (2) Time of the surrender;
- (3) Circumstances of the surrender; and
- (4) Personal information obtained, if any.

Sec. 103. Signage.

The Mayor shall develop and post uniform signage with a toll-free number to call for further information in a conspicuous place on the exterior of each Authorized Receiving Facility that states in plain terms that a newborn may be surrendered at the facility in accordance with this act.

Sec. 104. Placement.

(a) After the surrender of a newborn, an Authorized Receiving Facility that is not a hospital shall transport the newborn to the nearest hospital as soon as transportation can be arranged.

(b)(1) The act of surrender shall constitute implied consent for the hospital to which the newborn is surrendered or transported and the hospital's medical personnel to treat and provide care for the newborn and arrange for further placement with CFSA and, through CFSA, with a preadoptive home whenever possible.

(2) Hospital personnel shall immediately contact CFSA to report the surrender

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of the newborn and arrange for transport of the newborn to CFSA. The CFSA shall assume physical custody of the newborn within 23 hours of the surrender.

Sec. 105. Parental rights.

(a) Notwithstanding section 6(b) of An Act To regulate the placing of children in family homes, and for other purposes, approved April 22, 1944 (58 Stat. 193; D.C. Official Code § 4-1406(b)) ("placement act"), there shall be no 72-hour waiting period prior to relinquishment of parental rights under this act. A relinquishment of parental rights shall take place upon surrender. Upon CFSA's receipt of the statement required by section 102(d) and assuming physical custody, CFSA shall assume immediate care, custody, and control of the surrendered newborn.

(b) A relinquishment of parental rights under this act may be revoked and parental rights restored in accordance with section 6(c) and (d) of the placement act; provided, that:

(1) The parent agrees to genetic testing to establish maternity or paternity;
(2) The genetic test establishes that the surrendering parent is the biological parent of the newborn; and

(3) A risk assessment is conducted to determine if a further investigation is necessary or that the family needs to be referred for support services and is so referred.

(c)(1) A relinquishment of parental rights and any revocation of the relinquishment shall be recorded and filed by CFSA in a properly sealed file in the Family Court of the Superior Court for the District of Columbia, along with a copy of the statement required by section 102(d), within 20 days after the expiration of the 10-day revocation period in section 6(c) of the placement act.

(2) The seal of the relinquishment file shall not be broken except for good cause shown and upon the written order of a judge.

(d)(1) No later than 90 days after surrender, CFSA shall attempt to identify, locate, and notify the non-surrendering parent by performing a missing-child search and publishing notice of the surrender of the newborn in accordance with paragraph (2) of this subsection.

(2) The notice required by paragraph (1) of this subsection shall, at a minimum, include:

(A) In regard to the surrender, the:

- (i) Place;
- (ii) Date; and
- (iii) Time;

(B) In regard to the newborn, the:

- (i) Sex;
- (ii) Race;
- (iii) Approximate age;
- (iv) Any identifying marks; and

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(v) Any other identifying information CFSA considers necessary;
and

(C) A statement that the non-surrendering parent's failure to notify CFSA, or other contact as set forth in the notice, of the intent to exercise his or her parental rights and responsibilities within 20 days of publication of this notice shall be deemed to be the non-surrendering parent's irrevocable consent to the termination of all parental rights and his or her irrevocable waiver of any right to notice of, or opportunity to participate in, any termination of parental rights proceeding involving the surrendered newborn.

(3) The court may grant a petition for adoption without consent following relinquishment of parental rights and the termination of parental rights pursuant to this section and D.C. Official Code § 16-304(g).

Sec. 106. Immunity from liability.

(a) An Authorized Receiving Facility and the personnel of an Authorized Receiving Facility shall be immune from civil or criminal liability for the good-faith performance of the reporting and placement responsibilities under this act, including liability for the failure to file a report that might otherwise be incurred or imposed on a person required to report suspected incidents of child abuse or neglect under section 2 of An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children, approved November 5, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.02).

(b) In any civil or criminal proceeding brought under this act concerning the surrender of a newborn, good faith shall be presumed unless rebutted.

Sec. 107. Status report.

The Mayor shall submit a status report by January 1, 2011, and on January 1 of each year thereafter, to the Council, which shall include the:

- (1) Number of newborns surrendered;
- (2) Services provided to surrendered newborns;
- (3) Outcome of the care provided for each surrendered newborn; and
- (4) Number and disposition of cases of surrendered newborns.

Sec. 108. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this act. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding days of Council recess. If the Council does not approve or disapprove the proposed rules, by resolution, within the 45-day review period, the proposed rules shall be deemed approved.

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TITLE II. CONFORMING AMENDMENT.

Sec. 201. Section 16-304 of the District of Columbia Official Code is amended as follows:

Amend
§ 16-304

(a) The heading is amended to read as follows:

"§ 16-304. Consent; exceptions."

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

"(g) The court may grant a petition for adoption without consent when there has been a relinquishment of parental rights and the termination of parental rights pursuant to section 105 of the Newborn Safe Haven Amendment Act of 2010, passed on 2nd reading on February 2, 2010 (Enrolled version of Bill 18-180)."

TITLE III. DISTRICT OF COLUMBIA
NATIONAL GUARD TUITION ASSISTANCE PROGRAM

Sec. 301. An act to provide for the organization of the militia of the District of Columbia, approved March 1, 1889 (25 Stat. 772; D.C. Official Code § 49-101 *et seq.*), is amended by adding a new section 77 to read as follows:

"Sec. 77. Any funds contributed by the District of Columbia to the District of Columbia National Guard Tuition Assistance Program may be utilized, at the discretion of the District of Columbia National Guard, for tuition assistance benefits for all members or for new recruits; provided, that the member or new recruit is a resident of the District of Columbia."

TITLE IV. FISCAL IMPACT STATEMENT.

Sec. 401. Fiscal impact statement.

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

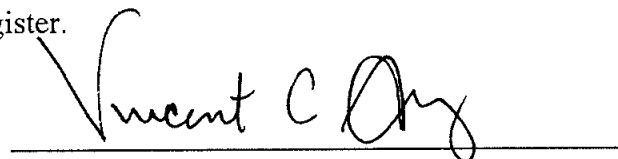
TITLE V. EFFECTIVE DATE.

Sec. 501. Effective date.

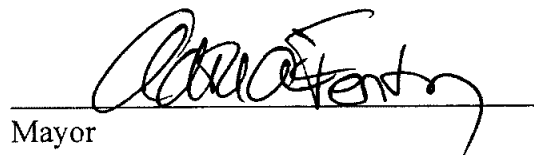
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as

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provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED

March 25, 2010

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AN ACT

D.C. ACT 18-350

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 25, 2010Codification
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To amend the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005 to establish the District of Columbia Small and Local Business Opportunity Commission as the administrative hearing body for certified business enterprise certification violations, to authorize the District of Columbia Small and Local Business Opportunity Commission to assess penalties for violations, to require the Department of Small and Local Business Development to provide stabilization services to certified business enterprises, to establish the Volunteer Corp of Executives and Entrepreneurs within the Department of Small and Local Business Development, to provide mentoring, education, consulting, and networking services to certified business enterprises, and to develop a plan for using small business development resources as a catalyst for job creation.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Small Business Stabilization and Job Creation Strategy Amendment Act of 2010".

Sec. 2. The Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law16-33; D.C. Official Code § 2-218.01 *et seq.*), is amended as follows:

(a) The table of contents is amended by adding a new subpart 3A of part D to read as follows:

"Subpart 3A. Stabilization and job creation strategy.

"Sec. 2366. Services to certified business enterprises.

"Sec. 2367. Establishment of the Volunteer Corp of Executives and Entrepreneurs.

"Sec. 2368. Management and direction.

"Sec. 2369. Procurement training and assistance.

(b) Section 2346(i) is amended by striking the phrase "each developer or beneficiary shall provide a copy of the certified business agreement," and inserting the phrase "each contractor or beneficiary shall provide a copy of the contract," in its place.

Amend
§ 2-218.46

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(c) Section 2348(a) (D.C. Official Code § 2-218.48(a)) is amended as follows:

Amend
§ 2-218.48

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

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

"(2) Submits a monitoring or compliance report containing a false statement;

or".

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

"(3) Fails to disclose required information."

(d) Section 2353(a) (D.C. Official Code § 2-218.53(a)) is amended as follows:

Amend
§ 2-218.53

(1) The lead-in language is amended by striking the phrase ", except for the 4th quarter report." and inserting the phrase ", except for the 4th quarter report. The 4th quarter and annual report shall be submitted together." in its place.

(2) Paragraph (8) is amended to read as follows:

"(8) If the vendor is a certified business enterprise, the percentage the amount from paragraph (7) of this subsection is of the agency's total expenditure on all certified business enterprises."

(e) Section 2363 (D.C. Official Code § 2-218.63) is amended as follows:

Amend
§ 2-218.63

(1) Subsection (a-1)(1) is amended by striking the phrase "person or business enterprise" and inserting the phrase "business enterprise" in its place.

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

(A) Paragraph (1)(A) is amended by striking the phrase "the Department" and inserting the phrase "the Commission through the Department" in its place.

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

(i) Strike the word "Department" wherever it appears and insert the word "Commission" in its place.

(ii) Strike the word "Director" and insert the word "Commission" in its place.

(C) Paragraph (3) is amended by striking the word "Director" and inserting the word "Commission" in its place.

(D) New paragraphs (4), (5), and (6) are added to read as follows:

"(4) If the Commission does not determine that a complaint is frivolous or otherwise without merit, it shall hold a hearing on the complaint within 3 months of the filing of the complaint. The Commission shall determine the time and place of the hearing. The Commission shall cause to be issued and served on the person or business enterprise alleged to have committed the violation, hereafter called the "respondent", a written notice of the hearing together with a copy of the complaint at least 30 days prior to the scheduled hearing. Notice shall be served by registered or certified mail, return receipt requested, or by personal service. At the hearing, the respondent shall have the right to appear personally or by a representative and to cross-examine witnesses and to present evidence and witnesses.

"(5) If, after the conclusion of the hearing, the Commission determines that the respondent has violated the provisions of this subtitle or regulations issued pursuant to this

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subtitle, the Commission shall issue, and cause to be served on the respondent, a decision and order, accompanied by findings of fact and conclusions of law, revoking or suspending the respondent's registration, or taking any other action it considers appropriate.

"(6) The Commission shall have the authority to issue subpoenas requiring the attendance of witnesses and to compel the production of records, papers, and other documents."

(3) Subsection (d-1) is repealed.

(f) Section 2364(a) is amended as follows:

Amend
§ 2-218.64

(1) Paragraph (1)(A)(i) is amended to read as follow:

"(i) Has obtained authorization from the certified business enterprise to identify the certified business enterprise in its bid or proposal;"

(2) Paragraph (2) is amended by striking the phrase "imprisonment," and inserting the phrase "imprisonment not to exceed 5 years," in its place.

(g) A new subpart 3A of part D is added to read as follows:

"Subpart 3A. Stabilization and job creation strategy.

"Sec. 2366. Services to certified business enterprises.

"(a) The Department shall provide the following services to certified business enterprises:

"(1) Specialized programs to assist certified business enterprises in securing capital and repairing damaged credit;

"(2) Informational seminars on securing credit and loans; and

"(3) Access to non-traditional financing sources, as well as traditional lending sources.

"(b) The Department shall:

"(1) Develop a catalog of on-line survival and growth tools and resources that certified business enterprises can access through the Internet or other organizations;

"(2) Enter into a memorandum of understanding with a third-party vendor to provide expert consulting and education to assist certified businesses enterprises at risk of failure, including certified business enterprises that are considering filing for bankruptcy;

"(3) Develop a formal listing of financing options for business enterprises;

"(4) Deliver services that assist workers who become unemployed due to economic fluctuations to begin new businesses; and

"(5) Enter into a memorandum of understanding with a third-party vendor to provide one-on-one counseling with potential borrowers to improve financial presentations to lenders.

"Sec. 2367. Establishment of the Volunteer Corp of Executives and Entrepreneurs.

"(a) There is established the Volunteer Corp of Executives and Entrepreneurs to provide mentoring, education, consulting, and networking services to certified business enterprises within the Department. Notwithstanding any other provision of law, the Volunteer Corp of Executives and Entrepreneurs may solicit contributions from the private sector to be

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used to carry out its functions under this section.

“(b)(1) The Volunteer Corp of Executives and Entrepreneurs shall consist of individuals with at least 10 years of experience in the industry.

“(2) Individuals serving within the Volunteer Corp of Executives and Entrepreneurs shall serve without compensation for their services.

“(c) The Director shall:

“(1) Ensure that the Volunteer Corp of Executives and Entrepreneurs carries out a plan to increase the proportion of persons within the certified business enterprises who are from socially and economically disadvantaged backgrounds;

“(2) Ensure that the Volunteer Corp of Executives and Entrepreneurs establishes benchmarks for use in evaluating the performance of its activities and the performance of the individuals serving in the Volunteer Corp of Executives and Entrepreneurs, including the following:

“(A) The demographic characteristics and the geographic characteristics of persons within the certified business enterprises assisted by the Volunteer Corp of Executives and Entrepreneurs;

“(B) The hours spent mentoring by individuals within the Volunteer Corp of Executives and Entrepreneurs; and

“(C) The performance evaluations of the persons or the certified business enterprises assisted by the Volunteer Corp of Executives and Entrepreneurs;

“(3) Ensure that the Volunteer Corp of Executives and Entrepreneurs provides one-on-one advice to certified business enterprises; and

“(4) Implement a networking program through the Volunteer Corp of Executives and Entrepreneurs, which provides certified business enterprises with the opportunity to make business contacts in their industry.

“(d) The Council shall receive an annual report on the implementation of this section.

“Sec. 2368. Management and direction.

“(a)(1) Beginning with fiscal year 2011, the Department shall develop an annual job creation plan (“Plan”) for using District small business development resources as a catalyst for job creation and submit the Plan to the Council within 45 days of October 1st.

“(2) The Plan shall include the Department’s strategy for drawing on existing programs and other available resources. To evaluate the success of the Department’s actions regarding these efforts, the Director shall identify, in consultation with the appropriate personnel from small business development programs, the performance measures and criteria, to include job creation, retention, and retraining goals.

“(b)(1) The Department, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to develop and implement a consistent data collection process to cover all small business development programs in the District.

“(2) The data collection process shall include data relating to:

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“(A) Job creation;

“(B) Performance; and

“(C) Any other data determined appropriate by the Director.

“(c) Beginning with fiscal year 2011, the Director, in consultation with other departments and agencies, shall submit, within 45 days of October 1, an annual report to the Council on opportunities to foster coordination, limit duplication, and improve program delivery for small business development programs.

“(d)(1) The Director shall designate a staff member as a community specialist who is responsible for working with local small development service providers to increase coordination with federal resources.

“(2) The Director shall develop benchmarks for measuring the performance of the community specialist under this subsection.

“Sec. 2369. Procurement training and assistance.

“The Department shall:

“(1) Identify contracts that are suitable for certified business enterprises;

“(2) Assist certified business enterprises in identifying and preparing for business opportunities made available under the American Recovery and Reinvestment Act of 2009, approved February 17, 2009 (Pub. L. No. 111-5; 123 Stat. 115), through informational presentations and the dissemination of information; and

“(3) Provide technical assistance regarding the District and federal procurement processes, including assisting certified business enterprises to comply with local and federal regulations and bonding requirements.”.

Sec. 3. Fiscal impact statement.

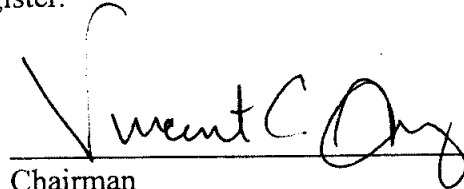
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

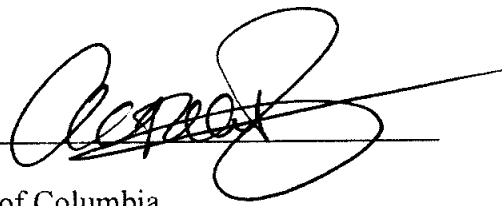
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
March 25, 2010

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-351

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 30, 2010*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Summer
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Publisher

To clarify the independence of the Attorney General for the District of Columbia and the obligation of that position to represent the public interest, to provide for a 4-year term of office for the Attorney General to coincide with the term of office of the Mayor, to set minimum qualifications and requirements for the position of Attorney General, to require for the automatic forfeiture of the position of Attorney General if the incumbent fails to meet the requirements of this act, to codify the salary of the Attorney General, to codify the budget process for the Office of the Attorney General, to require the appointment of a Chief Deputy Attorney General, to authorize the administration of oaths, to permit the appointment of special counsel in the event of conflict, and to address the inability of the Attorney General to carry out the duties of office; to amend the District of Columbia Election Code of 1955 to provide for the election of the Attorney General; and to amend the District of Columbia Home Rule Act to establish the Attorney General for the District of Columbia as an elected position.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010".

TITLE I -- ATTORNEY GENERAL FOR THE DISTRICT OF COLUMBIA

PART A.

Sec. 101. Duties of the Attorney General for the District of Columbia.

(a)(1) The Attorney General for the District of Columbia ("Attorney General") shall have charge and conduct of all law business of the said District and all suits instituted by and against the government thereof, and shall possess all powers afforded the Attorney General by the common and statutory law of the District and shall be responsible for upholding the public interest. The Attorney General shall have the power to control litigation and appeals, as well as the power to intervene in legal proceedings on behalf of this public interest.

(2) The Attorney General shall furnish opinions in writing to the Mayor and the Council whenever requested to do so. All requests for opinions from agencies subordinate to

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the Mayor shall be transmitted through the Mayor. The Attorney General shall keep a record of requests, together with the opinions. Those opinions of the Attorney General issued pursuant to Reorganization Order No. 50 shall be compiled and published by the Attorney General on an annual basis.

(b) The authority provided under this section shall not be construed to deny or limit the duty and authority of the Attorney General as heretofore authorized, either by statute or under common law.

Sec. 102. Appointment of the Attorney General.

(a) Until such time as an Attorney General is elected under section 201, the Attorney General for the District of Columbia shall be appointed by the Mayor with the advice and consent of the Council pursuant to section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01).

(b) The Attorney General shall:

- (1) Serve a 4-year term to coincide with the term for Mayor; and
- (2) Be eligible for reappointment by the Mayor with the advice and consent of the Council, and may serve in a holdover capacity at the expiration of his or her term pursuant to section 2(c) of the Confirmation Act of 1978, approved March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(c)).

(c) This section shall not apply to the incumbent Attorney General on the effective date of this act.

Sec. 103. Minimum qualifications and requirements for Attorney General.

(a) No person shall hold the position of Attorney General for the District of Columbia unless that person:

(1) Is a registered qualified elector as defined in section 2(20) of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.02(20));

(2) Is a bona fide resident of the District of Columbia;

(3) Is a member in good standing of the bar of the District of Columbia;

(4) Has been a member in good standing of the bar of the District of Columbia for at least 5 years prior to assuming the position of Attorney General; and

(5) Has been actively engaged, for at least 5 of the 10 years immediately preceding the assumption of the position of Attorney General, as:

(A) An attorney in the practice of law in the District of Columbia;

(B) A judge of a court in the District of Columbia;

(C) A professor of law in a law school in the District of Columbia; or

(D) An attorney employed in the District of Columbia by the United States or the District of Columbia.

(b) The Attorney General shall devote full-time to the duties of the office and shall not

ENROLLED ORIGINAL

engage in the private practice of law and shall not perform any other duties while in office that are inconsistent with the duties and responsibilities of Attorney General.

Sec. 104. Forfeiture of the position of Attorney General.

The occurrence of any of the following shall result in automatic forfeiture of the position of Attorney General for the District of Columbia:

- (1) Failure to maintain the qualifications required under section 103(a);
- (2) Violation of the prohibition against the private practice of law as provided in section 103(b); or
- (3) Conviction of a felony while in office.

Sec. 105. Attorney General salary.

(a) Except as provided in subsection (b) of this section, the Attorney General for the District of Columbia shall be paid at an annual rate equal to the rate of basic pay for level E5 on the Executive Schedule pursuant to section 1052 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective June 10, 1998 (D.C. Law 12-124; D.C. Official Code § 1-610.52).

(b) An Attorney General for the District of Columbia elected under section 201 shall receive compensation equal to the Chairman of the Council of the District of Columbia as provided in section 403(d) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 787; D.C. Official Code § 1-204.03(d)).

Sec. 106. Annual budget for the Office of Attorney General.

(a) The Attorney General for the District of Columbia shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia under Part D of Title IV of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 798; D.C. Official Code § 1-204.41 *et seq.*), for the year, annual estimates of the expenditures and appropriations necessary for the operation of the Office of the Attorney General for the year. The Mayor shall make recommendations to the Council of the District of Columbia based on said submissions for the Council's action pursuant to section 446 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 801; D.C. Official Code § 1-204.46), and section 603(c) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 814; D.C. Official Code § 1-206.03(c)).

(b) Amounts appropriated for the Office of the Attorney General shall be available solely for the operation of the office, and shall be paid to the Attorney General by the Mayor (acting through the Chief Financial Officer of the District of Columbia) in such installments and at such times as the Attorney General requires.

Sec. 107. Chief Deputy Attorney General, Deputy Attorneys General, and Assistant Attorneys General.

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(a) The Attorney General shall appoint a Chief Deputy Attorney General who shall meet the qualifications of section 103. The Chief Deputy Attorney General shall serve under the direction and control of the Attorney General and shall perform such duties as may be assigned to him or her by the Attorney General.

(b)(1) The Deputy Attorneys General and Assistant Attorneys General shall serve under the direction and control of the Attorney General and shall perform such duties as may be assigned to them by the Attorney General.

(2) A Deputy Attorney General shall be a resident of the District of Columbia within 180 days of his or her appointment.

Sec. 108. Authority to administer oaths.

The Attorney General, Chief Deputy Attorney General, Deputy Attorneys General, and Assistant Attorneys General are authorized to administer oaths and affirmations in the discharge of their official duties within the District of Columbia.

Sec. 109. Appointment of special counsel.

(a) Except as provided in subsection (b) of this section, if the Attorney General determines that his or her duty to represent the public interest in a particular matter may prevent him or her from adequately representing the government, an agency, or an official, the Attorney General shall notify the Mayor of this circumstance and the Mayor shall appoint special counsel to represent the government, an agency, or an official for the matter.

(b) If the Attorney General determines that he or she is unable to provide adequate representation pursuant to subsection (a) of this section in a matter in which the Mayor is expected to be adverse to the special counsel, the Attorney General shall notify the Chief Judge of the District of Columbia Court of Appeals, who shall appoint the special counsel for the matter.

PART B.

Subpart 1.

Sec. 121. Inability to carry out duties as Attorney General.

(a)(1) If the Attorney General for the District of Columbia is temporarily unable or unavailable to carry out the duties of the office, the Chief Deputy Attorney General shall serve as acting Attorney General as of the date that notice of such disability or unavailability is provided under paragraph (2) of this subsection and until the date that notice of resolution of the disability is provided under paragraph (3) of this subsection.

(2) Upon determining that he or she is temporarily unable or unavailable to carry out the duties of the office, the Attorney General shall provide written notice of the disability to the Chief Deputy Attorney General. If the Attorney General is incapable of providing the notice, the Mayor shall provide the notice.

(3) Upon determining that the disability or unavailability under paragraph (1) of

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this subsection has been resolved, the Attorney General shall provide written notice to the acting Attorney General that the Attorney General is able to carry out the duties of the office. The Attorney General shall reassume the position as of the date of the written notice.

(b) This section shall apply upon the election of an Attorney General for the District of Columbia pursuant to section 201.

Subpart 2.

Sec. 131. The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.01 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Official Code § 1-1001.01) is amended by striking the phrase "Council of the District of Columbia," and inserting the phrase "Council of the District of Columbia, the Attorney General for the District of Columbia," in its place.

Amend
§ 1-1001.01

(b) Section 2 (D.C. Official Code § 1-1001.02) is amended as follows:

Amend
§ 1-1001.02

(1) A new paragraph (9A) is added to read as follows:

"(9A) The term "Attorney General" or "Attorney General for the District of Columbia" means the Attorney General for the District of Columbia provided for by the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, passed on 2nd reading on February 2, 2010 (Enrolled version of Bill 18-65)."

(2) Paragraph (13) is amended by striking the phrase "Council," and inserting the phrase "Council, the Attorney General," in its place.

Sec. 132. Applicability.

Section 131 shall apply upon the enactment by Congress of section 201 or an amendment to Title IV of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-204.01 *et seq.*), that provides for the election of the Attorney General for the District of Columbia.

PART C.

Sec. 141. Conforming amendments.

(a) Sections 18 and 19 of Chapter 108 of the Acts of the Legislative Assembly, adopted August 23, 1871 (D.C. Official Code §§ 1-301.111 and 1-301.112), are repealed.

Repeal
§§ 1-301.111,
1-301.112,
1-301.113

(b) Chapter 51 of the Acts of the Legislative Assembly, adopted August 19, 1871 (D.C. Official Code § 1-301.113), is repealed.

TITLE II -- ELECTION OF ATTORNEY GENERAL

Sec. 201. The District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-201.01 *et seq.*), is amended as follows:

(a) Section 103 (D.C. Official Code § 1-201.03) is amended by adding a new paragraph (16) to read as follows:

Amend
§ 1-201.03

ENROLLED ORIGINAL

“(16) The term “Attorney General” means the Attorney General for the District of Columbia provided for by part C-i of title IV.”.

(b) Title IV is amended by adding a new Part C-i to read as follows:

“PART C-i – THE ATTORNEY GENERAL

“ELECTION OF THE ATTORNEY GENERAL

“Sec. 435. (a) The Attorney General for the District of Columbia shall be elected on a partisan basis by the registered qualified electors of the District. Nothing in this section shall prevent a candidate for the position of Attorney General from belonging to a political party.

“(b)(1) If a vacancy in the position of Attorney General occurs as a consequence of resignation, permanent disability, death, or other reason, the Board of Elections and Ethics shall hold a special election in the District on the 1st Tuesday occurring more than 114 days after the date on which the vacancy occurs, unless the Board of Elections and Ethics determines that the vacancy could be more practicably filled in a special election held on the same day as the next general election to be held in the District occurring within 60 days of the date on which a special election would otherwise have been held under the provisions of this paragraph. The person elected Attorney General to fill a vacancy in the Office of the Attorney General shall take office on the day in which the Board of Elections and Ethics certifies his or her election, and shall serve as Attorney General only for the remainder of the term during which the vacancy occurred unless reelected.

“(2) When the position of Attorney General becomes vacant, the Chief Deputy Attorney General shall become the Acting Attorney General and shall serve from the date the vacancy occurs until the date on which the Board of Elections and Ethics certifies the election of the new Attorney General at which time he or she shall again become the Chief Deputy Attorney General. While the Chief Deputy Attorney General is Acting Attorney General, he or she shall receive the compensation regularly paid the Attorney General, and shall receive no compensation as Chief Deputy Attorney General.

“(c) The term of office for the Attorney General shall be 4 years and shall begin on noon on January 2nd of the year following his or her election. The term of office of the Attorney General shall coincide with the term of office of the Mayor.

“(d) Any candidate for the position of Attorney General shall meet the qualifications of section 103 of the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, passed on 2nd reading on February 2, 2010 (Enrolled version of Bill 18-65), prior to the day on which the election for the Attorney General is to be held.

“(e) The first election for the position of Attorney General shall be after January 1, 2014.”.

Sec. 202. Applicability.

Section 201 shall apply upon enactment by Congress.

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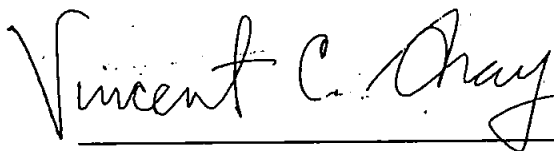
TITLE III – FISCAL IMPACT; EFFECTIVE DATE

Sec. 301. Fiscal impact statement.

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

Sec. 302. Effective date.

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



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
March 29, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-352

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 2, 2010*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Summer
Supp.West Group
Publisher

To amend the District of Columbia Smoking Restriction Act of 1979 to allow property owners and ground-floor commercial tenants to post signs stating that smoking is not permitted within 25 feet of their property, to amend An act to prohibit the sale of tobacco to minors under sixteen years of age in the District of Columbia to prohibit the purchase or possession of cigarettes or other tobacco product by a minor, to require a seller to check identification for a purchaser who the seller reasonably believes is under 27 years of age, to require posting of a more-detailed warning sign, to require the Mayor to maintain records of citations issued for violations, to prohibit the use of false identification by a minor attempting to purchase cigarettes or other tobacco product, to prohibit the sale of certain tobacco products through self-service displays, to prohibit the sale of cigarettes in packages of fewer than 20 cigarettes, to prohibit the sale of certain tobacco products from mobile vending motor vehicles and trailers that sell retail food products ready for immediate consumption, and to prohibit the selling of certain cigars as a single at convenience stores and gas stations; to amend Chapter 24 of Title 47 of the District of Columbia Official Code to create an enhanced licensing provision that covers all tobacco products and an enhanced vending machine restriction that applies to all tobacco products; and to amend the Drug Paraphernalia Act of 1982 to prohibit the sale or possession of blunt wraps.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Prohibition Against Selling Tobacco Products to Minors Amendment Act of 2010".

Sec. 2. The District of Columbia Smoking Restriction Act of 1979, effective September 28, 1979 (D.C. Law 3-22; D.C. Official Code § 7-1701 *et seq.*), is amended by adding a new section 4c to read as follows:

"Sec. 4c. No smoking within 25 feet of property signs.

"(a) A property owner or ground-floor commercial tenant has the authority to post signs

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on his or her property stating that smoking is not permitted on public space within a specified distance from and abutting the building wall. That distance shall not be greater than 25 feet or the distance to the far side of the adjacent public sidewalk, if any, whichever is less.

“(b) An authorized sidewalk café shall not be subject to a no-smoking sign posted pursuant to this section unless the sign has been posted by, or with the consent of, the owner or operator of the sidewalk café.

“(c) The penalties in section 7 shall not apply to this section.”.

Sec. 3. An act to prohibit the sale of tobacco to minors under sixteen years of age in the District of Columbia, approved February 7, 1891 (26 Stat. 736; D.C. Official Code § 22-1320), is amended as follows:

(a) Designate the existing text as section 3.

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

“Sec. 2. Definitions.

“For the purposes of this act, the term:

“(1) “Other tobacco product” means a cigar, pipe tobacco, chewing tobacco, smokeless tobacco, snuff, roll-your-own tobacco, cigarette papers or tubes, pipes for smoking tobacco, or any other product containing tobacco that is intended for human consumption.

“(2) “Self-service display” means a display that contains tobacco products and is located in an area openly accessible to consumers, and from which consumers can readily access cigarettes or other tobacco product without the assistance of a sales clerk. A display case that holds cigarettes or other tobacco product behind locked doors does not constitute a self-service display.

“(3) “Tobacco specialty store” means a retail store that is used primarily for the sale of cigarettes, other tobacco product, and accessories in which the total annual revenue generated by the sale of non-tobacco products or accessories is no greater than 25% of the total revenue of the establishment.”.

(c) The newly designated section 3 is amended as follows:

(1) Add a section heading to read as follows:

“Sec. 3. Sale of tobacco to minors under 18 years of age.”.

(2) Subsections (a) and (b) are amended to read as follows:

“(a) No person shall sell, give, or furnish any cigarette or other tobacco product to, or purchase any cigarette or other tobacco product on behalf of, any person under 18 years of age.

“(b)(1) Any person who sells any cigarette or other tobacco product and who has reasonable cause to believe that a person who attempts to purchase the product is under 27 years of age shall require that the purchaser present identification that indicates his or her age.

“(2) It shall be an affirmative defense to a violation of paragraph (1) of this subsection that, at the time of the relevant sale, the person who attempted to purchase the product was 18 years of age or older, or presented identification to the seller that a reasonably

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prudent person would believe to be valid under the same or similar circumstances.”

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

“(e)(1) In any place or business where a person sells any cigarette or other tobacco product, the owner, manager, or person in charge of the place or business shall post a warning sign that includes the following: “No person under 18 years of age shall purchase any cigarette or other tobacco product. Sales clerks will ask for proof of age from any person seeking to purchase any cigarette or other tobacco product who appears to be under 27 years of age. The United States Surgeon General has issued a warning that smoking causes lung cancer, heart disease, emphysema, and may complicate pregnancy.”

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

“(f) Notwithstanding section 1-1004 of the District of Columbia Municipal Regulations, the Mayor shall collect and maintain a publicly available record of violations under subsection (a) of this section, including:

“(1) The date of the violation; and

“(2) The location where the citation was given.”

(d) New sections 4, 5, 6, 7, and 8 are added to read as follows:

“Sec. 4. Purchase or possession of tobacco by minors under 18 years of age; use of false identification.

“(a)(1) No person under 18 years of age shall purchase any cigarette or other tobacco product, possess any cigarette or other tobacco product, or attempt to purchase or possess any cigarette or other tobacco product.

“(2) Paragraph (1) of this subsection shall not apply to a person under 18 years of age who is handling or transporting cigarettes or other tobacco product under the terms of his or her employment.

“(b) No person under 18 years of age shall falsely represent his or her age, or possess or present as proof of age an identification document which is in any way fraudulent, for the purpose of purchasing, possessing, or consuming cigarettes or other tobacco product in the District.

“(c)(1) Any person who violates subsection (a) of this section shall be subject to a civil penalty of \$50.

“(2) Any person who violates subsection (b) of this section shall be subject to a civil penalty for each offense of:

“(A) \$100 the first time the offense or offenses occurred;

“(B) \$200 the second time the offense or offenses occurred; and

“(C) \$300 the third and subsequent times the offense or offenses occurred.

“(3) A violation of subsection (a) or (b) of this section shall be a civil infraction for the purposes of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*).

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"(4) The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to increase the amount of the fine for a violation of subsection (a) or (b) of this section.

"Sec. 5. Self-service sale of tobacco.

"(a) No person shall sell or distribute cigarettes or other tobacco product, except cigars, through a self-service display.

"(b) Subsection (a) of this section shall not apply to:

"(1) Vending machines that are permitted under D.C. Official Code § 47-2404(b)(3); or

"(2) Self-service displays that are located in a tobacco specialty store.

"(c)(1) Any person who violates subsection (a) of this section is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$500 nor less than \$100, imprisoned not more than 30 days, or both, for the first offense. Any person convicted of a subsequent violation of subsection (a) of this section shall be fined not more than \$1,000 nor less than \$500, imprisoned not more than 90 days, or both.

"Sec. 6. Package requirements.

"(a) No person shall sell or distribute to any person within the District of Columbia any cigarettes except in packages containing no less than 20 cigarettes.

"(b) This section does not apply to a tobacco specialty store.

"(c)(1) Any person who violates subsection (a) of this section is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$500 nor less than \$100, imprisoned not more than 30 days, or both, for the first offense. Any person convicted of a subsequent violation of subsection (a) of this section shall be fined not more than \$1,000 nor less than \$500, imprisoned not more than 90 days, or both.

"(d) Any license to sell cigarettes or other tobacco product issued pursuant to D.C. Official Code § 47-2404 may be suspended for a first or second violation of subsection (a) of this section. The license shall be revoked for a third or subsequent violation of subsection (a) of this section.

"Sec. 7. Prohibited sellers.

"(a) Except as provided in subsection (b) of this section, no cigarette or other tobacco product shall be sold to individual customers from mobile vending motor vehicles and trailers that sell retail food products ready for immediate consumption.

"(b) Cigarettes may be sold at hotdog stands and construction site food wagons by vendors who are licensed pursuant to D.C. Official Code § 47-2404.

"(c) No single cigar containing reconstituted tobacco products shall be sold to individual customers at convenience stores and gas stations.

"(d) Any person who violates subsection (a) of this section is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$500 nor less than \$100, imprisoned not

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more than 30 days, or both, for the first offense. Any person convicted of a subsequent violation of subsection (a) of this section shall be fined not more than \$1,000 nor less than \$500, imprisoned not more than 90 days, or both.

"Sec. 8. Civil penalties.

"Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of sections 3, 5, 6, and 7, or any rules or regulations issued under the authority of this act for these sections, pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*) ("Civil Infractions Act"). Adjudication of any infraction of these sections shall be pursuant to the Civil Infractions Act."

Sec. 4. Chapter 24 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-2401 is amended as follows:

Amend
§ 47-2401

(1) Designate paragraph (1) as paragraph (1A).

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

"(1) The term "cigar" means any roll of tobacco wrapped in leaf tobacco or in any substance containing tobacco, except that the term shall not include products treated as cigarettes."

(3) Paragraph (5) is amended to read as follows:

"(5) The term "original package" means a sealed package into which cigarettes, cigars, or other tobacco products are put up by the manufacturer for sale to consumers; provided, that if the package contains smaller-size packages that are also intended by the manufacturer for sale to consumers, only the smallest-size sealed package intended for sale to consumers shall be considered the original package."

(4) Designate paragraph (5A) as paragraph (5B).

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

"(5A) The term "other tobacco product" means a cigar, pipe tobacco, chewing tobacco, smokeless tobacco, snuff, roll-your-own tobacco, or any other product containing tobacco that is intended for human consumption."

(6) A new paragraph (8A) is added to read as follows:

"(8A) The term "smokeless tobacco" means any finely cut, ground, or powdered tobacco that is not intended to be smoked or any leaf tobacco that is not intended to be smoked."

(b) Section 47-2404 is amended as follows:

Amend
§ 47-2404

(1) Strike the word "cigarettes" wherever it appears and insert the phrase "cigarettes or other tobacco product" in its place.

(2) Subsection (b)(3) is amended by adding new subparagraphs (D) and (E) to read as follows:

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“(D) Any cigarette or other tobacco product vending machine that is located in a tavern, nightclub, establishment, or restaurant in accordance with subparagraph (A) of this paragraph shall display the warning sign required by § 22-1320(e)(1).

“(E) Any cigarette or other tobacco product vending machine that is located in a tavern, nightclub, establishment, or restaurant in accordance with subparagraph (A) of this paragraph shall not contain any non-tobacco product, other than matches.”.

(c) Section 47-2409 is amended by striking the word “cigarettes” wherever it appears and inserting the phrase “cigarettes or other tobacco product” in its place.

Amend
§ 47-2409

(d) Section 47-2422 is amended as follows:

Amend
§ 47-2422

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

“(a-1) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of § 47-2404, or any rules or regulations issued under the authority of that section, pursuant to Chapter 18 of Title 2. Adjudication of any infraction of § 47-2404, or any rules or regulations issued under the authority of that section, shall be pursuant to Chapter 18 of Title 2.”.

(2) Subsection (b) is amended by striking the word “cigarettes” and inserting the phrase “cigarettes or other tobacco product” in its place.

Sec. 5. The Drug Paraphernalia Act of 1982, effective September 17, 1982 (D.C. Law 4-149; D.C. Official Code § 48-1101 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 48-1101) is amended as follows:

Amend
§ 48-1101

(1) Designate paragraph (1) as paragraph (1A).

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

“(1) Blunt wrap” means any product that is manufactured for encasing, wrapping, or rolling materials of any kind for purposes of smoking, if such product is designed to be filled by the consumer and is:

“(A) Made wholly or in part of tobacco; or

“(B) Made of paper or any other material that does not contain tobacco,
and is:

“(i) Intended, when filled by the consumer, to produce a finished wrap that measures more than 120 millimeters on its longest side; or

“(ii) Sold as a pre-rolled hollow cone, the circumference of which is not equal at both ends.”.

(3) Paragraph (3)(L)(xv) is amended by striking the phrase “cigar leaf wrappers” and inserting the phrase “cigar wrappers” in its place.

(b) Section 4(e) (D.C. Official Code § 48-1103(e)) is amended as follows:

Amend
§ 48-1103

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

“(D) Cigar wrappers, including blunt wraps.”.

(2) Paragraph (2) is amended by striking the phrase “or cigar leaf wrappers”.

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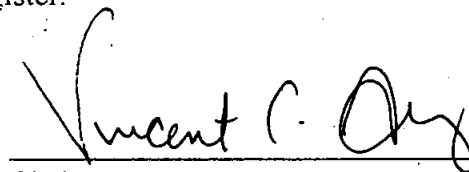
(3) Paragraph (3) is amended by striking the phrase "or cigar leaf wrappers".

Sec. 6. Fiscal impact statement.

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

Sec. 7. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 60-day period of Congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia

March 25, 2010

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-353

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 2, 2010*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Summer
Supp.West Group
Publisher

To amend Chapter 46 of Title 47 of the District of Columbia Official Code to provide for tax exemptions for the Third & H Streets, N.E. development project located on Lot 54, Square 776.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Third & H Streets, N.E. Economic Development Act of 2010".

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

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

"47-4634. Third & H Streets, N.E. development project-tax exemptions."

(b) A new section 47-4634 is added to read as follows:

"§ 47-4634. Third & H Streets, N.E. development project-tax exemptions.

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

"(1) "Developer Sponsor" means Steuart-H Street, LLC, Steuart Investment Company, and their successors, affiliates, and assigns.

"(2) "Third & H Streets, N.E. project" means the acquisition, development, construction, installation, and equipping, including the financing, refinancing, or reimbursing of costs incurred, of the mixed-use retail, residential and garage project located on the Third & H Streets, N.E. property, consisting of:

"(A) An approximately 210-unit residential condominium/apartment house;

"(B) Approximately 42,000 square feet of retail space;

"(C) A garage for approximately 250 to 270 cars; and

"(D) Other ancillary improvements, including an associated supermarket with no less than 30,000 square feet.

"(3) "Third & H Streets, N.E. property" means the real property, including any improvements thereon, located on Lot 54, Square 776 (or as the land for such lot may be

New
§ 47-4634

ENROLLED ORIGINAL

subdivided into a record lot or lots or assessment and taxation lots, condominium lots, or air rights lots in the future).

"(b) The Third & H Streets, N.E. project shall be exempt from the tax imposed by § 42-1102 and § 47-903.

"(c) The sales and rental of tangible personal property to be incorporated in or consumed in the Third & H Streets, N.E. project, whether or not the sale, rental, or nature of the material or tangible personal property is incorporated as a permanent part of the Third & H Streets, N.E. project or the Third & H Streets, N.E. property, shall be exempt from the tax imposed by § 47-2002.

"(d) The Third & H Streets, N.E. property shall be exempt from the portion of the tax imposed by Chapter 8 of this title in excess of the existing Fiscal Year 2010 real property tax ("real property tax increase") for 20 consecutive years. The tax exemption for the 1st 10 years shall equal 100% of the real property tax increase and shall be reduced in 10% increments in years 11 through 20 until the annual real property taxation equals 100%. The real property tax exemption shall commence upon the issuance of the 1st building permit for the Third and H Streets, N.E. property.

"(e) The exemptions pursuant to subsections (b), (c), and (d) 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 Third & H Streets, N.E. project, the Third & H Streets, N.E. property, or the Developer Sponsor. The exemptions under subsections (b), (c), and (d) shall not exceed, in the aggregate, \$5 million.

"(f) This section shall not prevent or restrict the Developer Sponsor from utilizing any other tax, development, or other economic incentives available to the Third & H Streets, N.E. project or the Third & H Streets, N.E. property, including an associated supermarket, which other tax, development, or other economic incentives shall include the supermarket tax incentives set forth in Chapter 38 of this title."

Sec. 3. Applicability.

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

Sec. 4. Fiscal impact statement.

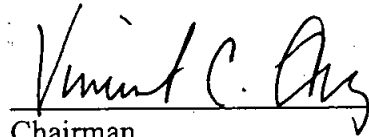
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

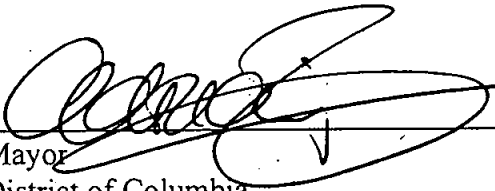
This act shall take effect following approval of the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
April 2, 2010

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-354IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
APRIL 2, 2010Codification
District of
Columbia
Official Code

2001 Edition

2010 Summer
Supp.West Group
Publisher

To amend the Prevention of Child Abuse and Neglect Act of 1977 to define a consumer reporting agency, to provide that the Director of the Child and Family Services Agency has the authority to request a file disclosure report on behalf of a ward of the agency to determine whether identity theft may have occurred, and to authorize the agency to refer a ward to an approved organization that provides credit counseling services to victims of identity theft.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Foster Care Youth Identity Protection Amendment Act of 2010".

Sec. 2. The Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.01 *et seq.*), is amended as follows:

(a) Section 102 (D.C. Official Code § 4-1301.02) is amended by adding a new paragraph (4A) to read as follows:

Amend
§ 4-1301.02

"(4A) "Consumer reporting agency" means a person or entity that assembles or evaluates consumer credit information or other information on consumers for the purpose of furnishing consumer reports and the disclosure of file information to third parties."

(b) Section 303(a) (D.C. Official Code § 4-1303.03(a)) is amended as follows:

Amend
§ 4-1303.03

(1) Paragraph (14) is amended by striking the word "and" at the end.

(2) Paragraph (15) is amended by striking the phrase "applies." and inserting the phrase "applies; and" in its place.

(3) A new paragraph (16) is added to read as follows:

"(16)(A) To request from a consumer reporting agency that compiles and maintain files on consumers on a nationwide basis and is nationally ranked among the top 3 such agencies, the disclosure of file information pursuant to section 609 of the federal Fair Credit Reporting Act, approved October 26, 1970 (84 Stat. 1131; 15 U.S.C. § 1681g), on behalf of a ward of the Agency under the age of 18 years to determine whether identity theft has occurred, when:

"(i) An adoption petition has been filed in the Superior Court of the District of Columbia;

ENROLLED ORIGINAL

“(ii) A motion for guardianship has been filed in the Superior Court of the District of Columbia; or

“(iii) The Agency anticipates that the jurisdiction of the Family Court of the Superior Court of the District of Columbia will be terminated.

“(B) The Agency shall provide the disclosed file information to the ward’s guardian ad litem within 30 days of obtaining the results.

“(C) For a ward over the age of 18 years, the Agency shall assist the ward if the ward wants to obtain disclosure of file information prior to the termination of the jurisdiction of the Family Court of the Superior Court of the District of Columbia.

“(D) If the Agency determines that disclosed file information indicates that identity theft may have occurred, the Agency shall refer the ward to an approved organization that provides credit counseling to victims of identity theft; provided, that the Agency shall not be responsible for providing assistance beyond a referral.

“(E) Within 120 days of the effective date of the Foster Care Youth Identity Protection Amendment Act of 2010, passed on 2nd reading on March 2, 2010 (Enrolled version of Bill 18-449), the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this paragraph. The proposed rules shall be submitted to the Council for a 30-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within the 30-day review period, the proposed rules shall be deemed approved.”.

Sec. 4. Fiscal impact statement.

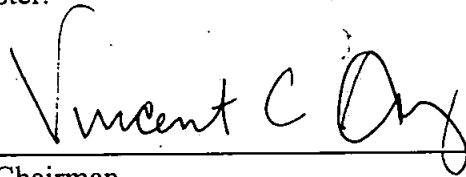
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

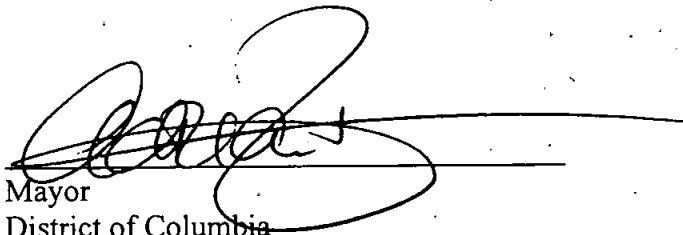
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
April 2, 2010

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-355

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 2, 2010*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Summer
Supp.West Group
Publisher

To amend Chapter 46 of Title 47 of the District of Columbia Official Code to exempt from taxation certain property owned by Jubilee Housing Inc., or its affiliate, which is to be developed as extremely low-income housing.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Jubilee Housing Residential Rental Project Real Property Tax Exemption Act of 2010".

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

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

"47-4633. Jubilee Housing residential rental project; Lots 107 and 108, Square 2560, and Lot 863, Square 2560."

(b) A new section 47-4633 is added to read as follows:

"§ 47-4633. Jubilee Housing residential rental project; Lots 107 and 108, Square 2560, and Lot 863, Square 2560.

"The real properties described as Lots 107 and 108, Square 2560, and Lot 863, Square 2560, owned by Jubilee Housing Inc., or by an entity controlled, directly or indirectly, by Jubilee Housing Inc., including Jubilee Housing Limited Partnership II, shall be exempt from taxation under Chapter 8 of this title so long as the real properties continue to be owned by Jubilee Housing Inc., or by an entity controlled, directly or indirectly, by Jubilee Housing Inc., or continue to be under applicable use restrictions during a federal low-income housing tax credit compliance period, and are not used for commercial purposes, subject to the provisions of § 47-1005, 47-1007, and 47-1009."

Note,
§ 47-4633

Sec. 3. Applicability.

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

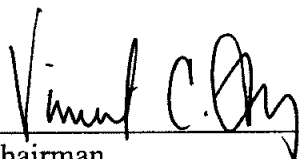
ENROLLED ORIGINAL

Sec. 4. Fiscal impact statement.

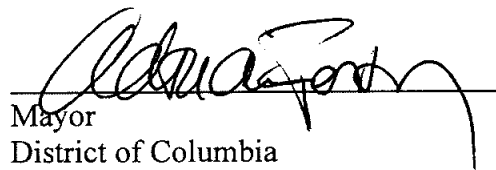
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
April 2, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-356

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 2, 2010*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Summer
Supp.West Group
Publisher

To amend Chapter 46 of Title 47 of the District of Columbia Official Code to exempt from real property taxation, and other impositions, real property located at 2001 15th Street, N.W., located in Ward 1, and described as Lot 0207, Square 0204, which is to be maintained as affordable housing.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Campbell Heights Residents Real Property Tax Exemption Act of 2010".

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

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

"47-4632. Campbell Heights project; Lot 0207, Square 0204."

(b) A new section 47-4632 is added to read as follows:

"§ 47-4632. Campbell Heights project; Lot 0207, Square 0204.

"(a) For the purposes of this section, the term "covenants" means a restrictive covenant or regulatory agreements, or both, associated with the real property's receipt of federal low-income housing tax credits or other assistance pursuant to section 42 of the Internal Revenue Code of 1986, approved Oct. 22, 1986 (100 Stat. 2189; 26 U.S.C. § 42), or any other affordable housing program funded fully, or in part, by the District or its instrumentalities, including the District of Columbia Housing Finance Agency, restricting the real property's use to multifamily rental housing for low-income housing.

"(b) The real property, described as Lot 0207 (or any successor lot or lots), Square 0204, shall be exempt from taxation under Chapter 8 of this title, and District of Columbia permitting fees relating to construction or renovation of improvements on the real property, for a period commencing on the day after the transfer of real property to the Campbell Height Residents Association, or its assignee, and the recordation against the real property of the covenants and terminating when the last of the covenants terminates, but for no less than 15

New
§ 47-4632

ENROLLED ORIGINAL

years in accordance with the applicable low-income housing requirements.

“(c) To claim the exemptions provided under subsection (b) of this section, including a refund of any real property taxes already paid, Campbell Height Residents Association, or its assignee, shall file a copy of the recorded deed of the real property to Campbell Height Residents Association, or its assignee, and the recorded covenants, with the Office of Tax and Revenue.”.

Sec. 3. Applicability.

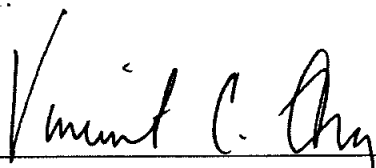
This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 4. Fiscal impact statement.

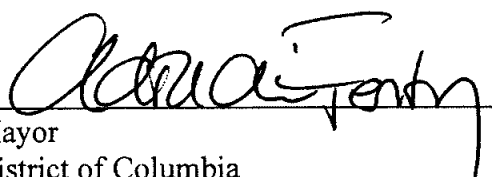
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
April 2, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-357

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 2, 2010Codification
District of
Columbia
Official Code

2001 Edition

2010 Summer
Supp.West Group
Publisher

To approve the disposition of real property owned by the District of Columbia and formerly designated as federal reservations 129, 130, and 299 to CASCO Marina Development, LLC.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Disposition of the Property Formerly Designated as Federal Reservations 129, 130, and 299 Approval Act of 2010".

Sec. 2. Notwithstanding An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801 *et seq.*), the Council approves the disposition of the real property formerly designated as federal reservations 129, 130, and 299 to CASCO Marina Development LLC, in accordance with the agreement between the District of Columbia and CASCO Marina Development, LLC.

Note,
§ 10-801

Sec. 3. Fiscal impact statement.

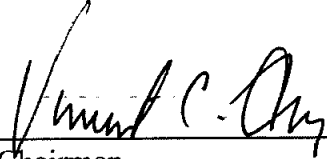
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

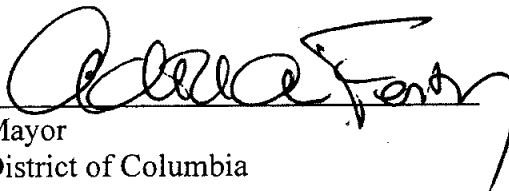
Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
April 2, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-358

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 2, 2010*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Summer
Supp.West Group
Publisher

To amend the Old Morgan School Place Designation Act of 2005 to change a segment of Old Morgan School Place, N.W., back to its original name of Champlain Street, N.W.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Old Morgan School Place, N.W., Designation Amendment Act of 2010".

Sec. 2. Section 2(2) of the Old Morgan School Place Designation Act of 2005, effective March 8, 2006 (D.C. Law 16-52; 53 DCR 1), is amended by striking the phrase "and the adjacent north-south portion of Champlain Street, N.W., that intersects Florida Avenue, N.W., between Square 2558 and 2562".

Sec. 3. Transmittal.

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

Sec. 4. Fiscal impact statement.

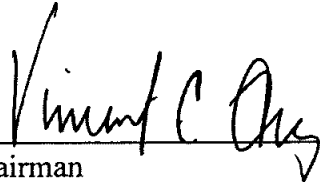
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
April 2, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-359

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 2, 2010*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Summer
Supp.West Group
Publisher

To amend, on a temporary basis, the Department of Health Functions Clarification Act of 2001 to permit an annual special event exemption for hotels licensed to sell alcoholic beverages.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Special Event Exemption Temporary Amendment Act of 2010".

Sec. 2. Section 4917 of the Department of Health Functions Clarification Act of 2001, effective April 4, 2006 (D.C. Law 16-90; D.C. Official Code § 7-743), is amended as follows:

*Note,
§ 7-743*

(a) The existing text is designated as subsection (a).

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

"(b) A hotel licensed under D.C. Official Code § 25-113(e) shall be exempt from the provisions of this part once a year for one day for the purposes of hosting a special event which permits cigar smoking; provided, that the hotel:

"(1) Notifies the Department of Health in writing in advance of the special event;

"(2) Has a ballroom or special event catering space with an occupancy of 500 or more persons;

"(3) Permits employees to opt out of working the special event with no penalty; and

"(4) Pays a fee of \$250 to be remitted to the Department of Health Regulatory Enforcement Fund established under section 4903."

Sec. 3. Fiscal impact statement.

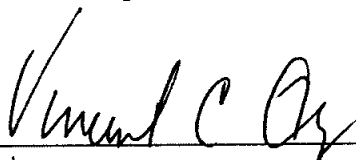
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

ENROLLED ORIGINAL

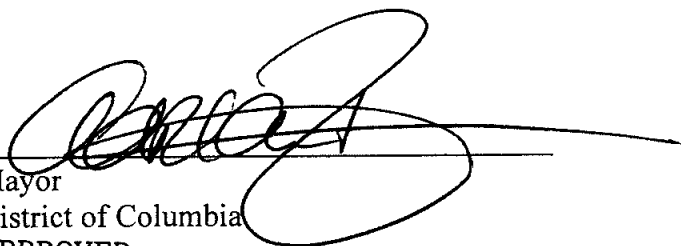
Sec. 4. Effective date.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED

April 2, 2010