ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-400

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 11, 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 development of the OTO Hotel at Constitution Square Project located on Lot 817 and Air Rights Lots 7004, 7012, 7014, 7017, 7020, and 7021, Square 711, in Ward 6.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "OTO Hotel at Constitution Square 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:

"47-4631. OTO Hotel at Constitution Square Project-tax exemptions.".

(b) A new section 47-4631 is added to read as follows:

New § 47-4631

"§ 47-4631. OTO Hotel at Constitution Square Project-tax exemptions.

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

"(1) "Developer" means Palmetto Hospitality of Washington, DC, LLC, and its successors, affiliates, and assigns, either collectively or individually.

"(2) "OTO Hotel at Constitution Square Project" means the acquisition, development, construction, installation, and equipping, including the financing, refinancing, or reimbursing of costs incurred, of the OTO Hotel at Constitution Square, consisting of:

"(A) 204 hotel units totaling approximately 128,500 square feet of floor area; and

"(B) A below-grade parking garage.

"(3) "OTO Hotel at Constitution Square Property" means the real property, including any improvements constructed thereon, located on Lot 817 and Air Rights Lots 7004, 7012, 7014, 7017, 7020, and 7021, Square 711, as recorded on Pages T, U, and V, Book 3837, in the Office of the Surveyor for the District of Columbia (or as the land for such lot may be subdivided into a record lot or lots or assessment and taxation lots, condominium lots, air rights

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lots, or any combination in the future), either collectively or individually.

"(b) The OTO Hotel at Constitution Square Property shall be exempt from:

"(1) Real property taxation under Chapter 8 of this title for 10 consecutive years; and

"(2) The sales and rental taxes of tangible personal property to be incorporated in, or consumed as part of, the OTO Hotel at Constitution Square Project, pursuant to § 47-2002, whether or not the tangible personal property is incorporated as a permanent part of the OTO Hotel at Constitution Square Project or OTO Hotel at Constitution Square Property.

"(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 OTO Hotel at Constitution Square Project, the OTO Hotel at Constitution Square Property, or the developer.

"(d) This section shall not:

"(1) Prevent or restrict the developer from utilizing any other tax, development, or other economic incentives available to the OTO Hotel at Constitution Square Project, the OTO Hotel at Constitution Square Property, and the developer; or

"(2) Prevent the owner of the OTO Hotel at Constitution Square Property from appealing or contesting its real estate tax assessment.

"(e) The total tax abatements under this section shall not exceed $8.1 million.".

Sec. 3. Applicability.

(a) The real property tax abatement of new D.C. Official Code § 47-4631(b)(1) shall apply as of the date that the real property tax abatement under D.C. Official Code § 47-4612(b)(1) and (2) has reached the aggregate limitation imposed by D.C. Official Code § 47-4612(b)(3).

(b) 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

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

Vincent C. Gray

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
May 11, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-401

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 14, 2010

Codification District of Columbia Official Code

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2010 Fall Supp.

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To amend the District of Columbia Unemployment Compensation Act to extend the length of time to file an appeal of an initial determination with respect to benefit eligibility, expand eligibility to those who had to leave jobs for compelling family reasons, improve the administration of the unemployment compensation program, and qualify the District for federal modernization funding pursuant to the American Recovery and Reinvestment Act of 2009.

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

Sec. 2. The District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 946; D.C. Official Code § 51-101 *et seq.*), is amended as follows:

Amend § 51-107

(a) Section 7 (D.C. Official Code § 51-107) is amended by adding a new subsection (f-1) to read as follows:

"(f-1) For claims for benefit years commencing after August 9, 2009, and before January 1, 2011, in addition to benefits payable under subsections (a) through (e) of this section, each eligible individual who is unemployed in any week shall be paid with respect to that week $15 for each dependent relative, but no more than $50 or ½ of the individual's weekly benefit amount, whichever is less, with respect to any 1 week of unemployment. The amount of the dependent's allowance paid to an individual shall not be charged to the individual account of an employer. The number of dependents of an individual shall be determined as of the day with respect to which the individual first files a valid claim for benefits in any benefit year and shall remain fixed for the duration of the benefit year. The dependent's allowance shall not be taken into consideration in the total amount of benefits calculated pursuant to subsection (d) of this section.".

Amend § 51-110

(b) Section 10 (D.C. Official Code § 51-110) is amended as follows:

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

"(4) Compensation shall not be denied to any otherwise eligible individual who leaves his or her most recent work to accompany his or her spouse or domestic partner to a

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place from which it is impractical to commute to the place of employment. For the purposes of this paragraph, the term "domestic partner" shall have the same meaning as provided in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)).

"(5) Compensation shall not be denied to any otherwise eligible individual who leaves his or her most recent work to care for an ill or disabled family member. For the purposes of this paragraph, the term "family member" shall have the same meaning as provided in section 102(11B) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(11B)).".

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

"(j)(1) Notwithstanding any other provision of this act, an individual who is unemployed within the meaning of this act, has exhausted all regular unemployment benefits provided under this act, including any extensions of benefits, and who is enrolled in and making satisfactory progress in a District-approved training program or in a job training program authorized under the Workforce Investment Act of 1998, approved August 7, 1998 (112 Stat. 936; 29 U.S.C. § 2822), shall be eligible for training extension benefits if the Director determines that the following criteria are met:

"(A) The training program will prepare the claimant for entry into a high-demand occupation;

"(B) The claimant was separated from employment in a declining occupation or has been involuntarily and indefinitely separated from employment as a result of a permanent reduction of operations at the claimant's place of prior employment;

"(C) The claimant is making satisfactory progress towards completion of the training as determined by the Director, including the submission of written statements from the training program provider; and

"(D) The claimant is not receiving similar stipends or other training allowances for non-training costs.

"(2) For the purposes of paragraph (1) of this subsection, the term:

"(A) "Declining occupation" shall be defined by the Director based upon currently available labor market information.

"(B) "High-demand occupation" shall be defined by the Director based upon currently available labor market information.

"(C) "Similar stipends" means an amount provided under a program with similar goals, such as providing training to increase employability, and in similar amounts. Similar stipends of non-training cost allowances shall be treated as "earnings" as defined in section 1(4).

"(3) A claimant who is eligible for a training extension pursuant to this subsection shall be enrolled in training and making satisfactory progress as the Director may determine will increase the employability of the claimant in the District labor market.

"(4) The weekly training extension benefit amount payable to the eligible

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individual shall be equal to the claimant's weekly benefit amount for the most recent benefit year less any deductible or income as determined pursuant to this act. The total amount of training extension benefits payable to a claimant shall not exceed 26 times the claimant's weekly benefit amount of the most recent benefit year.

"(5) If the claimant completes the training program, ceases to be making satisfactory progress, or stops attending the training program, the claimant shall not be eligible for further training extension benefits unless the Director determines that the claimant has resolved the impediment.

"(6) A claimant seeking training extension benefits may apply for the benefits at any time prior to the end of the claimant's initial benefit year or the end of any period of extended benefits.

"(7) No training extension benefits paid pursuant to this act shall be charged to individual employer accounts.".

(c) Section 11(b) (D.C. Official Code § 51-111(b)) is amended as follows: Amend § 51-111

(1) Strike the phrase "10 days" wherever it appears and insert the phrase "15 calendar days" in its place.

(2) Add 2 new sentences after the phrase "actual delivery of such notice." to read as follows: "The 15-day appeal period may be extended if the claimant or any party to the proceeding shows excusable neglect or good cause. The exception for good cause or excusable neglect shall apply to all claims pending on the effective date of the Unemployment Compensation Reform Amendment Act of 2010, passed on 2nd reading on May 4, 2010 (Enrolled version of Bill 18-455), including those in which an appeal has been filed in the Office of Administrative Hearings or in which a petition for review has been filed in the District of Columbia Court of Appeals.".

(d) Section 31 (D.C. Official Code § 51-131) is amended to read as follows: Amend § 51-131

"Sec. 31. Separation from employment due to domestic violence.

"(a) Notwithstanding any other provision of this act, no otherwise eligible individual shall be denied benefits for any week because the individual was separated from employment by discharge or voluntary or involuntary resignation due to domestic violence against the individual or any member of the individual's immediate family, unless the individual was the perpetrator of the domestic violence.

"(b) For the purposes of this title, the term "domestic violence" shall have the same meaning as "intrafamily offense", as defined in D.C. Official Code § 16-1001(8).".

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)).

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Sec. 4. Effective date.

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

Vincent C. Gray

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVE
MAY 14, 2010

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Codification District of Columbia Official Code

2001 Edition

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AN ACT

D.C. ACT 18-402

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 19, 2010

To authorize the Chief of Police to declare areas around public schools a school safe passage emergency zone for a period not to exceed 5 consecutive school days and to establish a criminal offense for persons who are congregating within such a zone for purposes of assault-related offenses, crimes of violence, or dangerous crimes and fail to disperse after being ordered to do so; and to amend the School Safety and Security Contracting Procedures Act of 2004 to include public charter schools within the purview of the Metropolitan Police Department's School Safety Division.

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

TITLE I

Sec. 101. School safe passage emergency zones.

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

(1) "Assault-related offense" means a crime or offense established in sections 803, 804, 805, 806, 806a, and 807 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code §§ 22-401, 22-402, 22-403, 22-404, 22-404.01, and 22-406); An Act To confer concurrent jurisdiction on the police court of the District of Columbia in certain cases, approved July 16, 1912 (37 Stat. 192; D.C. Official Code § 22-407); and section 106 of the Omnibus Public Safety Amendment Act of 2006, effective April 24, 2007 (D.C. Law 16-306; D.C. Official Code § 22-851).

(2) "Chief of Police" means the Chief of the Metropolitan Police Department.

(3) "Crime of violence" shall have the same meaning as provided in D.C. Official Code § 23-1331(4).

(4) "Dangerous crime" shall have the same meaning as provided in D.C. Official Code § 23-1331(3).

(5) "Disperse" means to depart from the designated school safe passage emergency zone and not to reassemble within the zone with anyone from the group ordered to depart.

(6) "Known violent or dangerous offender" means a person who has, within the

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knowledge of the arresting officer, been convicted, or adjudicated delinquent, in any court of any violation involving an assault-related offense, a crime of violence, or a dangerous crime.

(7) "MPD" means the Metropolitan Police Department.

(8) "School day" means 7:00 a.m. until 9:00 p.m. Monday through Friday.

(b) The Chief of Police may declare any area within 1,000 feet of the perimeter of the grounds of a District of Columbia public school or public charter school or within 300 feet of the boundary of the area affecting passage between the school and proximate public transportation a school safe passage emergency zone during a school day for a period not to exceed 5 consecutive school days when the school is in session. The Chief of Police shall inform his or her commanders, the Mayor, and the Council of the declaration of a school safe passage emergency zone and explain the basis for it pursuant to subsection (c) of this section.

(c) In determining whether to designate a school safe passage emergency zone, the Chief of Police shall find the following:

(1) The occurrence of a disproportionately high number of incidences of assault-related offenses, crimes of violence, or dangerous crimes committed in the proposed school safe passage emergency zone within the preceding 2-week period;

(2) Objective or verifiable information that shows that disproportionately high incidences of assault-related offenses, crimes of violence, or dangerous crimes are occurring on public space or public property within the proposed school safe passage emergency zone; or

(3) Any other verifiable information from which the Chief of Police may ascertain whether the health or safety of students or employees of or visitors to public school facilities are endangered by assault-related offenses, crimes of violence, or dangerous crimes in the school safe passage emergency zone.

(d) Upon the designation of a school safe passage emergency zone, the MPD shall mark each block within the school safe passage emergency zone by using barriers, tape, signs, or police officers that post or announce the following information in the immediate area of, and borders around, the school safe passage emergency zone:

(1) A statement that it is unlawful for a person to congregate in a group of 3 or more persons for the purpose of engaging in an assault-related offense, a crime of violence, or a dangerous crime within the boundaries of a school safe passage emergency zone, and fail to disperse after being instructed to disperse by a uniformed officer of the MPD, or a non-uniformed officer of the MPD upon display of MPD identification, who reasonably believes the person is congregating for the purpose of engaging in an assault-related offense, a crime of violence, or a dangerous crime;

(2) The boundaries of the school safe passage emergency zone;

(3) A statement of the effective dates and hours of the school safe passage emergency zone designation; and

(4) Any additional information the Chief of Police considers appropriate.

(e)(1) It shall be unlawful for a person to congregate in a group of 3 or more persons on public space or public property within a school safe passage emergency zone established

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pursuant to subsection (b) of this section for the purpose of engaging in an assault-related offense, a crime of violence, or a dangerous crime, and fail to disperse after being instructed to disperse by a uniformed officer of the MPD, or a non-uniformed officer of the MPD upon display of MPD identification, who reasonably believes the person is congregating for the purpose of engaging in an assault-related offense, a crime of violence, or a dangerous crime.

(2) In making a determination that a person is congregating in a school safe passage emergency zone for the purpose of engaging in an assault-related offense, a crime of violence, or a dangerous crime, the totality of the circumstances involved shall be considered. Among the circumstances which may be considered in determining purpose are:

(A) Conduct of the person being observed indicating that the person is engaging in or is about to engage in an assault-related offense, a crime of violence, or a dangerous crime;

(B) Information from a reliable source indicating that the person being observed is engaging in or about to engage in an assault-related offense, a crime of violence, or a dangerous crime within the area currently designated as a school safe passage emergency zone;

(C) Whether the person is identified by an officer as a member of a gang or association which engages in assault-related offenses, crimes of violence, or dangerous crimes; and

(D) Whether the person is a known violent or dangerous offender.

(f) Any person who violates this section shall, upon conviction, be subject to a fine of not more than $300, or imprisonment for not more than 6 months.

(g) The Attorney General for the District of Columbia, or his or her assistants, shall prosecute all violations of this section.

TITLE II

Sec. 201. The School Safety and Security Contracting Procedures Act of 2004, effective April 13, 2005 (D.C. Law 15-350; D.C. Official Code § 5-132.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 5-132.01) is amended as follows: Note, § 5-132.01

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

"(2A) "Public charter schools" shall have the same meaning as provided in section 2002(29) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321 [226]; D.C. Official Code § 38-1800.02(29)).".

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

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

"(3) "School resource officer" means a sworn MPD officer assigned to DCPS or public charter schools for the purpose of working in collaboration with DCPS, public charter schools, and community-based organizations to:".

(B) Subparagraph (C) is amended by striking the phrase "DCPS schools

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and grounds" and inserting the phrase "DCPS schools and grounds and public charter schools and their grounds" in its place.

(b) Section 102 (D.C. Official Code § 5-132.02) is amended as follows: **Note, § 5-132.02**

(1) Subsection (c)(2) is amended to read as follows:

"(2)(A) Deploy school security personnel to DCPS; and

"(B) Deploy school resource officers to public charter schools;".

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

(A) The first sentence of paragraph (1) is amended to read as follows:

"The School Safety Division shall develop a plan to be implemented before the beginning of each DCPS school year for protecting children walking to and from DCPS and public charter schools and for protecting children from gang and crew violence on, in, and around DCPS and public charter schools' property.".

(B) Paragraph(2)(B) is amended by striking the phrase "DCPS property" and inserting the phrase "DCPS and public charter schools property" in its place.

TITLE III

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)).

TITLE IV

Sec. 401. 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.

Vincent C. Gray

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
May 19, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-403

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 19, 2010

To authorize, on an emergency basis, the Chairman of the Council, the Chief Judge of the Superior Court of the District of Columbia, and the Mayor to appoint representatives to the National Conference of Commissioners on Uniform State Laws to advise the Mayor and the Council concerning proposals for uniform and model state laws, and to provide that a person who has been elected a life member of the National Conference of Commissioners on Uniform State Laws and the General Counsel to the Council shall also be members.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Commission on Uniform State Laws Appointment Authorization Emergency Act of 2010".

Sec. 2. Appointments to National Conference of Commissioners on Uniform State Laws.

(a) The official commissioners of the District of Columbia to the National Conference of Commissioners on Uniform State Laws ("NCCUSL") shall be members of the District of Columbia Bar, and shall be appointed as follows:

(1) Three commissioners shall be appointed by the Mayor;

(2) One commissioner shall be appointed by the Chairman of the Council; and

(3) One commissioner shall be appointed by the Chief Judge of the Superior Court of the District of Columbia.

(b) Each commissioner appointed pursuant to subsection (a) of this section shall serve a term of 3 years, beginning on July 1 of the year of appointment, and shall serve until his or her successor is appointed.

(c) In addition to the 5 members appointed under this section, the following persons shall be members of the NCCUSL:

(1) Any resident of the District of Columbia who, because of long service in the cause of the uniformity of state legislation, shall have been elected a life member of the NCCUSL; and

(2) The General Counsel to the Council of the District of Columbia, or his or her designee.

(d) A person serving as a NCCUSL commissioner as of the effective date of this act may

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continue to serve until the expiration of his or her term, or until a successor has been appointed, whichever occurs later.

Sec. 3. Duties of commissioners.

(a) The commissioners shall advise the Mayor and the Council, and Council committees, concerning:

(1) Proposals for uniform and model state laws;

(2) The effect that the proposals would have on the laws of the District of Columbia; and

(3) Other matters pertinent to desirable uniformity in legislation between the District and other jurisdictions.

(b) Each commissioner shall attend the meetings of the NCCUSL and, both within and out of the NCCUSL, do all in his or her power to promote uniformity in state laws in all subjects in which uniformity is desirable and practicable.

(c) The commissioners shall report to the Council after each annual meeting, and from time to time thereafter as the commissioners consider proper.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

Vincent C. Gray

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
May 19, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-404

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 19, 2010

Codification District of Columbia Official Code

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To amend the Rental Housing Conversion and Sale Act of 1980 to clarify that hand delivery or sending by certified mail a tenant letter of interest preserves the tenant's or tenant group's opportunity to purchase rights under the act, and that actual receipt of the letter by the housing provider or the Mayor within the relevant time frame is not required.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Tenant Opportunity to Purchase Preservation Clarification Amendment Act of 2010".

Sec. 2. The Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3401.01 *et seq.*), is amended as follows:

(a) Section 409(1) (D.C. Official Code § 42-3404.09(1)) is amended by striking the phrase "and the Mayor" and inserting the phrase "and the Mayor, by hand or by sending by certified mail," in its place. Amend § 42-3404.09

(b) Section 410(1) (D.C. Official Code § 42-3404.10(1)) is amended by striking the phrase "and the Mayor" and inserting the phrase "and the Mayor, by hand or by sending by certified mail," in its place. Amend § 42-3404.10

(c) Section 411(1) (D.C. Official Code § 42-3404.11(1)) is amended by striking the phrase "first class" wherever it appears and inserting the word "certified" in its place. Amend § 42-3404.11

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.

Vincent C. Gray

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
Msy 19, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-405

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 19, 2010

To require that all jobs created by the American Recovery and Reinvestment Act of 2009 be listed on the Department of Employment Services website, to require the Mayor, through the Department of Employment Services, to maintain a list of all jobs created and filled by District residents as a result of the American Recovery and Reinvestment Act of 2009, and to require the Mayor to report the list of District residents hired.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Stimulus Accountability Act of 2010".

Sec. 2. Reporting requirements for entities receiving grants under the federal recovery act.

All nonprofit organizations, companies, associations, contractors, and subcontractors who receive a grant or funding under the American Recovery and Reinvestment Act of 2009, approved February 17, 2009 (Pub. L. No. 111-5; 98 Stat. 1861) ("ARRA"), shall:

(1) As a condition of the grant or funding, list all jobs that shall be created as a result of the grant or funding on the Department of Employment Services website;

(2) Provide the list required by paragraph (1) of this section to the Department of Employment Services; and

(3) Inform the Department of Employment Services of the number of District residents hired for ARRA-funded positions once the positions created as a result of a grant or funding under the ARRA are filled.

Sec. 3. Requirements of the Mayor.

(a) The Mayor, through the Department of Employment Services, shall create a listing of all jobs that have become available through grants or funding under the ARRA.

(b) The Mayor, through the Department of Employment Services, shall maintain a list of ARRA-funded positions that have been filled by District residents. The list of District residents hired as a result of ARRA grants or funding shall be reported to the Council.

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Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

Vincent C. Gray

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
May 19, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-406

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 22, 2010

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To amend the National Capital Revitalization and Self-Government Improvement Act of 1997 to establish additional duties for the Corrections Information Council ("CIC"), to establish a Corrections Information Council Governing Board with duties to advise and provide oversight on the recommendations of the CIC, to establish the position of Executive Director of the CIC with duties to conduct inspections of correctional facilities and report his or her findings to the Corrections Information Council Governing Board, and to require that the CIC provide annual reports on the conditions of confinement for District inmates housed in Bureau of Prisons or Department of Corrections custody.

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

Sec. 2. Chapter 1 of Subtitle C of the National Capital Revitalization and Self-Government Improvement Act of 1997, approved August 5, 1997 (111 Stat. 734; D.C. Official Code § 24-101 *et seq.*), is amended as follows:

Amend § 24-101

(a) Section 11201 (D.C. Official Code § 24-101) is amended as follows:

(1) Designate subsection (g-1) as subsection (h).

(2) Designate subsection (h) as subsection (i).

(3) The newly designated subsection (h) is repealed.

(b) A new section 11201a is added to read as follows:

"Sec. 11201a. District of Columbia Corrections Information Council.

"(a) There is established a District of Columbia Corrections Information Council ("CIC"). The CIC shall be responsible for the inspection of all facilities housing District of Columbia inmates who are under the jurisdiction of either the Bureau of Prisons or the Department of Corrections, and for the monitoring of the conditions and treatment of District of Columbia inmates incarcerated in those facilities.

"(b)(1) The CIC shall consist of a Corrections Information Council Governing Board

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("Board") as well as an Executive Director and subordinate personnel.

"(2)(A) The Board shall be composed of 3 members, 2 of whom shall be appointed by the Mayor with the advice and consent of the Council, and one of whom shall be appointed by the Council.

"(B) Of the members first appointed, the Mayor shall appoint one member for a one-year term. The other mayoral appointee and the Council appointee shall serve 2-year terms. Thereafter, members shall be appointed for terms of 2 years. A Board member may be reappointed. A person appointed to fill a vacancy on the Board occurring prior to the expiration of a term shall serve for the remainder of the term or until a successor has been appointed.

"(C) The Mayor shall designate the chairperson of the Board.

"(D) All members shall be residents of the District of Columbia.

"(E) All Board members shall serve without compensation.

"(3) The Executive Director shall be the head of the office of the CIC, and shall report to the Board. The Executive Director shall have at least 3 years relevant experience in criminal justice to include matters affecting prisoner conditions of confinement. The Mayor shall appoint the Executive Director to serve for a term of 3 years. An Executive Director may be reappointed. The Board may remove the Executive Director from office for cause.

"(c) The Board shall meet as necessary to conduct official business. The presence of 2 members shall constitute a quorum necessary for the CIC to take official action. The CIC may act by an affirmative vote of at least 2 members. The duties of the Board shall include:

"(1) Reporting to the Director of the Bureau of Prisons and the Director of the Department of Corrections with advice and information regarding matters affecting District of Columbia inmates in the custody of the Bureau of Prisons or the Department of Corrections.

"(2) Advising the Executive Director in performing his or her duties;

"(3) Reviewing the findings of the Executive Director concerning the conditions of confinement of District of Columbia inmates in both the Bureau of Prisons and the Department of Corrections custody and make recommendations where appropriate.

"(4) Transmitting the findings of the CIC as required under subsection (e) of this section.

"(d) The duties of the Executive Director shall include:

"(1) Conducting comprehensive inspections of District of Columbia corrections facilities housing inmates, including halfway houses, the Correctional Treatment Facility, and the Central Detention Facility pursuant to section 2(b)(1) of An Act To create a Department of Corrections in the District of Columbia, approved June 27, 1946 (60 Stat. 320; D.C. Official Code § 24-211.02(b)(1));

"(2) Negotiating with the Director of the Bureau of Prisons to provide access to each facility housing District of Columbia sentenced felons for the purposes of:

"(A) Conducting inspections, unannounced, if possible, of all areas

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accessible to inmates;

"(B) Conducting unmonitored interviews of inmates in areas open to inspection; and

"(C) Interviewing selected staff at each facility;

"(3) Conducting, on an annual basis, comprehensive inspections of at least 3 separate Bureau of Prisons facilities housing District of Columbia sentenced felons;

"(4) Reviewing documents related to the conditions of confinement at each facility housing District of Columbia sentenced felons, including inmate files and records, inmate grievances, incident reports, disciplinary reports, use of force reports, medical and psychological records, administrative and policy directives of the facility, and logs, records, and other data maintained by the facility;

"(5) Reporting his or her findings related to the duties of this subsection to the Board; and

"(6) Producing reports as required under subsection (f) of this section.

"(e)(1) The Executive Director shall employ qualified persons or utilize the services of qualified volunteers, as necessary, to perform the work of the CIC. Subject to appropriations, the Executive Director may employ persons on a full-time or part-time basis, or retain the services of contractors for the purpose of inspecting facilities.

"(2) The Executive Director shall supervise all employees and volunteers of the CIC, and shall ensure that all rules, regulations, and orders are carried out properly, and that all records of the CIC are maintained properly.

"(3) Subject to approval of the Board, the Executive Director shall establish a pool of qualified persons who shall be assigned by the Executive Director to carry out the functions set forth in this section. In selecting a person to be a member of this pool, the Executive Director shall take into consideration each person's education, work experience in the correctional facility area, and general reputation for competence, impartiality, and integrity in the discharge of his responsibilities. No member of the pool shall be a current employee of the Department of Corrections or the Bureau of Prisons. For their services, the members of this pool shall be entitled to such compensation as the Executive Director, with the approval of the Board, shall determine; provided, that the compensation shall be on a per-case, not a per-hour, basis.

"(f)(1) Within 60 days of the end of each fiscal year, the CIC shall transmit to the Director of the Bureau of Prisons, the Mayor, the Council, and the Director of the Department of Corrections the following reports:

"(A) A report on the conditions of confinement of District of Columbia inmates in the Department of Corrections custody; and

"(B) A report on each inspection of a facility housing District of Columbia sentenced felons as required in subsection (d)(3) of this section.

"(2) The reports shall have been prepared by the Executive Director and

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approved by the Board, and shall be made available to the public.

"(g) The CIC is authorized to apply for and receive grants to fund its program activities in accordance with the laws and regulations relating to grant management.

"(h)(1) The Chief Financial Officer shall provide financial support services and oversight for the CIC using personnel assigned to provide financial support services and oversight for the Department of Corrections.

"(2)(A) The Chief Procurement Officer shall provide contracting and procurement support services and oversight for the CIC using personnel assigned to provide contracting and procurement support services and oversight for the Department of Corrections.

"(B) The CIC is authorized to contract with qualified private organizations or individuals for services in accordance with 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.*).

"(3) The CIC is authorized to appoint one employee to the Excepted Service established by Title IX of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-609.01 *et seq.*).

"(i) The Mayor shall provide the CIC with adequate office space that is separate and independent from the Department of Corrections.".

Sec. 3. Applicability.

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, but no earlier than June 1, 2011.

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 60-day period of Congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.

Vincent C. Gray

Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
May 19, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-407

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 19, 2010

Codification District of Columbia Official Code

2001 Edition

2010 Fall Supp.

West Group Publisher

To amend the Clean and Affordable Energy Act of 2008 to return control of the Residential Aid Discount program to the Public Service Commission and to provide for an increase in the assessment imposed upon the sales of the electric company to maintain the current form of the Residential Aid Discount program through fiscal year 2010.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Residential Aid Discount Subsidy Stabilization Amendment Act of 2010".

Sec. 2. The Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D.C. Law 17-250; D.C. Official Code § 8-1773.01 *et seq.*), is amended as follows:

(a) Section 101(6) (D.C. Official Code § 8-1773.01(6)) is amended to read as follows: Amend § 8-1773.01

"(6) "Existing low-income programs" means those programs operated under the names "LIHEAP Expansion and Energy Education" and "Residential Essential Service Expansion and Awareness Program".".

(b) Section 210(b)(4) (D.C. Official Code § 8-1774.10(b)(4)) is amended by striking the phrase "operated by DDOE" and inserting the phrase "established by the Commission" in its place. Amend § 8-1774.10

(c) Section 211 (D.C. Official Code § 8-1774.11) is amended as follows: Amend § 8-1774.11

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

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

"(2) There is imposed upon the sales of the electric company an assessment of $0.0000607 per-kilowatt hour; provided, that there is imposed upon the sales of the electric company an additional assessment of $0.00069 per-kilowatt hour for the months of June through September 2010.";

(B) Paragraph (4) is amended by striking the phrase "operated by DDOE" and inserting the phrase "established by the Commission" in its place.

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

"(c) The Energy Assistance Trust Fund shall be used solely to fund the existing low-income programs in the amount of $2.3 million annually; provided, that the EATF shall also be

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used to fund the Residential Aid Discount program in the amount of $5.2 million in fiscal year 2010. The Commission may examine and reconcile any differences between the actual discount provided to customers under the Residential Aid Discount program in fiscal year 2010 and the amount collected through the assessment imposed by subsection (b) of this section. If the assessment for June through September 2010 is not sufficient to fund the program, the Commission may provide for an assessment that allows the electric company to recover the difference from its customers. If the assessment for June through September 2010 is greater than the actual discount, the Commission may require the electric company to return any overcollection to its customers.".

(d) A new section 214 is added to read as follows:

"Sec. 214. Discount program for low-income electricity customers.

"The Commission shall establish, by order, a discount program for low-income electricity customers in the District. The Commission shall establish the eligibility, funding, and administrative guidelines for the program; provided, that the program shall not be funded from existing District funds, District revenue sources, or District assessments.".

Sec. 3. Applicability.

Section 2(b) shall apply as of June 1, 2010.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

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

Vincent C. Gray

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
May 19, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-408

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 19, 2010

Codification District of Columbia Official Code

2001 Edition

2010 Fall Supp.

West Group Publisher

To amend the District of Columbia Uniform Controlled Substances Act of 1981 to establish a felony penalty for possession of phencyclidine in liquid form.

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

Amend § 48-904.01

Sec. 2. Section 401(d) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-904.01(d)), is amended as follows:

(a) Designate the existing text as paragraph (1).

(b) The newly designated paragraph (1) is amended by striking the word "Any" and inserting the phrase "Except as provided in paragraph (2) of this subsection, any" in its place.

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

"(2) Any person who violates this subsection by knowingly or intentionally possessing the abusive drug phencyclidine in liquid form is guilty of a felony and, upon conviction, may be imprisoned for not more than 3 years, fined not more than $3,000, or both.".

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

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

Vincent C. Gray

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
May 19, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-409

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 19, 2010

Codification District of Columbia Official Code

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To amend Chapter 48 of Title 28 of the District of Columbia Official Code to provide procedures for trustees administering an estate in separating principal from income, to ensure that the intention of the trust creator is the guiding principal for trustees, and to update District law to reflect current policy of the Internal Revenue Service.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Uniform Principal and Income Technical Amendments Act of 2010".

Sec. 2. Chapter 48 of Title 28 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation at the end of subchapter VI to read as follows:

"28-4806.03. Transitional matters.".

Amend § 28-4804.09

(b) Section 28-4804.09 is amended as follows:

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

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

"(1) "Payment" means a payment that a trustee may receive over a fixed number of years or during the life of one or more individuals because of services rendered or property transferred to the payer in exchange for future payments. The term "payment" includes a payment made in money or property from the payer's general assets or from a separate fund created by the payer. For the purposes of subsections (d), (d-1), (d-2), and (d-3) of this section, the term "payment" also includes any payment from any separate fund, regardless of the reason for the payment.

"(2) "Separate fund" includes a private or commercial annuity, an individual retirement account, and a pension, profit-sharing, stock-bonus, or stock-ownership plan.".

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

(A) Strike the phrase "characterized as interest or a dividend" and insert the phrase "characterized as interest, or a dividend," in its place.

(B) Strike the phrase "allocate it" and insert the phrase "allocate the

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payment" in its place.

(3) Subsection (c) is amended by striking the phrase " "required to be made" " and inserting the phrase " required to be made " in its place.

(4) Subsection (d) is amended to read as follows:

"(d) Except as otherwise provided in subsection (d-1) of this section, subsections (d-2) and (d-3) of this section apply, and subsections (b) and (c) of this section do not apply, in determining the allocation of a payment made from a separate fund to:

"(1) A trust to which an election to qualify for a marital deduction under section 2056(b)(7) of the Internal Revenue Code of 1986, approved August 5, 1997 (68A Stat. 392; 26 U.S.C. § 2056(b)(7)), has been made; or

"(2) A trust that qualifies for the marital deduction under section 2056(b)(5) of the Internal Revenue Code of 1986, approved August 5, 1997 (68A Stat. 392; 26 U.S.C. § 2056(b)(5)).".

(5) New subsections (d-1), (d-2), and (d-3) are added to read as follows:

"(d-1) Subsections (d), (d-2), and (d-3) of this section do not apply if and to the extent that the series of payments would, without the application of subsection (d) of this section, qualify for the marital deduction under section 2056(b)(7)(C) of the Internal Revenue Code of 1986, approved August 5, 1997 (68A Stat. 392; 26 U.S.C. § 2056(b)(7)(C)).

"(d-2) A trustee shall determine the internal income of each separate fund for the accounting period as if the separate fund were a trust subject to this chapter. Upon request of the surviving spouse, the trustee shall demand that the person administering the separate fund distribute the internal income to the trust. The trustee shall allocate a payment from the separate fund to income to the extent of the internal income of the separate fund and distribute that amount to the surviving spouse. The trustee shall allocate the balance of the payment to principal. Upon request of the surviving spouse, the trustee shall allocate principal to income to the extent the internal income of the separate fund exceeds payments made from the separate fund to the trust during the accounting period.

"(d-3) If a trustee cannot determine the internal income of a separate fund but can determine the value of the separate fund, the internal income of the separate fund is deemed to equal 4 % of the fund's value, according to the most recent statement of value preceding the beginning of the accounting period. If the trustee can determine neither the internal income of the separate fund nor the fund's value, the internal income of the fund is deemed to equal the product of the interest rate and the present value of the expected future payments, as determined under section 7520 of the Internal Revenue Code of 1986, approved November 10, 1988 (102 Stat. 3668; 26 U.S.C. § 7520), for the month preceding the accounting period for which the computation is made.".

(c) Section 28-4805.05 is amended as follows: **Amend § 28-4805-05**

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

(A) The lead-in language is amended by striking the word

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"proportionately".

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

(i) Strike the word "allocated" and insert the phrase "allocated only" in its place.

(ii) Strike the word "and".

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

"(2) From principal to the extent that receipts from the entity are allocated only to principal;".

(D) New paragraphs (3) and (4) are added to read as follows:

"(3) Proportionately from principal and income to the extent that receipts from the entity are allocated to both income and principal; and

"(4) From principal to the extent that the tax exceeds the total receipts from the entity.".

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

"(d) After applying subsections (a) through (c) of this section, the trustee shall adjust income or principal receipts to the extent that the trust's taxes are reduced because the trust receives a deduction for payments made to a beneficiary.".

(d) A new section 28-4806.03 is added to read as follows: New § 28-4806.03

"§ 28-4806.03. Transitional matters.

"Section 28-4804.09 applies to a trust described in § 28-4804.09(d) on and after the following dates:

"(1) If the trust is not funded as of the effective date of the Uniform Principal and Income Technical Amendments Act of 2010, passed on 2nd reading on May 4, 2010 (Enrolled version of Bill 18-563), the date of the decedent's death;

"(2) If the trust is initially funded in the calendar year beginning January 1, 2010, the date of the decedent's death; or

"(3) If the trust is not described in paragraph (1) or (2) of this section, January 1, 2010.".

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

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

Vincent C. Gray

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
May 19, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-410

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 19, 2010

To order the closing of a portion of Virginia Avenue, S.E., between M Street, S.E., and Water Street, S.E., a portion of 14th Street, S.E., between M Street, S.E., and Water Street, S.E., and a portion of M Street, S.E., between former Reservations 129 and 299 adjacent to Square 1048-S; and to amend the District of Columbia Public Space Rental Act to waive vault rental payments for any vault occupying the Virginia Avenue right-of-way abutting Lot 1, Square 1048-S.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of Public Streets Adjacent to Square 1048-S (S.O. 09-11792) Act of 2010".

Sec. 2. Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.01)("Act"), the Council finds that the portions of the streets adjacent to Square 1048-S, as shown on the Surveyor's plats filed under S.O. 09-11792, are unnecessary for street purposes and orders them closed, with title to the land to vest as shown on the Surveyor's plat.

Sec. 3. The applicants under S.O. 09-11792 shall not be subject to the provisions of section 3 of the Comprehensive Plan Amendment Act of 1984, effective April 10, 1984 (D.C. Law 5-76; D.C. Official Code § 1-306.33), or the provisions of section 209(f) of the Act (D.C. Official Code § 9-202.09(f)). The applicants' project, as generally described in S.O. 09-1792, shall not be subject to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03).

Sec. 4. Section 305 of the District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1159; D.C. Official Code § 10-1103.04), is amended as follows:

(a) Subsection (a) is amended by striking the phrase "Except as provided in subsection (d) of this section" and inserting the phrase "Except as provided in subsections (d) and (d-1) of this section" in its place.

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

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"(d-1) Notwithstanding subsection (a) of this section, the owner of Lot 1 in Square 1048-S ("property") shall not be required to pay the rent required by subsection (a) of this section for any vault occupying the Virginia Avenue right-of-way abutting the property and constructed after the effective date of the Closing of Public Streets Adjacent to Square 1048-S (S.O. 09-11792) Act of 2010, passed on 2nd reading on May 4, 2010 (Enrolled version of Bill 18-694).".

Sec. 5. Transmittal.

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

Sec. 6. Fiscal impact statement.

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

Sec. 7. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1983 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Vincent C. Gray

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
May 19, 2010

ENROLLED ORIGINAL

Codification District of Columbia Official Code

2001 Edition

2010 Fall Supp.

West Group Publisher

AN ACT

D.C. ACT 18-411

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 19, 2010

To establish, on a temporary basis, partial unemployment compensation and to provide employers with an alternative to layoffs by establishing a voluntary program that would enable an employer to reduce employee hours and have the employees receive unemployment compensation corresponding to the reduction in hours.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Keep D.C. Working Temporary Act of 2010".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Affected unit" means an employer or its specified department, shift, or other unit of 2 or more employees that is designated by an employer to participate in a shared work plan.

(2) "Director" means the Director, Department of Employment Services, established by Reorganization Plan No. 1 of 1980.

(3) "Fringe benefit" means health insurance, a retirement benefit received under a pension plan, a paid vacation day, a paid holiday, sick leave, and any other analogous employee benefit that is provided by an employer.

(4) "Fund" means the District Unemployment Fund established by section 2 of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 947; D.C. Official Code § 51-102).

(5) "Normal weekly hours of work" means the lesser of:

(A) Forty hours; or

(B) The average obtained by dividing the total number of hours worked per week during the preceding 12-week period by 12.

(6) "Participating employee" means an employee who works a reduced number of hours under a shared work plan and is otherwise eligible for unemployment.

(7) "Participating employer" means an employer who has a shared work plan in

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effect.

(8) "Shared work benefit" means an unemployment compensation benefit that is payable to an individual in an affected unit because the individual works reduced hours under an approved shared work plan.

(9) "Shared work plan" means a program for reducing unemployment under which employees who are members of an affected unit share the work remaining after a reduction in their normal weekly hours of work.

(10) "Shared work unemployment compensation program" means a program designed to reduce unemployment and stabilize the work force by allowing certain employees to collect unemployment compensation benefits if the employees share the work remaining after a reduction in the total number of hours of work and a corresponding reduction in wages.

Sec. 3. Shared work unemployment compensation program.

(a) The Director shall establish a voluntary shared work unemployment compensation program as provided by this section. The Director may adopt rules and establish procedures necessary to administer the shared work unemployment compensation program.

(b) An employer who wishes to participate in the shared work unemployment compensation program shall submit a written shared work plan to the Director for the Director's approval. As a condition for approval, a participating employer shall agree to furnish the Director with reports relating to the operation of the shared work plan as requested by the Director. The employer shall monitor and evaluate the operation of the shared work plan as requested by the Director and shall report the findings to the Director.

(c) The Director may approve a shared work plan if:

(1) The shared work plan applies to and identifies a specific affected unit;

(2) The employer has at least 2 employees;

(3) The employees in the affected unit are identified by name and social security number;

(4) The shared work plan reduces the normal weekly hours of work for an employee in the affected unit by not less than 20% and not more than 40%;

(5) The shared work plan applies to at least 10% of the employees in the affected unit;

(6) The shared work plan describes the manner in which the participating employer treats the fringe benefits of each employee in the affected unit;

(7) The employer certifies that the program will not be used to reduce the benefits packages offered to employees;

(8) The employer certifies that the implementation of a shared work plan and the resulting reduction in work hours is in lieu of temporary layoffs that would affect at least 10% of the employees in the affected unit and that would result in an equivalent reduction in work hours; and

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(9) The employer has filed all reports required to be filed under the employment security law for all past and current periods and has paid all contributions, benefit cost payments, or, if a reimbursing employer, has made all payments in lieu of contributions due for all past and current periods.

(d) If any of the employees who participate in a shared work plan under this section are covered by a collective bargaining agreement, the shared work plan shall be approved in writing by the collective bargaining agent.

(e) A shared work plan shall not be implemented to subsidize seasonal employers during the off-season or to subsidize employers who have traditionally used part-time employees.

(f) The Director shall approve or deny a shared work plan no later than the 30th day after the day the shared work plan is received by the Director. The Director shall approve or deny a shared work plan in writing. If the Director denies a shared work plan, the Director shall notify the employer of the reasons for the denial.

(g) A shared work plan shall be effective on the date that it is approved by the Director; provided, that, for good cause, a shared work plan may be effective at any time within a period of 14 days prior to the date the plan is approved by the Director. The shared work plan shall expire on the last day of the 12th full calendar month after the effective date of the shared work plan.

(h) An employer may modify a shared work plan created under this section to meet changed conditions if the modification conforms to the basic provisions of the shared work plan as approved by the Director. The employer shall report the changes made to the shared work plan in writing to the Director before implementing the changes. If the original shared work plan is substantially modified, the Director shall reevaluate the shared work plan and may approve the modified shared work plan if it meets the requirements for approval under subsection (c) of this section. The approval of a modified shared work plan shall not affect the expiration date originally set for that shared work plan. If substantial modifications cause the shared work plan to fail to meet the requirements for approval, the Director shall deny approval to the modifications as provided by subsection (f) of this section.

(i) Notwithstanding any other provisions of the employment security law, an individual shall be unemployed and eligible for shared work benefits in any week in which the individual, as an employee in an affected unit, works for less than the individual's normal weekly hours of work in accordance with an approved shared work plan in effect for that week. The Director shall not deny shared work benefits for any week to an otherwise eligible individual by reason of the application of any provision of the employment security law that relates to availability for work, active search for work, or refusal to apply for or accept work with an employer other than the participating employer.

(j) An individual shall be eligible to receive shared work benefits with respect to any week in which the Director finds that:

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(1) The individual is employed as a member of an affected unit subject to a shared work plan that was approved before the week in question and is in effect for that week;

(2) The individual is able to work and is available for additional hours of work or full-time work with the participating employer;

(3) The individual's normal weekly hours of work have been reduced by at least 20% but not more than 40%, with a corresponding reduction in wages; and

(4) The individual's normal weekly hours of work and wages have been reduced as described in paragraph (3) of this subsection for a waiting period of one week which occurs within the period the shared work plan is in effect, which period includes the week for which the individual is claiming shared work benefits.

(k) The Director shall pay an individual who is eligible for shared work benefits under this section a weekly shared work benefit amount equal to the individual's regular weekly benefit amount for a period of total unemployment multiplied by the nearest full percentage of reduction of the individual's hours as set forth in the employer's shared work plan. If the shared benefit amount is not a multiple of $1, the Director shall reduce the amount to the next lowest multiple of $1. All shared work benefits under this section shall be payable from the fund.

(l) The Director shall not pay an individual shared work benefits for any week in which the individual performs paid work for the participating employer in excess of the reduced hours established under the shared work plan.

(m) An individual who has received all of the shared work benefits and regular unemployment compensation benefits available in a benefit year is an exhaustee under section 8(g)(1)(H) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 949; D.C. Official Code § 51-107(g)(1)(H)), and shall be entitled to receive extended benefits under such statutes if the individual is otherwise eligible under such statutes.

(n) The Director may terminate a shared work plan for good cause if the Director determines that the shared work plan is not being executed according to the terms and intent of the shared work unemployment compensation program.

(o) Notwithstanding any other provisions of this section, an individual shall not be eligible to receive shared work benefits for more than 50 calendar weeks during the 12-month period of the shared work plan; provided, that 2 weeks of additional benefits shall be payable to claimants who exhaust regular benefits and any benefits under any other federal or state extended benefits program. No week shall be counted as a week for which an individual is eligible for shared work benefits for the purposes of this section unless the week occurs within the 12-month period of the shared work plan.

Sec. 4. Fiscal impact statement.

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

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Sec. 5. Effective date.

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

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

Vincent C. Gray

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
May 19, 2010

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AN ACT

D.C. ACT 18-412

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 19, 2010

Codification District of Columbia Official Code

2001 Edition

2010 Fall Supp.

West Group Publisher

To amend, on a temporary basis, Chapter 28 of Title 47 of the District of Columbia Official Code to limit the interest rate that may be contracted for and received by pawnbrokers and to provide notice and great weight to the Advisory Neighborhood Commissions in the ward where a pawnbroker will be located when a pawnbroker license application is submitted.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Predatory Pawnbroker Regulation and Community Notification Temporary Act of 2010".

Sec. 2. Chapter 28 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-2884.05 is amended by adding a new subsection (a-1) to read as follows: Note, § 47-2884.05

"(a-1)(1) A license shall not be issued to an applicant unless:

"(A) At least 30 days prior to the issuance of a license, all Advisory Neighborhood Commissions in the ward where the pawnbroker will be located shall be provided notice that a pawnbroker license application has been submitted to the Mayor; and

"(B) All affected Advisory Neighborhood Commissions have been accorded great weight during deliberations to approve or deny the license application.

"(2) This subsection shall not apply to applications for licensure renewal submitted by any pawnbroker licensed in accordance with this part as of April 1, 2010.".

(b) Section 47-2884.09(a) is amended to read as follows: Note, § 47-2884.09

"(a)(1) The maximum rate of interest which a pawnbroker may contract for, and receive, including fees, shall not exceed 24% per annum; provided, that this subsection shall not apply to any pawnbroker licensed in accordance with this part as of April 1, 2010.

"(2) The maximum rate of interest which a pawnbroker licensed in accordance with this part as of April 1, 2010 may contract for and receive shall be the same as permitted by section 8 of Article 41 of the Police Regulations, effective August 22, 1957 (C.O. 57-1638; 16 DCMR § 910).".

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Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

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

Vincent C. Gray

Chairman
Council of the District of Columbia

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APPROVED
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