

## ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-462

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 2, 2010

To amend the District of Columbia Appropriations Act, 1955 to direct that lease income from certain former school buildings shall be deposited into the District of Columbia Leasing Fees Working Fund; to amend the District of Columbia Appropriations Act, 1955, to direct that lease income from the lease of the Washington Center for Aging Services shall be deposited into the unrestricted fund balance of the General Fund of the District of Columbia; to impose a freeze on within-grade salary increases and cost of living adjustments for employees of agencies and instrumentalities of the District of Columbia government and to maintain the fiscal year 2010 salary schedules and benefits levels in fiscal year 2011; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to provide consistency between District law and the Fair Labor Standards Act of 1938 with respect to the calculation of overtime hours; to amend the Office of the Chief Technology Officer Establishment Act of 1998 to modify the mission of the Office of the Chief Technology Officer; to amend the Technology Services Support Act of 2007 to authorize the Office of the Chief Technology Officer to sell DC-Net services to independent agencies, government agencies outside the District government, and nonprofit entities; to amend the District of Columbia Latino Community Development Act to authorize the Office on Latino Affairs to issue grants to organizations that provide services to Latino residents of the District of Columbia or for other purposes in furtherance of the mission of the Office of Latino Affairs or the purposes of the District of Columbia Latino Community Development Act; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to clarify the coverage of payments for disability benefits and the responsibilities of District of Columbia employees seeking disability payments, to modify the name of the program covered by that title, to limit benefits for total and temporary and total partial disability payments to 500 weeks, except for employees whose date of hire was before January 1, 1980, to modify the provision regarding the weight provided to the opinions of treating physicians, to repeal a provision regarding requests for reconsideration of certain decisions under the act, to place limitations on the receipt of disability compensation, to provide for the apportionment of permanent partial disability ratings, to clarify the 30-day requirement for accepting or denying new claims made, to allow the suspension of benefits for failing to follow prescribed medical treatment, to limit a light- or

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modified-duty assignment to a maximum of 6 months, and provide for representation and attorneys fees; to amend An Act To establish a code of law for the District of Columbia to authorize the Mayor to establish rules; to amend Title 17 of the District of Columbia Municipal Regulations to modify the fees for the issuance of notary public licenses and authentications through the Office of Notary Commissions and Authentications; to amend the District of Columbia Administrative Procedure Act to establish that electronic publication of the District of Columbia Register and the District of Columbia Municipal Regulations fulfills the legal publication requirements under those acts; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to modify the post-retirement health benefits available to certain District employees; to amend the Procurement Practices Act of 1985 to reduce the Contract Appeals Board's membership from 5 members to 3; to amend the Renewable Energy Portfolio Standard Act of 2004 to permit the use of the Renewable Energy Development Fund for rebates and other financial incentives; to amend the District Department of the Environment Establishment Act of 2005 to clarify the permissible uses of the Storm Water Permit Compliance Enterprise Fund; to amend the Anacostia River Clean Up and Protection Act of 2009 to clarify the permissible uses of the Anacostia River Clean Up and Protection Fund; to limit payment from the categories of bonus and special pay; to amend the District of Columbia Procurement Practices Act of 1985 to require that the annual capital improvement plan and budget for the Highway Trust Fund is submitted to the Council for review and approval; to amend the District of Columbia Campaign Finance Reform and Conflict of Interest Act of 1974 to establish a nonlapsing fund for the purpose of administration and enforcement of Title V of the act; to amend the Arts and Humanities Act to authorize the sale of prints and other artistic works by the Commission on the Arts and Humanities and to direct that the net proceeds of such sales be deposited in the Arts and Humanities Enterprise Fund; to amend Chapter 13 of Title 19 of the District of Columbia Municipal Regulations to increase the hourly rate for investigators and inspectors for special events and to decrease the percentage and radius requirement for neighborhood approval to host a special event; and to amend Chapter 7 of Title 24 to define "Special Event," and to establish fee for issuance of a special-event permit; to amend section 1593 of An Act To establish a code of law for the District of Columbia, section 6a of the Construction Codes Approval and Amendments Act of 1986, section 121 of the District of Columbia Business Corporation Act, section 92 of the District of Columbia Nonprofit Corporation Act, section 44 of the District of Columbia Cooperative Association Act, section 64 of the Limited Liability Company Act of 1994, the Uniform Partnership Act of 1996, section 1102(b) of the Uniform Limited Partnership Act of 1987, and section 47-2851.04 of the District of Columbia Official Code to authorize the Mayor to establish fees and surcharges for the issuance of building permits, business licenses, and corporation filing documents; to amend Title 17 of the District of Columbia Municipal Regulations to

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establish the rate of certain fees and surcharges for the issuance of building permits, business licenses, and corporation filing documents; to amend An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes to modify the vacant property registration requirements and to establish a graduated vacant property registration fee scale; to amend Chapter 8 of Title 47 of the District of Columbia Code to establish real property tax rates for Class 3 and 4 properties; to amend the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, and section 3(1) of An Act to provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes to allow for the electronic service of a notice of infraction; to amend section 47-2851.04(a) of the District of Columbia Official Code to require a person applying for a basic business license to provide an electronic email address for the electronic service of process of notices related to the license; and to amend section 105.3 of Title 12A of the District of Columbia Municipal Regulations to require a person applying for certain permits to provide an electronic mail address with his or her application for the permit; to amend section 1 of An Act to provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, to authorize the Office of the City Administrator to issue an order converting a special assessment lien to an administrative judgment and to authorize the enforcement of the order as a civil judgment in the Superior Court of the District of Columbia; to amend section 104(a) of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 to shorten from 60 to 30 days the review period for proposed civil infraction amendments and to modify the procedure by which certain fines shall be doubled if not paid within the mandated period of time; to amend the District of Columbia Funeral Services Regulatory Act of 1984 to amend the definitions of the terms "direct supervision" and "immediate supervision", to allow the Mayor to establish a schedule of fees by rulemaking, to require the District of Columbia Board of Funeral Directors to provide a list of all licensed funeral directors to the Office of the Chief Medical Examiner and certain health care facilities, to allow the Board to issue a license to an applicant who is licensed in another jurisdiction, to restrict persons who can practice funeral directing, and to restrict the types of services an apprentice funeral director can perform; to amend the Housing Production Trust Fund Act of 1988 to modify the limit on the percentage of funds in the Housing Production Trust Fund that may be used for administrative costs; to require the Mayor to submit an affordable housing production report; to amend the Condominium Act of 1976 to establish a minimum amount for the condominium application fee and require the deposit of the fee into the Department of Housing and Community Development Unified Fund; to amend the Rental Housing Conversion and Sale Act of 1980 to authorize the Mayor to establish and collect fees for condominium conversion applications and certifications and to require the deposit of those fees into the Department of Housing and

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Community Development Unified Fund; to amend the Fiscal Year 2009 Budget Support Act of 2008 to require that specified revenue be deposited into the Department of Housing and Community Development Unified Fund; to amend the District of Columbia Municipal Regulations to set the condominium conversion application and certification fees; to amend the Department of Insurance and Securities Regulation Establishment Act of 1996 to reorganize the Department of Insurance, Securities, and Banking by combining the Banking Bureau and the Securities Bureau; to regulate the practices of title insurance producers and companies in the District; to amend the Public Insurance Adjuster Licensure Act of 2002 to authorize the Commissioner to establish a fee by rule for the licensure of public insurance adjusters; to amend the Life Insurance Act of 1901 to create a uniform premium tax rate for all lines of insurance; and to amend Title 47 of the District of Columbia Official Code to conform with the new uniform premium tax rate; to amend the District of Columbia Unemployment Compensation Act to repeal the cap on the annual amount that may be deposited in the Unemployment Compensation Administrative Assessment Account and to apply the repeal retroactively; to amend the District of Columbia Workers' Compensation Act of 1979 to amend the standard for determining and redetermining certain costs and assessments and to apply the amendment retroactively; to amend the District of Columbia Unemployment Compensation Act to expand the purposes for which funds in the Unemployment Compensation Administrative Assessment Account may be used; to authorize the Mayor to issue grants in furtherance of the Mayor's planning authority; to amend Title 34 of the District of Columbia Official Code to delete outdated provisions to amend An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes to provide that a public utility or service provider that fails to comply with a reimbursement order shall be subject to a penalty; to amend the Renewable Energy Portfolio Act of 2004 to make solar thermal systems located in the District of Columbia eligible for solar renewable energy credits, and to amend the definition of a renewable energy credit; to amend the Telecommunications Competition Act of 1996 to clarify the Public Service Commission's ability to impose penalties upon public utilities; to amend the Youth Employment Act of 1979 to require the Mayor to develop plans for the delivery of workforce development services for the summer youth jobs program and the out-of-school year-round employment program and to require that an independent contractor evaluate the programs on a yearly basis; to amend the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005 to establish a Commercial Revitalization Fund to provide funding for main streets and other commercial revitalization programs; to promote greater public disclosure and transparency regarding the cost of the District government's use of economic development incentives; to require the Chief Financial Officer to compile, print, and publish a Unified Economic Development Budget Report

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every year; to require the Mayor to establish performance measures and goals to measure the success of economic development incentives; to require the Mayor to draft an annual strategic plan for the economic development activities of the Government of the District of Columbia; to provide funds within the Department of Employment Services for adult job training; to amend the Emergency and Non-Emergency Telephone Calling Systems Fund Act of 2000 to require that a prepaid wireless E911 charge be imposed upon a consumer's retail purchase of prepaid wireless telecommunications service occurring in the District; to establish the Access to Justice Initiative as a paper agency and to provide that the Office of the Chief Financial Officer shall award a grant in each fiscal year, from the budget of the Access to Justice Initiative, to the District of Columbia Bar Foundation for the purpose of the foundation providing support to nonprofit organizations that deliver civil legal services to low-income and under-served District residents; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to limit in fiscal year 2011 the amount of overtime personnel in the Fire and Emergency Medical Services Department may earn; to amend An Act To amend the Act entitled "An Act to classify the officers and members of the Fire Department of the District of Columbia, and for other purposes", approved June 20, 1906, and for other purposes to provide that no member of the Fire and Emergency Medical Services Department, except for officers, shall work more than 204 hours in 2 consecutive pay periods in fiscal year 2011, and to prohibit in fiscal year 2011 an officer or member of the department from earning overtime in a pay period after that officer or member has received sick leave in the same pay period; to amend the Omnibus Public Safety Agency Reform Amendment Act of 2004 to prohibit in fiscal year 2011 an officer or member of the Fire and Emergency Medical Services Department from being detailed to Emergency Medical Technician Classes for more than 60 days; to amend section 16-1059 of the District of Columbia Official Code to repeal the sunset date for the Domestic Violence Fatality Review Board; to require the Mayor to contract for the delivery of health care services to inmates in the custody of the Department of Corrections under a community-oriented healthcare services model; to amend the Emergency and Non-Emergency Telephone Calling Systems Fund Act of 2000 to strengthen the requirements for the annual audit of the fund conducted by the Chief Financial Officer; to amend the Pre-K Enhancement and Expansion Amendment Act of 2008 to clarify the priority enrollment requirements and procedures applicable to District of Columbia Public Charter Schools and to conform these requirements with those in effect under the District of Columbia School Reform Act of 1995; to amend section 143 of the District of Columbia Appropriations Act, 2003 to clarify that the loan amount cap applies per campus at any charter public school applicant; to amend the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools and Tax Conformity Clarification Amendment Act of 1998 to establish the uniform per student funding formula for public schools and public charter schools for fiscal year 2011; to

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amend the Board of Education Continuity and Transition Amendment Act of 2004 to require the Chancellor of the District of Columbia Public Schools to prepare and execute a performance-based budget on an annual basis; to require the Mayor to submit an annual report on all donations made to the District of Columbia Public Schools; to require the District of Columbia Public Schools to submit performance measures; to amend the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools and Tax Conformity Clarification Amendment Act of 1998 to require that government services to public schools shall be provided on an equal basis to public schools and public charter schools; to amend the District of Columbia School Reform Act of 1995 to eliminate obsolete references, to provide that co-location agreements may include a lease period of less than 25 years, to revise the number of members on the Public Charter School Board and to clarify how a vacancy on the board shall be filled, and to revise reporting and the method of calculating the numbers of students; to authorize funding for increasing pre-k slots in community-based organizations, to require that for fiscal year 2011 an amount certain be deposited into the Pre-k Program Assistance Grant Fund and be transferred to the University of the District of Columbia; to require that certain portions of the Master Facilities Plan be resubmitted to the Council for review and approval; to amend the School Based Budgeting and Accountability Act of 1998 to require the Mayor to establish an Office of Public Education Facilities Planning within the Office of the Deputy Mayor for Education to be responsible for the development of the Master Facilities Plan; to adjust the 2011 Capital Improvement Plan and Capital Projects submitted by the Mayor to include a project related to Internet access and technology, and to set forth specific sub-projects that shall receive improvements; to amend An Act to enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program and for other purposes to modify the procedure for approval by the Council of fiscal year 2011 modifications of the Medicaid state plan; to impose an assessment on hospitals, to establish a nonlapsing account into which the assessments shall be deposited, and to establish the authorized uses of funds in the account; to amend the Health Maintenance Organization Act of 1996 to require publicly funded health maintenance organizations and prepaid health plans to comply with the prevailing premium assessment on commercial health maintenance organizations, and to direct associated revenues to enhance and expand publicly funded health coverage; to amend the Hospital and Medical Services Corporation Regulatory Act of 1996 to rename the Healthy DC Fund the Healthy DC and Health Care Expansion Fund, and to expand the purpose of the fund to provide increased funding to all public health-care programs administered by the Department of Health Care Finance; to amend the Insurance Regulatory Trust Fund Act of 1993 to exclude any policy or membership fee, net premium receipts, or consideration received from or paid by the Department of Health Care Finance from the definition of "direct

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gross receipts"; and to amend the Healthy DC Act of 2008 to make conforming amendments; to amend Title 47 of the District of Columbia Official Code to allow the Mayor to increase the reimbursement for quality of care improvements through rulemaking, to permit a portion of any revenue generated in fiscal year 2011 to support Medicaid services in the District, to increase the assessment on ICF-MRs to 5.5% of gross revenue, and to make technical amendments; to amend Section 19-701(a) of the District of Columbia Official Code to transfer cash from the escheated properties fund to the Department of Human Services for emergency assistance uses; to amend section 47-2827 of the District of Columbia Official Code and Titles 17 and 22 of the District of Columbia Municipal Regulations to modify the fees on certain health-related licenses; to designate certain funding for competitive grants to support community-based targeted gang intervention and outreach; to amend the Health Care Privatization Amendment Act of 2001 to make conforming amendments to recognize the establishment of the Department of Health Care Finance; to direct the Mayor to provide Supplemental Nutrition Assistance program benefits for 5 months after households stop receiving Temporary Assistance for Needy Families program benefits; to amend the Children and Youth Initiative Establishment Act of 1999 to enhance the organizational and financial integrity of the Children and Youth Investment Trust Corporation; to amend the Medicaid Benefits Protection Act of 1994 to require health insurers that are legally responsible for the payment of a claim for a health care item or service to provide, as a condition of doing business in the District, information about individuals who were eligible for or received medical assistance and to amend the requirements for health insurers to reimburse the District for medical assistance it provided; to amend the District of Columbia Municipal Regulations to increase the fee associated with the filing of pharmaceutical marketing cost reports; to allocate funds within the Addiction Prevention and Recovery Administration to support improved epidemiological assessments of drug abuse in the District; to amend section 102(b) of the Community Access to Health Care Amendment Act of 2006; to establish a Juvenile Justice Commission; to amend the Department of Transportation Establishment Act of 2002 to modify the amount of funds that will be transferred from the District Department of Transportation Unified Fund to the General Fund of the District of Columbia; to amend the Fiscal Year 1997 Budget Support Act of 1996, the Uniform Disposition of Unclaimed Property Act of 1980; the Department of Transportation Establishment Act of 2002, and Title 24 of the District of Columbia Municipal Regulations to increase public space permit fees, to incorporate a technology surcharge, and to implement a process for the Mayor to claim unused public space deposits; to amend section 225.1 of Title 24 of the District of Columbia Municipal Regulations to impose a public space permit fee on steel plates; to amend section 225.1 of Title 24 of the District of Columbia Municipal Regulations to impose a public space permit fee on buses that park at a designated location in public space on a regular

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schedule to pick up and drop off passengers; to amend the Department of Transportation Establishment Act of 2002 to authorize the District Department of Transportation to enter into agreements to allow the placement of advertisements on parking meters and parking meter receipts and to collect payments under the agreements; to amend the District of Columbia Environmental Policy Act of 1989 to establish fees for the review of environmental impact screening forms and for the preparation of Environmental Impact Statements and to authorize the District Department of the Environment to issue rules to assist District agencies in the review of the forms and the preparation of the statements; to amend the Clean and Affordable Energy Act of 2008 to modify the fiscal year 2011 funding levels for the Sustainable Energy Trust Fund and Energy Assistance Trust Fund programs; to amend An Act to Modernize the fish and game laws of the District of Columbia, and for other purposes, to preserve funding from the U.S. Fish and Wildlife Service, apportioned to the District by the Dingell-Johnson Sport Fish Restoration Act; to establish a Vehicle Inspection Task Force; to amend the Civilian School Crossing Guard Function Transfer Amendment Act of 2007 to exempt any civilian crossing guard from the time-in-grade requirements of the District of Columbia Municipal Regulations; to amend the Heights on Georgia Avenue Tax Exemption Act of 2009 to repeal the subject-to-appropriations provision; to amend the Studio Theatre Housing Property Tax Exemption and Equitable Relief Act of 2009 to repeal the subject-to-appropriations provision; to amend section 47-1082 of the District of Columbia Official Code to repeal a provision providing a refund of taxes paid on certain property owned by The Studio Theatre, Inc.; to repeal section 4 of the Affordable Housing Opportunities Residential Rental Project Property Tax Exemption and Equitable Real Property Tax Relief Act of 2010; to repeal section 802(b) of the Healthy Schools Act of 2010; to amend chapter 46 of title 47 of the District of Columbia Official Code to provide for an abatement of real property taxation for the property owned by First Congregational United Church of Christ and to provide equitable real property tax relief; to amend the Park Place at Petworth, Highland Park, and Highland Park Phase II Economic Development Act of 2010 to repeal the retroactivity and subject-to-appropriations provisions and to modify the tax abatement provided in the act; to amend section 47-2624 of the District of Columbia Official Code to modify the tax abatement provided for the Park Place at Petworth, Highland Park, and Highland Park Phase II projects; to amend the Kelsey Gardens Redevelopment Project Real Property Limited Tax Abatement Assistance Act of 2009 to remove the subject-to-appropriations provision for fiscal years 2010, 2011, and 2012; to amend chapter 8 of title 47 of the District of Columbia Official Code to provide tax abatements for nonprofit organizations that purchase or lease office space in certain emerging commercial markets; to transfer certain special purpose account balances and revenue to local funds, to realign the allocations of fiscal year 2011 funding for certain existing and new capital projects, including the streetcar project; to realign the allocations of fiscal

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year 2010 funding for certain capital projects; to amend the Disposition and Redevelopment of Lot 854 in Square 441 Approval Act of 2008 to repeal the authority to issue tax increment financing bonds for the Broadcast Center One project, and to establish certain timing limits on the issuance of tax increment financing bonds under the Southwest Waterfront Bond Financing Act of 2008, the Southeast Federal Center Payment in Lieu of Taxes Revision Emergency Approval Resolution of 2007, and the Great Streets Neighborhood Retail Priority Areas Approval Resolution of 2007; to amend section 47-812.08 of the District of Columbia Official Code to require the District of Columbia Lottery and Charitable Games Control Board, or any payor, for certain lottery winnings, to deduct and withhold an amount equal to the highest tax rate as specified in section 47-1806.03, 47-1807.02, or 47-1808.03 of the District of Columbia Official Code; to amend Chapter 11 of Title 20 of the District of Columbia Official Code to clarify the rules with respect to federal estate and generation-skipping transfer tax rules applicable to the estates of District decedents dying after December 31, 2009; to amend the Retail Incentive Act of 2004 to extend the latest date for the issuance of bonds, and to provide that retail development demonstration projects include one or more restaurants and to establish the total amount of bonds to be made available for demonstration projects; to amend Chapter 46 of Title 47 of the District of Columbia Code to provide a limited abatement of real property taxes on real property owned by The Pew Charitable Trusts, to amend section 47-2002 of the District of Columbia Official Code to establish a 6% sales tax rate on the sale of medical marijuana to be deposited in the Healthy DC and Health Care Expansion Fund; to amend section 47-355.05 of the District of Columbia Official Code to require agency fiscal officers to provide quarterly reports on agency spending to the relevant Council committee chairperson; to amend section 47-1812.08 of the District of Columbia Official Code to provide authority to override a taxpayer exemption certificate to collect taxes in situations where there is a history of nonpayment of taxes through excessive withholding tax exemptions; to amend 47-392.02 of the District of Columbia Official Code to update operating budget, Cash Flow Reserve, and Fund Balance Deposit requirements; to amend section 47-2001 of the District of Columbia Official Code to establish a sales tax on soft drinks or carbonated beverages; to amend section 47-821 of the District of Columbia Official Code to require the Office of the Inspector General to arrange for an independent audit of the Office of Tax and Revenue for the purposes of examining the District's management and valuation of commercial real property assessments and to enter in a memorandum of understanding with the Board of Real Property Assessments and Appeals to provide the funding for the audit with the funds; and to amend the Tax Increment Financing Authorization Act of 1998 to extend the Tax Increment Financing bonds issuance deadline to January 1, 2014..

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BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2011 Budget Support Act of 2010".

## TITLE I. GOVERNMENT DIRECTION AND SUPPORT

## SUBTITLE A. LEASE INCOME FROM FORMER SCHOOL BUILDINGS

Sec. 1001. Short title.

This subtitle may be cited as the "Lease Income from Former School Buildings Authorization Amendment Act of 2010".

Sec. 1002. Section 5(a) of the District of Columbia Appropriations Act, 1955, approved July 1, 1954 (68 Stat. 393; D.C. Official Code § 10-701(a)), is amended by striking the phrase "deposited in the Fund" and inserting the phrase "deposited in the Fund, including, notwithstanding section 2 of 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 § 10-802), all funds received by the District government from the leasing of excess school buildings or any real property formerly under the jurisdiction of the District of Columbia Public Schools and for which jurisdiction was transferred to the Department of Real Estate Services" in its place.

Sec. 1003. Section 2(b)(2) of 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 § 10-802(b)(2)) is amended by striking the phrase "The Mayor" and inserting the phrase "Except as provided in section 5(a) of the District of Columbia Appropriations Act, 1955, approved July 1, 1954 (68 Stat. 393; D.C. Official Code § 10-701(a)), the Mayor" in its place.

## SUBTITLE B. WASHINGTON CENTER FOR AGING SERVICES LEASE INCOME

Sec. 1011. Short title.

This subtitle may be cited as the "Washington Center for Aging Services Lease Income Amendment Act of 2010".

Sec. 1012. Section 5(a) of the District of Columbia Appropriations Act, 1955, approved July 1, 1954 (68 Stat. 393; D.C. Official Code § 10-701(a)), is amended by striking the period at the end and inserting the phrase "; except, that the income received from the lease of the Washington Center for Aging Services building and property (located at 2601 18<sup>th</sup> Street, N.E., in the District of Columbia) shall be deposited in the unrestricted fund balance of the General Fund of the District of Columbia." in its place.

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## SUBTITLE C. SALARIES AND BENEFITS

## Sec. 1021. Short title.

This subtitle may be cited as the "Within-Grade Salary Increases, Cost-of-Living Adjustments, and Salary and Benefits Schedules Act of 2010".

## Sec. 1022. Definitions.

For the purposes of this subtitle, the term:

(1) "Agency" means an agency, office, or instrumentality of the District government, including independent agencies and subordinate agencies, as such terms are defined in section 301(13) and (17) of the CMPA.

(2) "CMPA" means the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*).

(3) "Negotiated salary schedule" means a salary schedule specified in a collective bargaining agreement.

(4) "Negotiated salary, wage, and benefits provision" means the salary and benefits provided in a collective bargaining agreement.

(5) "Personnel authority" means an individual with the authority to administer all or part of a personnel management program as provided in sections 301(14) and 406 of the CMPA.

(6) "Within-grade salary increase" means the advancement of an employee's basic rate of pay to the next higher step or other increment within the same grade, class, or pay level based on quality or length of service, or both, without regard to whether the term "within-grade salary increase" or another term is used to describe the advancement within the applicable compensation law or rule.

## Sec. 1023. Freeze of within-grade salary increases and cost-of-living adjustments.

(a) Notwithstanding any other provision of law, rule, or collective bargaining agreement, an employee of an agency shall not receive a within-grade salary increase or a cost-of-living adjustment during the period from October 1, 2010, through September 30, 2011.

(b) Time in a pay or non-pay status during the period from October 1, 2010 through September 30, 2011, shall not be considered creditable service for the purpose of computing an employee's length of service or waiting period for a within-grade salary increase under Title XI of the CMPA or other applicable law or rule.

## Sec. 1024. Maintenance of fiscal year 2010 salary schedules and benefits in fiscal year 2011.

Notwithstanding any other provision of law, collective bargaining agreement, memorandum of understanding, side letter, or settlement, whether specifically outlined or

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incorporated by reference, all fiscal year 2010 salary schedules shall be maintained during fiscal year 2011, and no increase in salary or benefits, including increases in negotiated salary, wage, and benefits provisions and negotiated salary schedules, shall be provided in fiscal year 2011 from the fiscal year 2010 salary and benefits levels.

Sec. 1025. Application to certain employees of the District of Columbia Public Schools.

(a) Sections 1023 and 1024 shall not apply to employees of the District of Columbia Public Schools who are based at a local school or provide direct services to individual students if the Council approves a collective bargaining agreement between The Washington Teachers' Union, Local #6 of the American Federation of Teachers, and the District of Columbia Public Schools for the period October 1, 2007 through September 30, 2012.

(b) Notwithstanding any other provision of law, no restriction on the use of funds to support the categories of special awards pay (comptroller subcategory 0137) or bonus pay (comptroller subcategory 0138) shall apply in fiscal year 2010 or fiscal year 2011 to employees of the District of Columbia Public Schools who are based at a local school or who provide direct services to individual students if the Council approves a collective bargaining agreement between The Washington Teachers' Union, Local #6 of the American Federation of Teachers, and the District of Columbia Public Schools for the period October 1, 2007 through September 30, 2012.

(c) This section shall apply subject to the certification of the availability of funding by the Chief Financial Officer.

Sec. 1026. Application to the Metropolitan Police Department and the Fire and Emergency Medical Services Department.

Section 1023 shall not apply to employees of the Metropolitan Police Department and the Fire and Emergency Medical Services Department.

Sec. 1027. Rules.

To the extent authorized by the CMPA or other applicable law or rule, each personnel authority may issue rules to implement this subtitle.

#### SUBTITLE D. OVERTIME WORK HOURS

Sec. 1031. Short title.

This subtitle may be cited as the "Overtime Work Hours Amendment Act of 2010".

Sec. 1032. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) Section 1201(b)(4) (D.C. Official Code § 1-612.01(b)(4)) is amended to read as follows:

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"(4) Overtime shall be paid in accordance with Title XVII and the Fair Labor Standards Act of 1938, approved June 25, 1938 (52 Stat. 1060; 29 U.S.C. § 201 *et seq.*);".

(b) Section 1717(n)(1) (D.C. Official Code § 1-617.17(n)(1)) is amended by striking the phrase "in excess of the basic non-overtime workday".

## SUBTITLE E. OFFICE OF THE CHIEF TECHNOLOGY OFFICER

Sec. 1041. Short title.

This subtitle may be cited as the "Technology Services Amendment Act of 2010".

Sec. 1042. The Office of the Chief Technology Officer Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 1-1401 *et seq.*), is amended as follows:

(a) Section 1813 (D.C. Official Code § 1-1402) is amended by adding a new sentence at the end to read as follows: "In addition, the Office may work to ensure that reasonable, affordable access to high-speed Internet services is available to District residents and businesses."

(b) Section 1814 (D.C. Official Code § 1-1403) is amended as follows:

(1) Paragraph (8) is amended by striking the word "and" at the end.

(2) Paragraph (9) is amended by striking the period at the end and inserting the phrase "; and" in its place.

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

"(10) Developing and implementing solutions designed to ensure that residents and businesses in all areas of the District have reasonable, affordable access to high-speed Internet services."

Sec. 1043. Section 1003(a) of the Technology Services Support Act of 2007, effective September 18, 2007 (D.C. Law 17-20; D.C. Official Code § 1-1432(a)), is amended by striking the phrase "independent District government agencies and entities outside the District government that may engage the DC-Net program to provide telecommunications services to the District of Columbia Public Schools" and inserting the phrase "independent District government agencies, agencies of the federal government, agencies of state or local governments, nonprofit entities providing health care or education services in the District of Columbia, entities outside the District government that may engage the DC-Net program to provide telecommunications services to the District of Columbia Public Schools, District of Columbia public charter schools, the District of Columbia Public Library, and any open-access public network established for the purpose of providing Internet access services to underserved residents or neighborhoods in the District" in its place.

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## SUBTITLE F. OFFICE ON LATINO AFFAIRS GRANT-MAKING AUTHORITY

Sec. 1051. Short title.

This subtitle may be cited as the "Office on Latino Affairs Grant-Making Authority Amendment Act of 2010".

Sec. 1052. Section 303 of the District of Columbia Latino Community Development Act, effective September 29, 1976 (D.C. Law 1-86; D.C. Official Code § 2-1313), is amended as follows:

- (a) Paragraph (8) is amended by striking the word "and" at the end.
- (b) Paragraph (9) is amended by striking the period at the end and inserting the phrase "; and" in its place.
- (c) A new paragraph (10) is added to read as follows:
  - "(10) Issue grants to organizations that provide services to Latino residents of the District of Columbia or in furtherance of the mission of the Office or the purposes of this act."

## SUBTITLE G. PUBLIC SECTOR WORKERS' COMPENSATION

Sec. 1061. Short title.

This subtitle may be cited as the "Disability Compensation Amendment Act of 2010".

Sec. 1062. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

- (a) The table of contents is amended as follows:
  - (1) Strike the phrase "XXIII. DISABILITY COMPENSATION" and insert the phrase "XXIII. PUBLIC SECTOR WORKERS' COMPENSATION" in its place.
  - (2) Add a new section designation after "SEC. 2306. PARTIAL DISABILITY" to read as follows:
    - "SEC. 2306a. PERIOD OF DISABILITY PAYMENTS".
- (b) Title XXIII is amended as follows:
  - (1) The title heading is amended by striking the phrase "Disability Compensation" and inserting the phrase "Public Sector Workers' Compensation" in its place.
  - (2) Section 2301 (D.C. Official Code § 1-623.01) is amended as follows:
    - (A) Paragraph (5) is amended to read as follows:
      - "(5)(A) The term "injury" means:
        - "(i) Accidental injury or death arising out of and in the course and scope of employment; and
        - "(ii) Occupational disease or infection as arises naturally out of such employment or as naturally or unavoidably results from such accidental injury.
      - (B) The term "injury" includes:

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"(i) An injury caused by the willful act of third persons directed against an employee because of his or her employment; and

"(ii) Damage to, or destruction of, eyeglasses, hearing aids, medical braces, artificial limbs, and other medical devices and such time lost while such device or appliance is being replaced or repaired."

(B) A new paragraph (22) is added to read as follows:

"(22) The term "accident" means an unexpected traumatic event during a single work shift identifiable by time and place of occurrence and producing objective symptoms of an injury."

(3) Section 2302 (D.C. Official Code § 1-623.02) is amended as follows:

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

(B) New subsections (b) and (c) are added to read as follows:

"(b) No claim shall be allowed under this act for mental stress or an emotional condition or disease resulting from a reaction to the work environment or to an action taken or proposed by the employing agency involving the following:

"(1) Employee's work performance, assignments, or duties;

"(2) Promotion or denial of promotion;

"(3) Adverse personnel action;

"(4) Transfer;

"(5) Retrenchment or dismissal; or

"(6) Provision of employment benefits:

"(c) Pursuant to section 204(a), the limitation of liability described in subsection (b) of this section shall not apply to an employee whose date of hire was before January 1, 1980."

(4) Section 2304 (D.C. Official Code § 1-623.04) is amended by adding new subsections (c) and (d) to read as follows:

"(c) The initial vocational rehabilitation services provided pursuant to this section shall be for a period not to exceed 90 days after the claimant reaches maximum medical improvement and vocational rehabilitation is initiated.

"(d) After the initial 90-day period has expired, the vocational rehabilitation services may be extended, at the discretion of the Mayor, for good cause shown, for incremental periods of 90 days, not to exceed one year from the initiation of the initial vocational rehabilitation plan."

(5) Section 2305(a) (D.C. Official Code § 1-623.05(a)) is amended by striking the phrase "the District of Columbia government" and inserting the phrase ", subject to the limitations in section 2306a, the District government" in its place.

(6) Section 2306(a) (D.C. Official Code § 1-623.06(a)) is amended by striking the phrase "the District of Columbia government" and inserting the phrase ", subject to the limitations in section 2306a, the District government" in its place.

(7) A new section 2306a is added to read as follows:

"Sec. 2306a. Period of disability payments.

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"(a) Except as provided in subsection (b) of this section, for any one injury causing temporary total or temporary partial disability, the payment for disability benefits shall not continue for more than a total of 500 weeks; provided, that within the last 52 weeks, the claimant shall be entitled to a hearing before an Office of Administrative Hearings judge for purposes of determining whether the claimant has a permanent disability. The hearing shall be conducted pursuant to the provisions of section 2324(b). Within 30 days after the hearing, the Mayor shall notify the claimant, the Attorney General, and the Office of Personnel in writing of his or her decision and any permanent disability award that he or she may make and the basis of the decision.

"(b) Subsection (a) of this section shall not apply to any employee whose date of hire was before January 1, 1980.

"(c) Subsection (a) shall apply one year after the effective date of this subtitle."

(8) Section 2307 (D.C. Official Code § 1-623.07) is amended by adding a new subsection (d) to read as follows:

"(d) If medical records or other objective evidence substantiate a pre-existing impairment or other impairments or conditions unrelated to the work-related injury, the Mayor shall apportion the pre-existing or unrelated medical impairment from that of the current work-related injury or occupational disease in accordance with American Medical Association Guides to the Evaluation of Permanent Impairment ("AMA Guides"). In making this determination, the Mayor shall consider medical reports by physicians with specific training and experience in the use of the AMA Guides."

(9) Section 2310 (D.C. Official Code § 1-623.10) is amended as follows:

(A) The lead-in text of subsection (a) is amended by striking the phrase "and except as provided in subsection (a-1) of this section,".

(B) Subsection (a-1) is repealed.

(C) Subsection (b) is amended by striking the phrase "Except as provided in subsection (b-1) of this section, an employee with a disability" and inserting the phrase "An employee with a disability, whose date of hire was before January 1, 1980," in its place.

(D) Subsection (b-1) is repealed.

(10) Section 2313 (D.C. Official Code § 1-623.13) is amended as follows:

(A) The section heading is amended to read as follows:

"Sec. 2313. Increase, decrease, or suspension of compensation."

(B) Subsection (a) is amended by striking the phrase "at the time of injury; or" and inserting the phrase "at the time of injury, and" in its place.

(C) Subsection (b) is amended by striking the phrase "If an individual" and inserting the phrase "If an employee, whose date of hire was before January 1, 1980," in its place.

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

"(c) If an employee hired after December 31, 1979, without good cause, fails to apply for

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or undergo vocational rehabilitation when so directed under section 2304, his or her right to compensation under this title shall be suspended until the noncompliance ceases."

(11) Section 2316 (D.C. Official Code § 1-623.16) is amended by adding a new subsection (a-1) to read as follows:

"(a-1) An employee shall not be eligible for compensation under this title if he or she was employed by the District of Columbia or the federal government before October 1, 1987, and is receiving disability benefits from the federal government for the same injury."

(12) Section 2322 (D. C. Official Code § 1-623.22) is amended as follows:

(A) Subsection (a) is amended by striking the phrase "3 years" and inserting the phrase "2 years" in its place.

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

"(e) An injured worker may reopen a case within one year after the date of the last payment of indemnity or the final order issued by a judicial entity."

(13) Section 2323(a-2)(4) (D.C. Official Code § 1-623.23(a-2)(4)) is amended by striking the sentence "In all medical opinions used under this section, the diagnosis or medical opinion of the employee's treating physician shall be accorded great weight over other opinions, absent compelling reasons to the contrary."

(14) Section 2324 (D.C. Official Code § 1-623.24) is amended as follows:

(A) Subsection (a-3)(1) is amended by striking the phrase "against payment of compensation" and inserting the phrase "against payment of compensation on a newly filed claim" in its place.

(B) Subsection (a-4) is repealed.

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

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

(I) Subparagraph (C) is amended to read as follows:

"(C) The claimant has been released to return to work or has returned to work based upon clear evidence;"

(II) Subparagraph (E) is amended to read as follows:

"(E) Payment of compensation has been suspended due to the claimant's failure to participate in vocational rehabilitation, failure to follow prescribed and recommended courses of medical treatment from the treating physician, or failure to cooperate with the Mayor's request for a physical examination."

(ii) Paragraph (4)(D) is amended to read as follows:

"(D) The employee has been released to return to work in a modified or light duty basis."

(15) Section 2327 (D.C. Official Code § 1-623.27) is amended as follows:

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

"(a) A claimant may authorize an individual to represent him or her in any proceeding before an administrative law judge under section 2324(b). The claimant shall pay the fee for the

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representation."

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

"(b) In all cases, a claim for legal or other services furnished on behalf of a claimant in respect to a case, claim, or award for compensation under this title shall be valid only if approved by the administrative law judge."

(C) Subsection (d) is repealed.

(16) Section 2344(a) (D.C. Official Code § 1-623.44(a)) is amended by striking the sentence "The Mayor shall promulgate regulations that explain the standards and procedures that govern determinations for the modification of an award of compensation." and inserting the sentence "The Mayor shall promulgate rules necessary or useful for the administration and enforcement of this title, including rules for modifying an award of compensation and for the conduct of hearings under section 2324." in its place.

(17) Section 2347 (D.C. Official Code § 1-623.47) is amended as follows:

(A) Subsection (c) is amended by striking the phrase "90 calendar days." and inserting the phrase "180 days (assigned in 90-day increments) in any 12-month period." in its place.

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

"(j) The employee shall be given written notice of the available temporary modified duty assignment."

#### SUBTITLE H. NOTARIES

Sec. 1071. Short title.

This subtitle may be cited as the "Notaries Public Authentications and License Fee Amendment Act of 2010".

Sec. 1072. The third unnumbered paragraph of section 558 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1279; D.C. Official Code § 1-1201(c)), is amended to read as follows:

"(c) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1024; D.C. Official Code § 2-501 *et seq.*), may issue rules to carry out the provisions of this section and sections 559 through 573, including rules to establish and amend fees."

Sec. 1073. Chapter 24 of Title 17 of the District of Columbia Municipal Regulations is amended as follows:

(a) Section 2407 is amended to read as follows:

"2407 CERTIFICATION (AUTHENTICATION) OF NOTARIES PUBLIC

"2407.1 The Secretary of the District of Columbia shall issue certifications (authentications) of seals and signatures of notaries appointed in the District of Columbia

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pursuant to section 588 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1279; D.C. Official Code § 1-1201), and this chapter.

"2407.2 The Secretary of the District of Columbia shall issue certifications of the signatures of District of Columbia governmental officials who are required to sign documents of public records. The certifications shall be as follows:

"(a) 'A' Certificate: For documents that will be used within the United States, generally for interstate commerce.

"(b) Department Head Certificate: For documents that require the signature of an agency head (or his or her designee) and the official seal of the agency.

"(c) Apostille: For documents destined for countries that are parties to the Hague Convention.

"(d) Foreign Certificate: For documents destined for countries that are not parties to the Hague Convention.

"2407.3 A fee of fifteen dollars (\$15) per certificate shall be charged for the issuance of certifications under this section.

(b) Section 2409 is amended to read as follows:

"2409 COMMISSION FEES

"2409.1 Each notary public, before obtaining his or her commission, and for each renewal of his or her commission, shall pay to the District of Columbia Treasurer a license fee of seventy-five dollars (\$75)."

#### SUBTITLE I. LEGAL PUBLICATIONS MODERNIZATION

Sec. 1081. Short title.

This subtitle may be cited as the "Legal Publications Modernization Amendment Act of 2010".

Sec. 1082. Section 3 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1205; D.C. Official Code § 2-502), is amended by adding a new paragraph (20) to read as follows:

"(20) The term "publish" means, for the official publications described in section 5, to issue, in print or electronic format, textual or graphic material for sale or distribution to the public."

Sec. 1083. Title III of the District of Columbia Administrative Procedure Act, effective March 6, 1979 (D.C. Law 2-153; D.C. Official Code § 2-551 *et seq.*), is amended as follows:

(a) Section 301(a) (D.C. Official Code § 2-551(1)) is amended by striking the phrase ""licensing,"" and inserting the phrase ""licensing, publish,"" in its place.

(b) Section 303 (D.C. Official Code § 2-553) is amended as follows:

(1) Subsection (g) is amended by striking the word "quarterly".

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

"(h) Each issue of the District of Columbia Register shall be published on the issue date, which shall appear on the 1<sup>st</sup> page of the issue. If for any reason the issue is published after the issue date that appears on the District of Columbia Register, a notice stating the actual date of publication shall be separately published and attached to each issue. All time computations based upon publication in the District of Columbia Register shall commence from the later of the issue date and the actual date of publication."

(c) Section 307(b) (D.C. Official Code § 2-557(b)) is amended to read as follows:

"(b) Paper copies of the District of Columbia Municipal Regulations shall be printed by each regular branch of the District of Columbia Public Library system and each regular branch shall make a paper copy of the District of Columbia Municipal Regulations available to the public."

(d) Section 309 (D.C. Official Code § 2-559) is amended by striking the word "printing" and inserting the word "publication" in its place.

SUBTITLE J. POLICE AND FIREFIGHTER POST-RETIREMENT HEALTH BENEFITS

Sec. 1091. Short title.

This subtitle may be cited as the "Police and Firefighter Post-Retirement Health Benefits Amendment Act of 2010".

Sec. 1092. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) Section 2109 (D.C. Official Code § 1-621.09) is amended as follows:

(1) Subsection (g) is amended by striking the phrase "the Police and Fire Retirement System," and inserting the word "or" in its place.

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

(A) The lead-in text is amended by striking the phrase "for an annuitant" and inserting the phrase "for an annuitant described in subsection (g) of this section" in its place.

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

"(3) For annuitants who are injured or killed in the line of duty, the District's contribution shall be an amount equal to 75% of the cost of the selected health benefit plan and the annuitant shall contribute 25% of the cost of the selected health benefit plan. For a covered family member of an annuitant, the District contribution shall be an amount equal to 75% of the cost of the selected health benefit plan and the family member shall contribute 25% of the cost of the selected health benefit plan. This paragraph shall apply as of October 1, 2009."

(3) New subsections (i), (j), (k), (l), and (m) are added to read as follows:

"(i) In the case of an annuitant who retired pursuant to the Police and Fire Retirement

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System, the District shall pay the portion of the cost of any health benefit plan selected by the annuitant in accordance with subsection (j) of this section.

"(j) The District contribution to post-employment health benefits for an annuitant described in subsection (i) of this section (and following the annuitant's death, the annuitant's eligible family members) shall be determined as follows:

"(1) For annuitants hired before November 10, 1996, who retire with at least 5 years of creditable District service, the District contribution shall be an amount equal to 75% of the cost of the selected health benefit plan and the annuitant shall contribute 25% of the cost of the selected health benefit plan. For a covered family member of an annuitant, the District contribution shall be an amount equal to 60% of the cost of the selected health benefit plan and the covered family member shall contribute 40% of the cost of the selected health benefit plan.

"(2) For annuitants hired on or after November 10, 1996, with at least 10 years of creditable District service, but less than 25 years of creditable District service, the District contribution to the cost of a health benefit plan selected by the annuitant shall be an amount equal to 30% of the cost of the selected health benefit plan (as secondary to Medicare) for the annuitant, plus an additional 3% for each year of creditable District service over 10 years, and 25% for the covered family member of the annuitant, plus an additional 3% for each year of creditable District service over 10 years; provided, that the District contribution shall not exceed 75% of the cost of the selected health benefits plan for the annuitant and 60% of the cost of the selected health benefits plan for the covered family member of the annuitant. The annuitant and family member shall contribute the applicable balance of the cost of the selected health benefit plan.

"(k) In the case of an individual who would otherwise be subject to the Police and Fire Retirement System upon retirement but who is killed in the line of duty and in the case of an individual who retires under the Police and Fire Retirement System due to an injury that occurred in the line of duty, the District shall pay the portion of the cost of any health benefit plan selected by the individual or the individual family member in accordance with subsection (l) of this section.

"(l) For an individual covered by subsection (k) of this section, the District's contribution to the cost of the selected health benefits plan of the individual shall be an amount equal to 75% of the cost of the selected health benefit plan and the individual shall contribute 25% of the cost of the selected health benefit plan. For a covered family member of the individual, the District contribution to the cost of the selected health benefits plan of the family member shall be an amount equal to 75% of the cost of the selected health benefit plan and the family member shall contribute 25% of the cost of the selected health benefit plan.

"(m) An individual described in subsection (k) of this section shall be considered an annuitant for the purposes of this section."

(b) Section 2113(d) (D.C. Official Code § 1-621.13(d)) is amended to read as follows:

"(d) The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure

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Act, approved October 1, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this act, including rules related to post-employment health benefits coverage, including structuring coverage so that it is secondary to other coverage (including Medicare)."

(c) Section 2117 (D.C. Official Code § 1-621.17) is amended as follows:

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

"(1) Retire with at least:

"(A) 10 years of creditable District service if the annuitant retired under the District Retirement Benefit Program, the Teachers' Retirement System, the Judges' Retirement System, or the Teachers' Insurance and Annuity Association programs; or

"(B) 10 years of creditable District service if the annuitant retired under the Police and Fire Retirement System and the annuitant was hired on or after November 10, 1996; or

"(C) 5 years of creditable District service if the annuitant retired under the Police and Fire Retirement System and the annuitant was hired before November 10, 1996;".

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

"(b-1) In addition to annuitants eligible under this section for the post-employment health benefits as set forth in section 2105, individuals described in section 2109(k) shall also be eligible for such benefits and those individuals shall be considered annuitants for the purposes of this section."

Sec. 1093. Applicability.

(a) Section 1092(a) and (c) shall apply as of October 1, 2011.

(b) This subtitle shall apply subject to its inclusion in an approved budget and financial plan.

## SUBTITLE K. CONTRACT APPEALS BOARD

Sec. 1101. Short title.

This subtitle may be cited as the "Contract Appeals Board Amendment Act of 2010".

Sec. 1102. Section 901(a)(1) of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-309.01(a)(1)), is amended by striking the number "4" and inserting the number "2" in its place.

## SUBTITLE L. RENEWABLE ENERGY DEVELOPMENT

Sec. 1111. Short title.

This subtitle may be cited as the "Renewable Energy Development Amendment Act of 2010".

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Sec. 1112. Section 8 of the Renewable Energy Portfolio Standard Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code § 34-1436), is amended as follows:

(a) Subsection (b) is amended by striking the phrase "loans and grants" and inserting the phrase "loans, grants, rebates, and other financial incentives" in its place.

(b) Subsection (c) is amended by striking the phrase "loans and grants" and inserting the phrase "loans, grants, rebates, and other financial incentives" in its place.

## SUBTITLE M. STORMWATER PERMIT COMPLIANCE FUND CLARIFICATION

Sec. 1121. Short title.

This subtitle may be cited as the "Stormwater Permit Compliance Fund Clarification Amendment Act of 2010".

Sec. 1122. Section 152(e)(1) of the District Department of the Environment Establishment Act of 2005, effective March 25, 2009 (D.C. Law 17-371; D.C. Official Code § 8-152.02(e)(1)), is amended to read as follows:

"(1) Stormwater management activities carried out prior to April 20, 2000, including street sweeping, except to the extent those activities were enhanced, and their costs increased to comply with the terms of the Stormwater Permit; or".

## SUBTITLE N. ANACOSTIA RIVER CLEAN UP AND PROTECTION CLARIFICATION

Sec. 1131. Short title.

This subtitle may be cited as the "Anacostia River Clean Up and Protection Clarification Amendment Act of 2010".

Sec. 1132. Section 6(c) of the Anacostia River Clean Up and Protection Act of 2009, effective September 23, 2009 (D.C. Law 18-55; D.C. Official Code § 8-102.05(c)), is amended as follows:

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

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

"(2) The Fund shall not be used to fund street sweeping activities."

## SUBTITLE O. BONUS AND SPECIAL PAY LIMITATION

Sec. 1141. Short title.

This subtitle may be cited as the "Bonus and Special Pay Limitation Act of 2010".

Sec. 1142. Bonus and special pay limitations.

(a) For fiscal year 2011, no funds shall be used to support the categories of special awards pay or bonus pay; provided, that funds may be used to pay:

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- (1) Retirement awards;
- (2) Hiring bonuses for difficult-to-fill positions;
- (3) Additional income allowances for difficult-to-fill positions;
- (4) Agency awards or bonuses funded by private grants or donations;
- (5) Safe driving awards;
- (6) Suggestion/invention awards; or
- (7) Any other award/bonus required by an existing contract or collective

bargaining agreement that was entered into prior to the effective date of this subtitle.

(b) No special awards pay or bonus pay shall be paid to a subordinate agency head or an assistant or deputy agency head unless required by an existing contract that was entered into prior to the effective date of this subtitle.

## SUBTITLE P. TRANSPORTATION CAPITAL PROJECTS REQUIREMENTS

Sec. 1151. Short title.

This subtitle may be cited as the "Transportation Procurement Practices Amendment Act of 2010".

Sec. 1152. Section 105a(h) 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(h)), is amended by adding a new paragraph (3) to read as follows:

"(3) For fiscal year 2011, paragraph (1) of this subsection shall not apply unless the annual capital improvement plan and budget for the Highway Trust Fund is submitted to the Council for review and approval in the same format and same detail as required in the FY2011 Proposed Capital Improvement Plan and Budget and includes an accounting for all funding requested with project descriptions and related information."

## SUBTITLE Q. LOBBYIST ADMINISTRATION AND ENFORCEMENT FUND.

Sec. 1161. Short title.

This subtitle may be cited as the "Lobbyist Administration and Enforcement Fund Establishment Amendment Act of 2010".

Sec. 1162. Section 502(c) of the District of Columbia Campaign Finance Reform and Conflict of Interest Act of 1974, approved August 14, 1974 (88 Stat. 462; D.C. Official Code § 1-1105.02(c)), is amended to read as follows:

"(c)(1) There is established as a nonlapsing fund the Lobbyist Administration and Enforcement Fund ("Fund"), which shall be administered by the Office of Campaign Finance. The funds in the Fund shall be used by the Office of Campaign Finance solely for the purpose of administering and enforcing Title V.

"(2) All fees collected under subsection (b) of this section by the Office of

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Campaign Finance shall be deposited into the Fund. All funds deposited into the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in paragraph (1) of this subsection without regard to fiscal year limitation, subject to authorization by Congress."

TITLE II. ECONOMIC DEVELOPMENT AND REGULATION  
SUBTITLE A. DCCAH SALES AUTHORIZATION

Sec. 2001. Short title.

This subtitle may be cited as the "Commission on the Arts and Humanities Artistic Sales Authorization Amendment Act of 2010".

Sec. 2002. The Arts and Humanities Act, effective October 21, 1975 (D.C. Law 1-22; D.C. Official Code § 39-201 *et seq.*), is amended as follows:

(a) Section 5 (D.C. Official Code § 39-204) is amended by adding new paragraphs (5A) and (5B) to read as follows:

"(5A) Sell promotional items and prints of works of art owned by the Commission, at prices established by the Commission;

"(5B) Loan works of art owned by the Commission to other entities, including museums, universities, and companies, either at no cost or at prices established by the Commission;"

(b) Section 6a (D.C. Official Code § 39-205.01) is amended by adding a new subsection (a-1) to read as follows:

"(a-1) There shall be deposited into the Fund:

"(1) Private donations, gifts, and grants; and

"(2) Proceeds of the sale or loan of works of arts, prints, and promotional items."

SUBTITLE B. SPECIAL EVENTS LICENSING

Sec. 2011. Short title.

This subtitle may be cited as the "Special Events Licensing Amendment Act of 2010".

Sec. 2012. Chapter 13 of Title 19 of the District of Columbia Municipal Regulations is amended as follows:

(a) Section 1300.2 is amended to read as follows:

"1300.2 No amusement, carnival, fair, performance, singing, playing of musical or other instruments, or dancing shall be conducted for a total of more than ten (10) days at any single location, unless authorized by the Mayor."

(b) Section 1300.3 is amended to read as follows:

"1300.3 No circus or rodeo shall operate for more than a total of ten (10) days in any

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calendar year, unless authorized by the Mayor."

(c) Section 1301.3 is amended to read as follows:

"1301.3 Not later than ten (10) days before the date on which an activity is scheduled to commence, the owner, operator, manager, or other person in charge of the activity shall submit to the Director a plat secured from the D.C. Surveyor. On the plat shall be shown the location of the proposed activity, together with all of that area within a distance of three hundred feet (300') from the perimeter of the lot(s), reservation(s), or parcel(s) of ground to be occupied by the activity, and the location of all properties wholly or in part within that area."

(d) Section 1301.4 is amended to read as follows:

"1301.4 Not later than ten (10) days before the date on which an activity is scheduled to commence, the owner, operator, manager, or other person in charge of the activity shall obtain the written consent of seventy-five percent (75%) of the resident housekeepers and occupants of business establishments within a distance of three hundred feet (300) from the perimeter of the lot(s), reservation(s), or parcel(s) of ground on which the activity is to be conducted. If the owner, operator, manager, or other person in charge of the activity is unable to obtain said written consent, and has made a good-faith effort to engage the affected residents and business establishments, and to mitigate objections raised by such persons, the Mayor shall have the discretion to issue the license or permit."

Sec. 2013. Section 720 of Title 24 of the District of Columbia Municipal Regulations is amended as follows:

(a) Subsection 720.1 is amended to read as follows:

"720.1 For the purposes of this section, the term "Special Event" means any activity in public or private space and not held in any building or structure, such as circuses, rodeos, carnivals, fairs, performances, musical concerts, community activities, dancing, or amusements of any kind."

(b) Section 720.2 is amended to read as follows:

"720.2 No person shall be permitted to hold a Special Event without first obtaining a permit in writing from the Department of Consumer and Regulatory Affairs."

(c) Section 720.3 is amended to read as follows:

"720.3 The following fees shall be charged for the issuance of a Special Event permit:

"(a) Fees of the Department of Health, Health Emergency Preparedness and Response Administration (DOH/HEPRA), or its successor:

"(1) Advanced medical aid station:

"(A) Two (2) nurses, each at the cost of seventy dollars (\$70.00) per hour;

"(B) One (1) emergency operations staff member at the cost of fifty dollars (\$50.00) per hour; and

"(C) Medical supplies and equipment at the cost of five hundred dollars (\$500.00) per station.

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"(D) Based on the fees established by sub-subparagraphs (A), (B), and (C) of this subparagraph, the total cost for each station shall be six hundred and ninety dollars (\$690.00) for the first hour and one hundred ninety dollars (\$190.00) for each additional hour.

"(2) Basic medical aid station:

"(A) One (1) nurse at the cost of seventy dollars (\$70.00) per hour;

"(B) One (1) emergency operations staff member at the cost of fifty dollars (\$50.00) per hour; and

"(C) Medical supplies and equipment at the cost of three hundred dollars (\$300.00) per station.

"(D) Based on the fees established by sub-subparagraphs (A), (B), and (C) of this subparagraph, the total cost for each station shall be four hundred twenty dollars (\$420.00) for the first hour and one hundred twenty dollars (\$120.00) for each additional hour.

"(3) Emergency operations supervisor: In addition to the above fees, if the Special Event presents a significant risk of overwhelming the District of Columbia's emergency medical services and care system, an emergency operations supervisor from DOH/HEPRA, or its successor agency, will be required at the cost of sixty dollars (\$60.00) per hour.

"(4) Command vehicle station: In addition to the above fees, if the number of participants at the Special Event is expected to equal or exceed five thousand (5,000) and the event presents a significant risk of overwhelming the District of Columbia's emergency medical services and care system, a command vehicle station from DOH/HEPRA, or its successor agency, will be required at the following costs:

"(A) One (1) emergency operations staff member at the cost of fifty dollars (\$50.00) per hour; and

"(B) One (1) command vehicle at the cost of one hundred dollars (\$100.00) per event.

"(C) Based on the fees established by sub-subparagraphs (A) and (B) of this subparagraph, the total cost for each command vehicle station shall be one hundred fifty dollars (\$150.00) for the first hour and fifty dollars (\$50.00) for each additional hour.

"(b) Fees of the Fire and Emergency Medical Services Department:

"(1) Over-the-counter permit fee - shall be charged in the amounts set forth in section F-107H (Permits) of Title 12H of the District of Columbia Municipal Regulations.

"(2) On-site permit fee - to cover the time required to perform an inspection of the site and/or the activities or equipment in use during the event that are inspected. Rate per employee per hour: eighty-eight dollars (\$88.00).

"(3) On-site monitoring fee - to monitor the special event to ensure the safety of the public. Rate per employee per hour: sixty-five dollars (\$65.00).

"(c) Fees of the Department of Public Works:

"(1) Flag installation and removal - to cover the costs of installation and removal of flags from city streetlight poles for special events. Rate per employee per hour: fifty-seven

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dollars (\$57.00).

"(2) Temporary sign installation - to cover the cost of installing temporary no parking signs. Rate per employee per hour: thirty-six dollars (\$36.00).

"(3) Clean-up and trash removal - to cover the cost of space cleaning and trash removal. Rate per employee per hour: thirty-two dollars (\$32.00).

"(4) Disposable Trash Bags: forty-five cents (\$0.45) per bag.

"(d) Fees of the Metropolitan Police Department:

"(1) Special Events Fee - to cover the cost of police services for special events. Rate per officer per hour: sixty dollars and fifty-eight cents (\$60.58).

"(e) Fees of the Department of Consumer and Regulatory Affairs:

"(1) Special Events Fee - to cover the cost of services provided by the following categories of Department of Consumer and Regulatory Affairs employees for monitoring health and food practices, safety conditions, and alcoholic beverage control at special events: sanitarians, building inspectors, electrical inspectors, plumbing inspectors, and licensing investigators. Rate per employee per hour: fifty-four dollars and thirty-five cents (\$54.35).

"(f) Fees of the Alcoholic Beverage Regulation Administration:

"(1) Special Events Fee - to cover the cost of services provided by Alcoholic Beverage Regulation Administration investigators for monitoring the control, sale, service, and consumption of alcoholic beverages at special events. Rate per employee per hour: fifty-four dollars and thirty-five cents (\$54.35)."

## SUBTITLE II. LICENSING, PERMITTING, AND CORPORATE FILINGS

Sec. 2021. Short title.

This subtitle may be cited as the "Licensing, Permitting, and Corporate Filings Amendment Act of 2010".

Sec. 2022. Section 1593 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1426; D.C. Official Code § 1-1329), is amended as follows:

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

"(a)(1) 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.*), may establish and revise the fees and additional charges for services rendered by the Surveyor of the District of Columbia. The fees shall be established by the Mayor in such amounts as, in the Mayor's judgment, will be commensurate with the cost to the District of Columbia for providing the services rendered by the Office of the Surveyor. The schedule of fees established by the Mayor shall be available for inspection in the Office of the Surveyor.

"(2) The proposed rules issued pursuant to paragraph (1) of this subsection shall be submitted to the Council for a 30-day period of review, excluding Saturdays, Sundays, legal

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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 this 90-day review period, the proposed rules shall be deemed approved."

(b) Subsection (a-1) is repealed.

Sec. 2023. Section 6a of the Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1405.01), is amended by adding a new subsection (e) to read as follows:

"(e) To the extent not authorized by paragraph 7 of the General Expenses titles of An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirteenth, nineteen hundred and ten, and for other purposes, approved March 3, 1909 (35 Stat. 689; D.C. Official Code § 6-661.01), and notwithstanding section 10(a), the Mayor, from time to time, 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.*), may establish and revise fees and additional charges regarding the Construction Codes, building permits, and certificates of occupancy, without submission of the proposed rules to the Council for its prior review and approval."

Sec. 2024. Section 121 of the District of Columbia Business Corporation Act, approved June 8, 1954 (68 Stat. 228; D.C. Official Code § 29-101.121), is amended as follows:

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

"(a) The Mayor shall impose on every corporation organized under the laws of the District fees and charges for the following:

"(1) Fees for filing, furnishing, or issuing any document or certificate;

"(2) License fees; and

"(3) Miscellaneous fees and charges."

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

"(b)(1) 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.*), may establish and revise the fees and additional charges described in subsection (a) of this section.

"(2) The proposed rules issued pursuant to paragraph (1) of this subsection 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 this 90-day review period, the proposed rules shall be deemed approved."

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Sec. 2025. Section 92 of the District of Columbia Nonprofit Corporation Act, approved August 6, 1962 (76 Stat. 300; D.C. Official Code § 29-301.92), is amended to read as follows:

"Sec. 92. Fees and charges.

"(a) 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 establish, and may revise, the following fees and charges:

"(1) Fees for filing, issuing, or furnishing any document or certificate;

"(2) License fees; and

"(3) Miscellaneous fees and charges.

"(b) The proposed rules issued pursuant to subsection (a) of this section 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 this 30-day review period, the proposed rules shall be deemed approved."

Sec. 2026. Section 44(a) of the District of Columbia Cooperative Association Act, approved June 19, 1940 (54 Stat. 490; D.C. Official Code § 29-944(a)), is amended by striking the phrase "of \$10." and inserting the phrase "in an amount established by the Mayor by rule. The proposed rules issued pursuant to this subsection 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 this 30-day review period, the proposed rules shall be deemed approved." in its place.

Sec. 2027. Section 64 of the Limited Liability Company Act of 1994, effective July 23, 1994 (D.C. Law 10-138; D.C. Official Code § 29-1063), is amended to read as follows:

"Sec. 64. Fees and charges.

"(a) 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.*), may establish and revise the following fees and charges:

"(1) Fees for filing, issuing, or furnishing any document or certificate;

"(2) License fees; and

"(3) Miscellaneous fees and charges.

"(b) The proposed rules issued pursuant to subsection (a) of this section 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 this 30-day review period, the proposed rules shall be deemed approved."

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Sec. 2028. The Uniform Partnership Act of 1996, effective April 9, 1997 (D.C. Law 11-234; D.C. Official Code § 33-101.01 *et seq.*), is amended as follows:

(a) Section 105(f) (D.C. Official Code § 33-101.05(f)) is amended to read as follows:

"(f)(1) 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.*), may establish and revise fees and charges for the filing of documents and issuance of certificates and other documents, providing certified copies of statements, recording statements, and for taking other actions under this act.

"(2) The proposed rules issued pursuant to paragraph (1) of this subsection 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 this 30-day review period, the proposed rules shall be deemed approved."

(b) Section 1004 (D.C. Official Code § 33-110.04) is amended as follows:

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

"(a) The Mayor may require that a limited liability partnership file a statement of qualification or statement of foreign qualification, or cancellation thereof or amendment thereto, a biennial report, and other relevant statements or documents, on forms provided by the Mayor."

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

"(b)(1) 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.*), may establish and revise fees and charges for the filing of documents and issuance of certificates and other documents, providing certified copies of statements, recording statements, and for taking other actions under this act.

"(2) The proposed rules issued pursuant to paragraph (1) of this subsection 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 this 30-day review period, the proposed rules shall be deemed approved."

Sec. 2029. Section 1102(b) of the Uniform Limited Partnership Act of 1987, effective December 10, 1987 (D.C. Law 7-49; D.C. Official Code § 33-211.02(b)), is amended to read as follows:

"(b) 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 establish fees and additional charges as necessary for the implementation of this act."

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Sec. 2030. Section 47-2851.04(c)(1) of the District of Columbia Official Code is amended as follows:

(a) The existing text is designated as subparagraph (A).

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

"(B) The Director, pursuant to subchapter I of Chapter 5 of Title 2, may revise such fees as are established by this subchapter. The proposed rules issued pursuant to this subparagraph 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 this 30-day review period, the proposed rules shall be deemed approved."

Sec. 2031. Title 17 of the District of Columbia Municipal Regulations is amended as follows:

(a) A new Chapter 6 is added to read as follows:

"CHAPTER 6 DCRA CORPORATIONS DIVISION SCHEDULE OF FEES

"Sec.

"600 General Provisions

"601 Corporations Filing Fees

"602 Nonprofit Corporations Filing Fees

"603 Limited Liability Company Filing Fees

"604 General Partnership Filing Fees

"605 Limited Liability Partnership Filing Fees

"606 Limited Partnership Filing Fees

"607 Cooperative Association Filing Fees

"608 Trade Name Filing Fees

"600 GENERAL PROVISIONS

"600.1 This chapter establishes the fees and charges for filings, certifications, and reports submitted to or requested of the Corporations Division of the Department of Consumer and Regulatory Affairs.

"600.2 For each of the filings required by the Corporations Division, the Director shall offer the following optional services:

"(a) Expedited same-day service: \$100, in addition to all other fees required by statute or regulation; and

"(b) Expedited 3-day service: \$50, in addition to all other fees required by statute or regulation.

"600.3 Beginning on June 1, 2010, the Director shall charge an additional fee of ten percent (10%) on the total cost of any filing or document that is submitted to, or requested from, the Corporations Division to cover the costs of enhanced technological capabilities of the Corporations Division. The additional fee required by this subsection shall expire on October 1,

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**"601 CORPORATIONS FILING FEES**

"601.1 The Director shall charge the following fees pursuant to section 121 of the District of Columbia Business Corporation Act, approved June 8, 1954 (68 Stat. 228; D.C. Official Code § 29-101.121):

- "(a) Filing articles of incorporation:
- "(1) For a corporation with authorized capital up to 100,000 shares: \$185;
  - "(2) For a corporation with authorized capital of more than 100,000 shares and up to 500,000 shares: \$500;
  - "(3) For a corporation with authorized capital of more than 500,000 shares and up to 1,000,000 shares: \$1,000; and
  - "(4) For a corporation with authorized capital of more than 1,000,000 shares: \$1,500;
- "(b) Amendment to articles of incorporation or restated articles of incorporation: \$185; provided, that if the amendment will increase the number of shares, the fee shall be as follows:
- "(1) For a corporation with authorized capital up to 100,000 shares: \$185;
  - "(2) For a corporation with authorized capital of more than 100,000 shares and up to 500,000 shares: \$500;
  - "(3) For a corporation with authorized capital of more than 500,000 shares and up to 1,000,000 shares: \$1,000; and
  - "(4) For a corporation with authorized capital of more than 1,000,000 shares: \$1,500;
- "(c) Filing articles of merger or consolidation: \$150;
- "(d) Filing articles of domestication: \$185;
- "(e) Filing a statement of intent to dissolve: \$35;
- "(f) Filing articles of reincorporation: \$185;
- "(g) Filing articles of dissolution: \$75;
- "(h) Filing a statement of change of address of registered office or change of registered agent, or both: \$35;
- "(i) Filing a statement of the establishment of a series of shares: \$35;
- "(j) Filing an application of a foreign corporation for a certificate of authority to transact business in the District and issuing a certificate of authority: \$200;
- "(k) Filing an application for reservation of a corporate name or for a renewal of reservation: \$35;
- "(l) Filing a notice of transfer of a reserved corporate name: \$35;
- "(m) Filing an application of a foreign corporation for an amended certificate of authority to transact business in the District and issuing an amended certificate of authority: \$150;
- "(n) Filing a copy of articles of merger of a foreign corporation holding a certificate of authority to transact business in the District: \$150;

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"(o) Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal: \$35;

"(p) Filing an application for reinstatement of a domestic or foreign corporation and issuing a certificate of reinstatement: \$250;

"(q) Furnishing a certified copy of any document, instrument, report, or paper relating to a corporation: \$35;

"(r) Filing by a registered agent of a corporation of a statement of change of address of the registered agent: \$35, plus \$15 for each corporation, domestic or foreign, listed in the statement;

"(s) Furnishing a certificate as to the status of a corporation, domestic or foreign: \$15;

"(t) Furnishing a certificate as to the existence or nonexistence of facts or filings relating to corporations, domestic or foreign: \$30;

"(u) Filing 2-year report for foreign and domestic corporations: \$250;

"(v) Filing 2-year report for foreign and domestic corporations after deadline:

"(1) Foreign corporation late fee: \$75; and

"(2) Domestic corporation late fee: \$35, plus interest that shall accrue on the 2-year report fee at the rate of 5% per month until the report fee is paid;

"(w) Filing service of process: \$15; and

"(x) Filing articles of dissolution by incorporators: \$75.

**"602 NONPROFIT CORPORATIONS FILING FEES**

"602.1 The Director shall charge the following fees pursuant to section 92 of the District of Columbia Nonprofit Corporation Act, approved August 6, 1962 (76 Stat. 300; D.C. Official Code § 29-301.92):

"(a) Filing articles of incorporation and issuing certificates of incorporation: \$70;

"(b) Filing articles of amendment and issuing a certificate of amendment: \$65;

"(c) Filing articles of merger or consolidation and issuing a certificate of merger or consolidation: \$65;

"(d) Filing a statement of change of address or registered officer or change or registered agent, or both: \$60;

"(e) Filing articles of dissolution: \$70;

"(f) Filing an application for reservation of a corporate name or for a renewal of reservation: \$65;

"(g) Filing a notice of transfer of a reserved corporate name: \$65;

"(h) Filing a statement of election to accept the District of Columbia Nonprofit Corporation Act and issuing a certificate of acceptance: \$70;

"(i) Filing an application of a foreign corporation for a certificate of authority to conduct affairs in the District and issuing a certificate of authority: \$70;

"(j) Filing an application of a foreign corporation for an amended certificate of authority to conduct affairs in the District and issuing an amended certificate of authority: \$65;

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- "(k) Filing a copy of an amendment to the articles of incorporation of a foreign corporation holding a certificate of authority to conduct affairs in the District: \$65;
- "(l) Filing a copy of articles of merger of a foreign corporation holding a certificate of authority to conduct affairs in the District: \$65;
- "(m) Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal: \$65;
- "(n) Filing an application for reinstatement of a domestic or foreign corporation and issuing a certificate of reinstatement: \$70;
- "(o) Filing any other statement or report, excluding a 2-year report: \$30;
- "(p) Furnishing a certified copy of any document, instrument, or paper relating to a corporation: \$35;
- "(q) Furnishing a certificate as to the existence or nonexistence of a fact relating to a corporation, except a certificate of good standing: \$30;
- "(r) Filing a 2-year report of domestic or foreign corporation: \$75;
- "(s) Furnishing a certificate of good standing: \$30;
- "(t) Filing an amended report: \$75;
- "(u) Filing a 2-year report of domestic or foreign corporation after deadline: \$40;
- "(v) Filing an election of trustees: \$3;
- "(w) Filing an amendment to articles of incorporation of an Old Act Corporation: \$3;
- "(x) Furnishing a certified copy of any document, instrument, or paper relating to an Old Act Corporation or a corporation incorporated pursuant to act of Congress: \$5; and
- "(y) Furnishing a certificate of good standing to an Old Act Corporation or a corporation incorporated pursuant to an act of Congress: \$1.
- "603 LIMITED LIABILITY COMPANY FILING FEES'
- "603.1 The Director shall charge the following fees pursuant to section 64 of the Limited Liability Company Act of 1994, effective July 23, 1994 (D.C. Law 10-138; D.C. Official Code § 29-1063):
- "(a) Filing an application for registration as a foreign limited liability company: \$200;
- "(b) Filing articles of organization: \$150;
- "(c) Filing articles of merger: \$150;
- "(d) Filing articles of amendment: \$150;
- "(e) Filing articles of correction: \$150;
- "(f) Filing articles of dissolution: \$150;
- "(g) Filing articles of cancellation: \$150;
- "(h) Filing a certificate of correction referred to in section 57 of the Limited Liability Company Act of 1994, effective July 23, 1994 (D.C. Law 10-138; D.C. Official Code § 29-1056): \$150;
- "(i) Filing a copy of the document effecting a merger referred to in section 63 of the Limited Liability Company Act of 1994, effective July 23, 1994 (D.C. Law 10-138; D.C. Official

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Code § 29-1062): \$150;

"(j) Filing a petition for reinstatement: \$150;

"(k) Filing a statement of change of registered agent: \$35;

"(l) Filing a statement of change of address of the registered office: \$35;

"(m) Filing an application to reserve or to renew the reservation of a name for use by a domestic or foreign limited liability company: \$35;

"(n) Filing a notice of transfer of a name reserved for use by a domestic or foreign limited liability company: \$35;

"(o) Filing a statement of fictitious name by a foreign limited liability company: \$35;

"(p) Furnishing a certified copy of any document filed under the Limited Liability Company Act of 1994, effective July 23, 1994 (D.C. Law 10-138; D.C. Official Code § 29-1001 *et seq.*): \$35;

"(q) Filing a 2-year report for foreign and domestic limited liability companies: \$150;

"(r) Filing a 2-year report for foreign and domestic limited liability company after deadline: \$75; and

"(s) Filing restated articles of organization (domestic): \$150.

**"604 GENERAL PARTNERSHIP FILING FEES**

"604.1 The Director shall charge the following fees pursuant to the Uniform Partnership Act of 1996, effective April 9, 1997 (D.C. Law 11-234; D.C. Official Code § 33-101.01 *et seq.*):

"(a) Filing a partnership authority form: \$150;

"(b) Filing a partnership disassociation form: \$150;

"(c) Filing a partnership cancellation form: \$150;

"(d) Furnishing a certificate of good standing: \$25; and

"(e) Filing a partnership conversion form: \$150.

**"605 LIMITED LIABILITY PARTNERSHIP FILING FEES**

"605.1 The Director shall charge the following fees pursuant to section 1004 of the Uniform Partnership Act of 1996, effective April 9, 1997 (D.C. Law 11-234; D.C. Official Code § 33-110.04):

"(a) Filing an application of registration (domestic and foreign): \$150;

"(b) Filing a 2-year report (foreign and domestic): \$200;

"(c) Filing an application of cancellation (foreign): \$150;

"(d) Filing an application of dissolution (domestic): \$150;

"(e) Filing an application to change registered agent: \$25;

"(f) Filing an application for certificate of amended authority: \$150;

"(g) Filing an application for certificate of amendment: \$150;

"(h) Filing an application for reservation of name: \$35;

"(i) Furnishing certified copies of documents: \$25;

"(j) Furnishing a certificate of good standing: \$25;

"(k) Furnishing a certificate of no record: \$25;

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"(l) Filing a 2-year report after deadline: \$25.

"606 LIMITED PARTNERSHIP FILING FEES

"606.1 The Director shall charge the following fees pursuant to section 105 of the Uniform Partnership Act of 1996, effective April 9, 1997 (D.C. Law 11-234; D.C. Official Code § 33-101.05):

"(a) Furnishing a certificate of good standing: \$18;

"(b) Furnishing a certified copy of a limited partnership filing: \$20;

"(c) Filing a change of registered agent: \$25;

"(d) Filing a transfer of reserved name of the limited partnership: \$25;

"(e) Filing an application of authority (foreign): \$70;

"(f) Filing an application of certificate of limited partnership (domestic): \$70;

"(g) Filing articles of amendment (domestic): \$70;

"(h) Filing an application for amended authority (foreign): \$70;

"(i) Filing articles of merger: \$70;

"(j) Filing articles of cancellation (domestic): \$70; and

"(k) Filing an application for withdrawal (foreign): \$70.

"607 COOPERATIVE ASSOCIATION FILING FEES

"607.1 The Director shall charge the following fees for cooperative associations:

"(a) Filing articles of incorporation (domestic): \$6;

"(b) Filing an application for authority (foreign): \$6;

"(c) Filing an application for withdrawal: \$6;

"(d) Filing articles of dissolution: \$6;

"(e) Furnishing a certificate of good standing: \$1;

"(f) Filing an annual report (domestic and foreign): \$0.50;

"(g) Filing articles of amendment (domestic): \$6; and

"(h) Filing an application for amended authority (foreign): \$6.

"608 TRADE NAME FILING FEES

"608.1 The Director shall charge the following fees for trade names:

"(a) Filing a trade name registration application: \$50;

"(b) Filing a trade name renewal: \$50;

"(c) Filing a trade name amendment application: \$25;

"(d) Furnishing a trade name certificate copy: \$25; and

"(e) Filing a trade name cancellation: \$25.

"699 DEFINITIONS

"When used in this chapter, the following term shall have the meaning ascribed:

"Old Act Corporation - a corporation that:

"(a) Was incorporated in the District of Columbia prior to August 6, 1962, under any of the following provisions:

"(1) Sections 574 through 586 of An Act To establish a code of law for the

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District of Columbia, approved March 3, 1901 (31 Stat. 1280; D.C. Official Code § 29-601 *et seq.*);

"(2) Sections 587 through 598 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1282; D.C. Official Code § 29-701 *et seq.*); or

"(3) Sections 599 through 604 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1283; D.C. Official Code § 29-801 *et seq.*); and

"(b) Has not elected to be subject to the District of Columbia Nonprofit Corporation Act, approved August 6, 1962 (76 Stat. 265; D.C. Official Code § 29-301.01 *et seq.*)."

(b) Chapter 35 is amended as follows:

(1) Section 3502 is repealed.

(2) Section 3503 is repealed.

(c) Chapter 89 is amended as follows:

(1) Section 8911 is repealed.

(2) Section 8912 is repealed.

#### SUBTITLE D. VACANT PROPERTY REGISTRATION

Sec. 2041. Short title.

This subtitle may be cited as the "Vacant Property Disincentivization Amendment Act of 2010".

Sec. 2042. An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906 (34 Stat. 114; D.C. Official Code § 42-3131.01 *et seq.*), is amended as follows:

(a) Section 5 (D.C. Official Code § 42-3131.05) is amended as follows:

(1) Paragraph (1) is redesignated as paragraph (1A).

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

"(1)(A) "Blighted vacant building" means a vacant building that is determined by the Mayor to be unsafe, insanitary, or which is otherwise determined to threaten the health, safety, or general welfare of the community.

"(B) In making a determination that a vacant building is a blighted vacant building, the Mayor shall consider the following:

"(i) Whether the vacant building is the subject of a condemnation proceeding before the Board of Condemnation and Insanitary Buildings;

"(ii) Whether the vacant building is boarded up; and

"(iii) Failure to comply with the following vacant building

maintenance standards:

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

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doors, windows, and other openings are covered;

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

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

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

"(5) "Vacant building" means real property improved by a building which, on or after April 27, 2001, has not been occupied continuously; provided, that in the case of residential buildings, a building shall only be a vacant building if the Mayor determines that there is no resident for which an intent to return and occupy the building can be shown. When determining whether there is a resident, the Mayor shall consider the following:

"(A) Electrical, gas, or water meter either not running or showing low usage;

"(B) Accumulated mail;

"(C) Neighbor complaint;

"(D) No window covering;

"(E) No furniture observable;

"(F) Open accessibility;

"(G) Deferred maintenance, including loose or falling gutters, severe paint chipping, or overgrown grass; and

"(H) The dwelling is boarded up."

(b) Section 6 (D.C. Official Code § 42-3131.06) is amended as follows:

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

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

"(b) A vacant building shall not be included on the list compiled pursuant to section 16 or subject to the registration fee pursuant to section 9 if it is:"

(B) Paragraph (3A) is repealed.

(C) Paragraph (4) is amended as follows:

(i) The lead-in text is amended to read as follows:

"(4) In compliance with the requirements of section 12 and the housing regulations of the District of Columbia and the owner or his agent has been actively seeking in good faith to rent or sell it; provided, that:"

(ii) Sub-subparagraph (iii) is amended to read as follows:

"(iii) One year from the initial listing, offer, or advertisement to rent; and;"

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(D) Paragraph (5)(B) is amended to read as follows:

"(B) The exemption may be granted for a period not to exceed 12 months from the required registration date, subject to renewal on the basis of continuing extraordinary circumstances and substantial undue economic hardship. The Mayor may withdraw the exemption at any time. Any exemption shall be published in the District of Columbia Register."

(E) Paragraph (6) is repealed.

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

"(h) The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this act. The rules may include a schedule of fines for violations of this act."

(c) Section 9 (D.C. Official Code § 42-3131.09) is amended as follows:

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

"(a) As provided in section 6(a), the owner of a building shall register the building and pay the registration fee within 30 days after it becomes a vacant building, except if the vacant building is owned by the government of the United States or its instrumentalities or by a foreign government or its instrumentalities. The Mayor, in his or her sole discretion, may extend the time for payment for good cause."

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

"(c) The initial registration fee shall be \$250."

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

"(d) The renewal registration fee shall be \$250."

(d) Section 10 (D.C. Official Code § 42-3131.10) is amended by striking the phrase "imprisonment for not more than 90 days, or both".

(e) Section 11 (D.C. Official Code § 42-3131.11) is amended to read as follows:

"Sec. 11. Notice of vacancy designation and right to appeal.

"The Mayor shall identify nonregistered vacant buildings in the District, excluding vacant buildings identified in section 8, and blighted vacant buildings. The owner shall be notified that the owner's building has been designated as a vacant building or as a blighted vacant building and of the owner's right to appeal."

(f) Section 15(a) (D.C. Official Code § 42-3131.15(a)) is amended to read as follows:

"(a) Within 15 days after the designation of an owner's building as a vacant building, the determination of delinquency of registration or fee payment, the denial or revocation of registration, or the designation of a vacant building as a blighted vacant building, the owner may petition the Mayor for reconsideration by filing the form prescribed by the Mayor. Within 30 days after receiving the petition, the Mayor shall issue a notice of final determination."

(g) A new section 17 is added to read as follows:

"Sec. 17. Transmission of list of blighted vacant buildings by Mayor.

"(a) Semiannually, the Mayor shall transmit to the Office of Tax and Revenue a list of

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buildings designated by the Mayor as blighted vacant buildings for which a notice of final determination has been issued under this title and administrative appeals have been exhausted or expired.

"(b) The list shall be in the form and medium prescribed by the Office of Tax and Revenue."

Sec. 2043. Chapter 8 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-812 is amended as follows:

(1) Subsection (b-10) is amended to read as follows:

"(b-10)(1) Notwithstanding the provisions of subsection (a) of this section, the sum of the real property tax rates and special real property tax rates for taxable Class 3 Properties in the District of Columbia for the tax year beginning October 1, 2010, and each tax year thereafter, shall be \$5 for each \$100 of assessed value.

"(2) Notwithstanding the provisions of subsection (a) of this section, the sum of the real property tax rates and special real property tax rates for taxable Class 4 Properties in the District of Columbia for the tax year beginning October 1, 2010, and each tax year thereafter, shall be \$ 10 for each \$ 100 of assessed value."

(b) Section 47-813 is amended as follows:

(1) Subsection (c-8) is amended as follows:

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

"(1) For tax year 2011 and thereafter, the following classes of taxable real property are established:

"(A) Class 1 Property;

"(B) Class 2 Property;

"(C) Class 3 Property; and

"(D) Class 4 Property."

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

(i) Subparagraph (A) is amended to read as follows:

"(A) Except as otherwise provided in this paragraph and subject to paragraphs (4) and (5) of this subsection, Class 1 Property shall be comprised of residential real property that is improved and its legal use (or in the absence of use, its highest and best permitted legal use) is for nontransient residential dwelling purposes."

(ii) Subparagraph (B) is amended to read as follows:

"(B) Unimproved real property located within a zone designated as residential shall be classified as Class 1 Property."

(iii) Subparagraph (E) is repealed.

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

"(3) Class 2 Property shall be comprised of all real property which is not Class 1

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Property, Class 3 Property, or Class 4 Property."

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

"(4)(A) Class 3 Property shall be comprised of all improved real property that appears on the list compiled under § 42-3131.16.

"(B) The Office of Tax and Revenue may request the Mayor to inspect the improved real property to determine whether the property is correctly included on the list compiled under § 42-3131.16."

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

"(5)(A) Class 4 Property shall be comprised of all improved real property that appears on the list compiled under § 42-3131.17.

"(B) The Office of Tax and Revenue may request the Mayor to inspect the improved real property to determine whether the property is correctly included on the list compiled under § 42-3131.17."

(2) Subsection (d-1) is amended as follows:

(A) Paragraph (3A) is repealed.

(B) Paragraph (4A) is amended to read as follows:

"(4A) The determination that real property belongs on a list compiled under § 42-3131.16 or § 42-3131.17 (and, indirectly, its Class 3 or 4 Property classification) shall only be appealed as prescribed under § 42-3131.15, notwithstanding any other provision of law. A notice of final determination by the Mayor shall be a prerequisite before an appeal to the Board of Real Property Assessments and Appeals may be taken."

(C) Paragraph (4B) is amended to strike the phrase "Class 3" wherever it appears and inserting the phrase "Class 3 or 4" in its place.

(D) Paragraph (5) is amended as follows:

(i) Subparagraph (A) is repealed.

(ii) Subparagraph (A-i) is amended as follows:

(I) Sub-subparagraph (i) is amended as follows:

(aa) The lead-in text is amended by striking the phrase "is not used as a parking lot and appears on the list compiled under § 42-3131.16 shall change to Class 3" and inserting the phrase "appears on a list compiled under § 42-3131.16 or § 42-3131.17 shall change to Class 3 or Class 4" in its place.

(bb) Sub-sub-subparagraph (I) is amended by striking the phrase "Class 3 Property shall" and inserting the phrase "Class 3 or 4 Property shall" in its place.

(cc) Sub-sub-subparagraph (II) is amended by striking the phrase "under § 42-3131.16" and inserting the phrase "under § 42-3131.16 or § 42-3131.17" in its place.

(II) Sub-subparagraph (ii) is amended as follows:

(aa) Strike the phrase "is not used as a parking lot

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and appears on the list compiled under § 42-3131.16 shall cease to be Class 3 Property" and insert the phrase "appears on a list compiled under § 42-3131.16 or § 42-3131.17 shall cease to be Class 3 or Class 4 Property" in its place.

(bb) Strike the phrase "§ 42-3131.16 and § 47-825.01(f-1)(2A)" and insert the phrase "§ 42-3131.15" in its place.

(iii) Subparagraph (B) is amended by striking the phrase "subparagraphs (A) and" and inserting the word "subparagraph" in its place.

(E) Paragraph (6) is amended by striking the phrase "Class 3" wherever it appears and inserting the phrase "Class 3 Property or Class 4" in its place.

(3) Subsection (d-2) is amended by striking the phrase "Class 3" and inserting the phrase "Class 3 Property or Class 4" in its place.

## SUBTITLE E. CIVIL INFRACTIONS ELECTRONIC SERVICE OF NOTICE

Sec. 2051. Short title.

This subtitle may be cited as the "Electronic Service of Notice Amendment Act of 2010".

Sec. 2052. Section 205 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 § 2-1802.05), is amended by striking the phrase "personally served," and inserting the phrase "personally served, electronically served," in its place.

Sec. 2053. Section 3(1) of An Act to provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906 (34 Stat. 115; D.C. Official Code § 42-3131.03(1)), is amended by striking the phrase "or if left" and inserting the phrase "if sent by electronic mail to the last-known electronic mail address of the person to be notified, or if left," in its place.

Sec. 2054. Section 47-2851.04(a) of the District of Columbia Official Code is amended by adding a new 2<sup>nd</sup> sentence to read as follows:

"As part of his or her application, he or she shall provide a valid electronic mail address which may be used for the electronic service of process of notices related to the license."

Sec. 2055. Subsection 12A-105.3 of the District of Columbia Municipal Regulations (12A DCMR §105.13) is amended by adding a new 7<sup>th</sup> sentence to read as follows: "Any person requiring a permit in accordance with this subchapter shall, as part of an application for a permit, provide a valid electronic mail address for the electronic service of process of notices related to the permit."

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SUBTITLE F. ADMINISTRATIVE JUDGMENTS OF NUISANCE PROPERTY  
AMENDMENT

Sec. 2061. Short title.

This subtitle may be cited as the "Administrative Judgments of Nuisance Property Amendment Act of 2010".

Sec. 2062. Section 1 of An Act to provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906 (34 Stat. 114; D.C. Official Code § 42-3131.01), is amended as follows:

(a) Subsection (a) is amended by adding a new paragraph (1A) to read as follows:

"(1A) The Mayor may request the Office of Administrative Hearings to issue, and the Office of Administrative Hearings may issue, a final order converting a special assessment lien to an administrative judgment. The Mayor may then cause the final order to be entered as a judgment against the owner in the Superior Court of the District of Columbia. The Mayor may enforce the judgment in the same manner as any other civil judgment may be enforced under District law."

(b) Subsection (c) is amended by adding a new paragraph (1A) to read as follows:

"(1A) The Mayor may request the Office of Administrative Hearings to issue, and the Office of Administrative Hearings may issue, a final order converting a special assessment lien to an administrative judgment. The Mayor may then cause the final order to be entered as a judgment against the owner in the Superior Court of the District of Columbia. The Mayor may enforce the judgment in the same manner as any other civil judgment may be enforced under District law."

## SUBTITLE G. CIVIL INFRACTIONS FINES

Sec. 2071. Short title.

This subtitle may be cited as the "Department of Consumer and Regulatory Affairs Civil Infractions Amendment Act of 2010".

Sec. 2072. 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.*), is amended as follows:

(a) Section 104(a) (D.C. Official Code § 2-1801.04(a)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase "60 days" and inserting the phrase "30 days" in its place.

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

"(2) In addition to the civil fine, a respondent who fails to answer a notice of infraction within the time specified by section 202(e) may be assessed a penalty equal to twice the amount of the civil fine for the infraction set forth in the notice."

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(b) Section 201(b)(8) (D.C. Official Code § 2-1802.01(b)(8)) is amended to read as follows:

"(8) Notice that failure to answer the notice of infraction within 15 days after the date of service, or other period which the Mayor may establish by rule, shall result in a penalty equal to twice the amount of the civil fine for the infraction set forth in the notice; and".

(c) Section 202(f) (D.C. Official Code § 2-1802.02(f)) is amended to read as follows:

"(f) If a respondent has been served a notice of infraction and fails, without good cause, to answer within the time period established in subsection (e) of this section, the respondent shall be liable for the penalty established pursuant to section 104(a)(2)."

## SUBTITLE H. FUNERAL DIRECTOR LICENSES AND STANDARDS

Sec. 2081. Short title.

This subtitle may be cited as the "Funeral Director Licensing Amendment Act of 2010".

Sec. 2082. The District of Columbia Funeral Services Regulatory Act of 1984, effective May 22, 1984 (D.C. Law 5-84; D.C. Official Code § 3-401 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 3-402) is amended as follows:

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

"(6) "Direct supervision" means that a funeral director currently licensed to practice as a funeral director in the District is present and assisting the supervisee."

(2) Paragraph (13) is amended to read as follows:

"(13) "Immediate supervision" means that a funeral director currently licensed to practice as a funeral director in the District is available within reasonable proximity and within vocal or electronic communication range of the supervisee."

(b) Section 5 (D.C. Official Code § 3-404) is amended to read as follows:

"Sec. 5. Fees.

"(a) The Mayor may establish, by rule, a fee schedule for all services related to the regulation of the practice of funeral directing. The fees shall be reasonably related to the cost of administering the licensing, certification, or registration, including the cost of testing, processing, and issuing the license, certificate, or registration, and a proportionate share of the cost of running the Board and any hearing procedures, and other administrative functions. Application fees paid under this section shall not be refundable, even if the applicant withdraws his or her application for licensure, certification, or registration, or is found by the Board to be not qualified.

"(b) The Mayor may establish and change the expiration date of licenses provided for in this act. Upon the change of an expiration date, the renewal fee for licenses shall be prorated on the basis of the time covered."

(c) Section 6 (D.C. Official Code § 3-405) is amended as follows:

(1) Subsection (e)(5) is amended to read as follows:

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"(5) The Board shall provide the Office of the Chief Medical Examiner and all facilities and agencies, as defined in section 2(c) of the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code § 44-501(c)), with a list of all funeral services establishments and a list of funeral directors, apprentice funeral directors, and courtesy card holders authorized to receive human remains for care or preparation in accordance with this act. The list shall:

"(A) Consist only of funeral services establishments licensed and operating in the District of Columbia pursuant to this subsection;

"(B) Include the funeral services establishment license number; and

"(C) Be updated annually."

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

"(i)(1) The Board may issue a license to practice as a funeral director in the District to an applicant who is licensed by another state by waiver of the examination and apprenticeship requirements of subsection (a) of this section.

"(2) An applicant for a license to practice as a funeral director in the District shall furnish proof to the Board that he or she:

"(A) Is currently licensed in good standing as a funeral director in a state or territory of the United States with requirements for licensure that are substantially similar to those in effect in the District;

"(B) Has practiced continuously in the state or territory of licensure as a funeral director for at least 5 years preceding his or her application; and

"(C) Meets the qualifications specified in subsection (a)(1), (2), (5), and (6) of this section."

(d) Section 12 (D.C. Official Code § 3-411) is amended as follows:

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

"(d) No person shall engage in the practice of funeral directing if the person is employed on a part-time or full-time basis by a nursing home, hospital, morgue, physician's office, the Office of the Chief Medical Examiner, or an ambulance service."

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

"(d-1) A funeral services establishment shall not operate an emergency medical transport service with technicians or drivers who do not work exclusively for the medical transport service."

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

"(g) No person employed by a nursing home, hospital, morgue, physician's office, the Office of the Chief Medical Examiner, or an ambulance service shall inform a funeral services establishment, funeral director, or representative or employee of a funeral services establishment of a death or impending death at the institution if the person is employed for the purpose of facilitating solicitation, as defined in section 3(19), by the funeral services establishment, funeral director, representative, or employee."

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(e) A new section 22b is added to read as follows:

"Sec. 22b. Services requiring immediate supervision by a funeral director.

"An apprentice funeral director shall not perform the following services unless he or she is under the immediate supervision of a licensed funeral director:

- "(1) The handling, preparation, or embalming of human remains;
- "(2) The removal or transport of human remains;
- "(3) Conducting or directing a funeral; or
- "(4) Advising consumers making arrangements for the care and disposition of human remains, including arrangements made prior to the death of a person."

SUBTITLE I. HOUSING PRODUCTION TRUST FUND ADMINISTRATIVE COSTS  
AND AFFORDABLE HOUSING PRODUCTION REPORT

Sec. 2091. Short title.

This subtitle may be cited as the "Housing Production Trust Fund and Affordable Housing Production Report Amendment Act of 2010".

Sec. 2092. Section 3(b)(10) of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2802(b)(10)), is amended by striking the phrase "not to exceed in a fiscal year, beginning in fiscal year 2009, 10%" and inserting the phrase "not to exceed 10% in fiscal year 2009 or earlier, not to exceed 15% in fiscal year 2010, not to exceed 15% in fiscal year 2011, and not to exceed 10% in fiscal year 2012 or later" in its place.

Sec. 2093. Affordable housing production report.

(a) The Mayor shall transmit to the Council an affordable housing production report that shall include the following information:

(1) The amount of money expended by the Department of Housing and Community Development for the acquisition and production of affordable housing during the fiscal year;

(2) The number of loans and grants made during the fiscal year;

(3) The number of low-income, very low-income, and extremely low-income households and individuals assisted through the expenditures;

(4) A list of each project for which funds were expended, including, for each project:

(A) A brief description of the project, including the name of the project sponsor;

(B) The amount of money expended on the project;

(C) Whether the money expended was in the form of a loan or a grant;

and

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- (D) The general terms of the loan or grant;
- (5) The amount and percentage of funds expended on homeownership projects;
- (6) The amount and percentage of funds expended on rental housing projects;
- (7) The amount and percentage of funds expended on rental housing or homeownership opportunities for households with incomes at or below 30% of the area median income;
- (8) The amount and percentage of funds expended on rental housing or homeownership opportunities for households with incomes at or below 50% of the area median income;
- (9) The amount and percentage of funds expended on rental housing or homeownership opportunities for households with incomes at or below 80% of the area median income;
- (10) The number of housing units assisted, including the number of rental housing units assisted and the number of homeownership units assisted; and
- (11) The amount expended on administrative costs during the fiscal year.
- (b) The Mayor shall include the affordable housing production report as a subunit of the Housing Production Trust Fund Annual Report required by section 4a of the Housing Production Trust Fund Act of 1988, effective April 19, 2002 (D.C. Law 14-114; D.C. Official Code § 42-2803.01).

## SUBTITLE J. HOUSING REGULATORY ADMINISTRATION FEES

## Sec. 2101. Short title.

This subtitle may be cited as the "Housing Regulatory Administration Fees Amendment Act of 2010".

Sec. 2102. Section 403(d) of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1904.03(d)), is amended as follows:

(a) Strike the phrase "administering this act" and insert the phrase "administering this act, except that the fee shall not be less than \$100" in its place.

(b) A new sentence is added to read as follows: "Monies collected pursuant to this subsection shall be deposited in the Department of Housing and Community Development Unified Fund, established pursuant to section 2009 of the Fiscal Year 2009 Budget Support Act of 2008, effective August 16, 2008 (D.C. Law 17-219; D.C. Official Code § 42-2857.01).".

Sec. 2103. 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 by adding a new section 205a to read as follows:

"Sec. 205a. Application fees.

"(a) The Mayor may impose and collect fees for the processing of an application for

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conversion and other services provided by the Mayor or the Department of Housing and Community Development to implement this act. The Mayor shall establish the fees by rulemaking 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.*).

"(b) Each application for approval of a conversion shall be accompanied by payment to cover the fees, if any, prescribed pursuant to this section.

"(c) Fees collected by the Mayor pursuant to this section shall be deposited in the Department of Housing and Community Development Unified Fund, established pursuant to section 2009 of the Fiscal Year 2009 Budget Support Act of 2008, effective August 16, 2008 (D.C. Law 17-219; D.C. Official Code § 42-2857.01)."

Sec. 2104. Section 2009(e) of the Fiscal Year 2009 Budget Support Act of 2008, effective August 16, 2008 (D.C. Law 17-219; D.C. Official Code § 42-2857.01(e)), is amended by adding new paragraphs (1A) and (1B) to read as follows:

"(1A) All revenue derived from the fees collected pursuant to section 205a of 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.*) ("Rental Housing Conversion and Sale Act"), for processing condominium and cooperative conversions and for other services provided by the Department of Housing and Community Development under the Rental Housing Conversion and Sale Act;

"(1B) All revenue derived from the fees collected pursuant to section 403(d) of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1904.03(d));"

Sec. 2105. Chapter 47 of Title 14 of the District of Columbia Municipal Regulations is amended as follows:

(a) Section 4701.7 is amended to read as follows:

"4701.7 A certification fee in the amount set forth in § 4717 shall accompany the request for election filed with the Conversion and Sale Regulatory Office Rental Conversion and Sale Division."

(b) A new section 4717 is added to read as follows:

"4717 APPLICATION AND CERTIFICATION FEES

"4717.1 The following fees shall be charged for conversion applications, certifications, and applications for registration of condominiums.

"(a) Application to convert a vacant housing accommodation: one hundred dollars (\$100);

"(b) Application to convert a non-housing accommodation: one hundred dollars (\$100);

"(c) Application to convert a property to a low income equity share cooperative: one hundred dollars (\$100); and

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"(d) Certification fee: one hundred dollars (\$100) per occupied units or eight hundred dollars (\$800), whichever is greater."

(c) Section 4799.1 is amended by adding the following definition after the definition of the term "Conversion and Sale Regulatory Office":

"Director - the Director of the Department of Housing and Community Development."

SUBTITLE K. DEPARTMENT OF INSURANCE, SECURITIES, AND BANKING  
REORGANIZATION

Sec. 2111. Short title.

This subtitle may be cited as the "Department of Insurance, Securities, and Banking Reorganization Amendment Act of 2010".

Sec. 2112. The Department of Insurance and Securities Regulation Establishment Act of 1996, effective May 21, 1997 (D.C. Law 11-268; D.C. Official Code § 31-101 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 31-101) is amended to read as follows:

"Sec. 2. Definitions.

"For the purposes of this act, the term:

"(1) "Associate Commissioner for Securities and Banking" means the Associate Commissioner of the Securities and Banking Bureau.

"(2) "Commissioner" means the Commissioner of the Department of Insurance, Securities, and Banking, who shall be the chief executive officer of the Department of Insurance, Securities, and Banking.

"(3) "Department" means the Department of Insurance, Securities, and Banking.

"(4) "Deputy Commissioner" means the Deputy Commissioner of the Department of Insurance, Securities, and Banking.

"(5) "District of Columbia Banking Code" means the statutory provisions concerning banking and financial institutions codified in Title 26 of the District of Columbia Official Code, laws administered by the Commissioner, and rules and regulations promulgated under those statutory provisions and laws.

"(6) "Insurance Bureau" means the office overseeing the regulation of insurance, insurers, and health maintenance organizations.

"(7) "Securities and Banking Bureau" means the office administering the District of Columbia Banking Code and overseeing the regulation of securities."

(b) Section 4(a) (D.C. Official Code § 31-103(a)) is amended as follows:

(1) Paragraph (2) is amended by striking the phrase "Securities Bureau" and inserting the phrase "Securities and Banking Bureau" in its place.

(2) Paragraph (3) is amended by striking the phrase "Banking Bureau" and inserting the phrase "Securities and Banking Bureau" in its place.

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(c) Section 7(b) (D.C. Official Code § 31-106(b)) is amended as follows:

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

"(1) The Securities and Banking Bureau is established to oversee the regulation of securities under the supervision of the Commissioner and administer the District of Columbia Banking Code."

(2) Paragraph (2) is amended by striking the phrase "Director of the Bureau of Banking and Financial Institutions" and inserting the phrase "Associate Commissioner for Securities and Banking" in its place.

(d) Section 8 (D.C. Official Code § 31-107) is amended as follows:

(1) Subsection (b) is repealed.

(2) Subsection (b-1) is repealed.

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

"(b-2) There is established within the General Fund of the District of Columbia a trust fund designated as the Securities and Banking Regulatory Trust Fund ("Fund"), to which shall be credited all funds obtained pursuant to securities regulation and banking regulation. All funds received but not expended in a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia. All funds received and deposited in the Fund shall be used to fund the expenses of the Securities and Banking Bureau in the discharge of its administrative and regulatory duties as prescribed by law. All licensing fees, fines, and any other fees imposed, assessed, and collected for securities regulation and banking regulation shall be deposited into the Fund. The Mayor, through the Commissioner, shall administer the Fund."

(4) Subsection (d) is amended by striking the phrase ", the Securities Regulatory Trust Fund, and the Banking Regulatory Trust Fund" and inserting the phrase "and the Securities and Banking Regulatory Trust Fund" in its place.

#### SUBTITLE L. TITLE INSURANCE

Sec. 2121. Short title.

This subtitle may be cited as the "Title Insurance Producer Act of 2010".

Sec. 2122. Definitions.

(a) For the purpose of this subtitle, the term:

(1) "Abstract of title" means a written history, synopsis, or summary of the recorded instruments affecting a title to real property.

(2) "Affiliate" means, with respect to a person, another person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with the person.

(3) "Aggrieved party" means a lender, title insurer, consumer, or the District of Columbia, who shall have suffered economic harm as a result of matters insured under any fidelity coverage required under this subtitle.

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(4) "Attorney" means a person who is admitted to practice law in the District of Columbia.

(5) "Commissioner" means the Commissioner of the Department of Insurance, Securities, and Banking.

(6) "Escrow" means written instruments, money, or other items deposited by a party with a depository, escrow producer, or escrowee for delivery to another party upon the performance of a specified condition or the happening of a certain event.

(7) "Escrow Officer" means a person who maintains an escrow or indemnified deposit account.

(8) "Indemnity" or "indemnity deposit" means funds or other property received by the title insurer as collateral to secure an indemnitor's obligation under an indemnity agreement pursuant to which the insurer is granted a perfected security interest in the collateral in exchange for agreeing to provide coverage in a title insurance policy for a specific title exception to coverage.

(9) "Person" means an individual, partnership, limited liability company, association, cooperative, corporation, trust, or other legal entity.

(10) "Personal property" means stock ownership in a cooperative housing association.

(11) "Producer Licensing Act" means the Producer Licensing Act of 2002, effective March 27, 2003 (D.C. Law 14-264; D.C. Official Code § 32-1131 *et seq.*).

(12) "Qualified financial institution" means an institution that is:

(A) Organized or, in the case of a United States branch or agency office of a non-U.S. banking organization, licensed under the laws of the United States, a state, the District of Columbia, or another jurisdiction of the United States and granted authority to operate with fiduciary powers;

(B) Regulated, supervised, and examined by an authority of the United States, a state, the District of Columbia, or another jurisdiction of the United States having regulatory authority over banks and trust companies;

(C) Insured by the appropriate federal entity; and

(D) Qualified under any additional rules established by the Commissioner.

(13) "RESPA" means the Real Estate Settlement Procedures Act of 1974, approved December 22, 1974 (88 Stat. 1724; 12 U.S.C. § 2601 *et seq.*).

(14) "Residential property" means real property located in the District of Columbia with one to 4 residential dwelling units in the same or appurtenant structure.

(15) "Subsidiary" means an affiliate controlled by a person, directly or indirectly, through one or more intermediaries.

(16) "Title insurance business" or "business of title insurance" means:

(A) Issuing as an insurer, or offering to issue as an insurer, a title insurance policy;

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(B) Engaging in, or proposing to engage in, any of the following activities when conducted or performed in contemplation of or in conjunction with the issuance of a title insurance policy:

- (i) Soliciting or negotiating the issuance of a title insurance policy;
- (ii) Guaranteeing, warranting, or otherwise insuring the correctness of title searches for all instruments affecting titles to real property, any interest in real property, cooperative units, and proprietary leases, and for all liens or charges affecting the same;
- (iii) Executing title insurance policies;
- (iv) Effecting contracts of reinsurance; or
- (v) Abstracting, searching, or examining titles;

(C) Guaranteeing, warranting, or insuring searches or examinations of title to real property or any interest in real property;

(D) Guaranteeing or warranting the status of title as to ownership of or liens on real property or personal property by any person other than the principals to the transaction;

(E) Doing, or holding oneself out to do, business substantially equivalent to any of the activities listed in this paragraph in a manner designed to evade the provisions of this subtitle; or

(F) Matters insuring the correctness or marketability of title.

(17) "Title insurance commitment" means a preliminary report or binder issued prior to the issuance of a title insurance policy containing the terms, conditions, exceptions, and any other matters under which the title insurer is willing to issue its title insurance policy.

(18) "Title insurance policy" means a contract insuring or indemnifying owners of, or other persons lawfully interested in, real or personal property or an interest in real or personal property against loss or damage arising from any of the following conditions existing on or before the policy date and not expressly excepted or excluded from coverage:

- (A) Defects in, or liens or encumbrances on, the insured title;
- (B) Unmarketability of the insured title;
- (C) Invalidity, lack of priority, or unenforceability of liens or encumbrances on the property;
- (D) Lack of legal right of access to the property; or
- (E) Unenforceability of rights in title to the property and other matters affecting the title to, or right to use and enjoyment of, the property.

(19)(A) "Title insurance producer" or "producer" means a person who is authorized to perform, on behalf of a title insurer, the following acts in conjunction with the issuance of a title insurance commitment or policy covering residential or personal property situated in the District of Columbia:

- (i) Determining insurability and issuing title insurance commitments or policies, or both, based upon the performance or review of a search or abstract

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of title; and

(ii) Soliciting or negotiating title insurance business.

(B) The term "title insurance producer" or "producer" shall not include:

(i) A financial institution (and its employees) that does not solicit, procure, or negotiate title insurance contracts for compensation or conduct title insurance business;

(ii) An employee of an abstracting company;

(iii) A person whose activities in the District are limited to advertising, without the intent to solicit insurance in the District, through communications in printed publications or other forms of electronic mass media; provided, that the person does not sell, solicit, or negotiate insurance that would insure risks of persons residing in or located in, or activities to be performed, in the District;

(iv) A salaried full-time employee who counsels or advises his or her employer relative to the insurance interests of the employer or of the subsidiaries of the employer; provided, that the employee does not sell, solicit, or negotiate insurance, or receive a commission;

(v) An employee of a title insurer; provided, that the employee's activities are not focused on transactions in the District of Columbia, his or her primary responsibilities cover multiple states, and his or her involvement in transactions is to coordinate with title insurance producers licensed in the District of Columbia who conduct title insurance business.

(20) "Title insurer" or "insurer" means a company organized under laws of this state for the purpose of transacting the business of title insurance and any foreign or non-U.S. title insurer licensed in the District to transact the business of title insurance.

(21) "Underwrite" means to accept or reject, or have the authority to accept or reject, risk on behalf of a title insurer.

Sec. 2123. Licensing requirements.

(a) A person shall not act in the capacity of a title insurance producer and a title insurer shall not contract with any person to act in the capacity of a title insurance producer with respect to risks located in the District unless the person is licensed as a title insurance producer in the District of Columbia in accordance with this subtitle.

(b)(1) A title insurance producer licensed in the District shall:

(A) Disclose on all correspondence that the producer is acting as an appointed producer for a particular named underwriter;

(B) Exclude or eliminate the word "insurer" or "underwriter" or similar term from its agency's name; and

(C) Provide, in a timely fashion, each title insurer with which it places business any information the title insurer reasonably requests to comply with reporting

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requirements of the Commissioner.

(2) A title insurance producer operating in the District of Columbia licensed in the District of Columbia on the applicability date of this subtitle shall have 180 days after the applicability date of this subtitle to comply with the requirements of this subsection.

(c)(1) The Commissioner shall require the title insurance producer to maintain the following coverages for the benefit of the title insurer in amounts commensurate with the producer's average exposure, under terms and conditions, and from insurers, acceptable to the Commissioner:

(A) An errors and omission policy which includes coverage for a title insurance producer's delegation of any title insurance producer functions in an amount of not less than \$500,000; and

(B) Fidelity coverage, if the title insurance producer handles escrow or indemnity deposits, in an amount of not less than \$250,000 against which any aggrieved party may assert a claim.

(2) The Commissioner may promulgate rules specifying acceptable alternatives to the preceding insurance requirements. The availability of closing or settlement protection shall not be an acceptable alternative to the requirements of this subsection.

(d) If the title insurance producer delegates the title search to a third party, such as an abstract company, the title insurance producer shall exercise the appropriate diligence, in good faith, to determine that the third party is covered by or maintains the errors and omissions coverage required by subsection (c) of this section.

(e) All funds collected pursuant to this section shall be deposited into the Securities and Banking Regulatory Trust Fund established by section 8(b-2) of the Department of Insurance and Securities Regulation Establishment Act of 1996, effective May 21, 1997 (D.C. Law 11-268; D.C. Official Code § 31-107(b-2)).

Sec. 2124. Examination of operation of title insurance producers.

(a) The Commissioner, during normal business hours, may examine, audit, and inspect any and all books and records required and maintained by a title insurance producer; provided, that trust accounts maintained by attorneys shall be subject to any privilege permitted by law and properly asserted.

(b) The Commissioner may require that the information provided under this section be verified by oath of the title insurance producer or an officer, employee, or accountant of the title insurance producer.

Sec. 2125. Record-retention requirements.

A title insurance producer shall maintain sufficient records of its affairs, including its escrow operations, if any, and escrow trust accounts, if any, so that the Commissioner may adequately ensure that the title insurance producer is in compliance with this subtitle. The

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Commissioner may prescribe the specific record entries and documents to be kept and the length of time for which the records shall be maintained, for a period of not to exceed 3 years, unless otherwise required by the RESPA.

Sec. 2126. Policyholder treatment.

Unless otherwise agreed upon in writing, if a title insurance commitment is issued preparatory to issuing an owners title insurance policy covering the sale of owner-occupied residential property of 4 or fewer units, the title insurance producer or insurer shall furnish the title insurance commitment no later than the time of closing. The commitment shall be accompanied by the following statement on the 1<sup>st</sup> page in bold type:

"Please read the exceptions and the terms shown or referred to herein carefully. The exceptions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this form is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land."

(b)(1) A title insurance producer or insurer which has been requested to issue a lender's title insurance policy in conjunction with a mortgage loan made simultaneously with the purchase of all or part of residential, owner-occupied property securing the loan, where no owner's title insurance policy has been requested, shall give written notice, on a form prescribed or approved by the Commissioner, to the purchaser-mortgagor at the time the commitment is prepared. The notice shall explain:

(A) A lender's title insurance policy is to be issued protecting the mortgage-lender;

(B) The policy does not provide title insurance protection to the purchaser-mortgagor as the owner of the property being purchased;

(C) What a title policy insures against and what possible exposures exist for the purchaser-mortgagor that could be insured against through the purchase of an owner's policy; and

(D) The purchaser-mortgagor may obtain an owner's title insurance policy protecting the property owner at a specified cost or approximate cost, if the proposed coverages or amount of insurance is not then known.

(2) A copy of the notice, signed by the purchaser-mortgagor, shall be retained in the relevant underwriting file at least 3 years after the effective date of the policy.

Sec. 2127. Conditions for providing escrow, settlement, closing, and indemnity deposit services.

(a) All funds deposited with the title insurance producer or insurer in connection with an

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escrow, settlement, closing, or indemnity deposit shall be submitted for collection to or deposited in a fiduciary trust account in accordance with the Real Property Wet Settlement Act of 1986, effective February 24, 1987 (D.C. Law 6-187; D.C. Official Code § 42-2401 *et seq.*), unless otherwise agreed upon in writing, and in accordance with the following requirements:

(1) The funds shall be the property of the person entitled to them under the provisions of the escrow, settlement, indemnity deposit, or closing agreement and shall be segregated for each depository by escrow, settlement, indemnity deposit, or closing in the records of the title insurance producer in a manner that permits the funds to be identified on an individual basis; and

(2) The funds shall be applied only in accordance with the terms of the individual instructions, settlement statement, or agreements under which the funds were accepted.

(b) Funds held in an indemnity deposit account shall be disbursed only pursuant to a written agreement specifying:

(1) What actions the indemnitor shall take to satisfy his or her obligation under the agreement;

(2) The duties of the title insurance producer with respect to disposition of the funds held, including a requirement to maintain evidence of the disposition of the title exception before any balance may be paid over to the depositing party or his or her designee; and

(3) Any other provisions that the Commissioner may require.

(c) Any interest received on funds deposited in connection with any escrow, settlement, indemnity deposit, or closing shall be paid, net of administrative costs, to the depositing party, unless the depositor's written instructions for the funds, a court order, or a governing law provides otherwise.

(d) Disbursements may be made out of an escrow, settlement, or closing account only if deposits in amounts at least equal to the disbursement have first been made directly relating to the transaction disbursed against and if the deposits are in one of the following forms:

(1) Cash;

(2) Wire transfers such that the funds are unconditionally received by the title insurance producer, title insurer, or depository of either;

(3) Checks, drafts, negotiable orders of withdrawal; money orders, and any other item that has been finally paid before any disbursements; provided, that a title insurance producer may accept a check in an amount not to exceed \$3,000 that has not been finally paid before any disbursements;

(4) A depository check, including a certified check, governed by the provisions of the Expedited Funds Availability Act, approved August 10, 1987 (101 Stat. 635; 12 U.S.C. § 4001 *et seq.*); or

(5) Credit transfers through the Automated Clearing House which have been deemed available by the depository institution receiving the credit transfers and conform to the operating rules set forth by the National Automated Clearing House Association.

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(e) This subtitle shall not prohibit the recording of documents prior to the time funds are available for disbursement with respect to a transaction that does not relate to residential property; provided, that all parties consent to the transaction in writing.

(f) A title insurance producer who maintains or operates fiduciary trust accounts in connection with providing escrow, closing settlement services shall have an annual audit made of its escrow, settlement, closing, and indemnity deposit accounts, conducted by an accountant on a calendar year basis at its expense within 90 days after the close of the previous calendar year. Alternatively, any title insurer, at its expense, may conduct, or cause to be conducted, an annual audit of the escrow, settlement, closing, and security deposit accounts of the title insurance producer, subject to the rules by the Commissioner as hereinafter set forth. By April 30th of each year, the title insurance producer shall provide a copy of the audit report to each title insurer which it represents or for which it was an appointed producer with the Company. The Commissioner may promulgate rules setting forth the minimum threshold level at which an audit would be required, the standards of audit, and the forms of audit report required. Title insurance producers who are attorneys licensed in any state or the District of Columbia, who are not exclusively in the business of title insurance, and who issue title insurance policies as part of their legal representation of clients shall be exempt from the requirements of this subsection; provided, that the title insurer may, at its expense, conduct, or cause to be conducted, an annual review or audit of the escrow, settlement, closing, and indemnity deposit accounts of the attorney. The Commissioner may also require the title insurance producer or escrow agent to provide a copy of its audit report to the Commissioner.

(g) If the title insurance producer is appointed by 2 or more title insurers and maintains fiduciary trust accounts in connection with providing escrow, closing settlement services, the title insurance producer shall allow each title insurer reasonable access to the accounts and any or all of the supporting account information to ascertain the safety and security of the funds held by the title insurance producer.

(h) The Commissioner may prescribe standard disclosures that must be included in all agreements for escrow, settlement, closing, or indemnity deposits.

Sec. 2128. Prohibition of rebate and fee splitting.

(a) In a residential property transaction, a title insurer, or any employee or representative of a title insurer, shall not pay, allow, or give, or offer to pay, allow, or give, directly or indirectly, as an inducement to insurance, or after insurance has been effected, any rebate, discount, abatement, credit, or reduction of the premium named in a policy of insurance, or any valuable consideration or inducement, whether or not specified or provided for in the policy, except to the extent provided for in an applicable filing with the Commissioner as provided by law.

(b) In a residential property transaction, an insured named in a policy, or any employee of the insured, shall not knowingly receive or accept, directly or indirectly, any rebate, discount,

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abatement, credit, or reduction of premium, or any special favor, advantage, valuable consideration, or inducement, as specified in subsection (a) of this section.

(c) This section shall not prohibit:

(1) The payment of commissions or other compensation to domestic or foreign licensed title insurance producers or title insurer employees; or

(2) Any insurer from allowing or returning to its participating policyholders, members, or subscribers dividends, savings, or unabsorbed premium deposits.

Sec. 2129. Underwriting contract required with title insurer.

A person acting in the capacity of a title insurance producer shall not place business with a title insurer unless there is in force a written contract between the parties which sets forth the responsibilities of each party, and, if both parties share responsibility for a particular function, specifies the division of the responsibilities.

Sec. 2130. Penalties and liabilities.

(a) If the Commissioner determines that the title insurance producer or any other person has violated this subtitle, or any rule or order promulgated under this subtitle, after notice and opportunity to be heard, the Commissioner may order:

(1) A penalty not exceeding \$2,500 for the 1<sup>st</sup> violation;

(2) A penalty not exceeding \$5,000 for each successive violation; and

(3) Revocation or suspension of the title insurance producer's or title insurer's

license.

(b) If an order of rehabilitation or liquidation of the insurer has been entered pursuant to the Insurers Rehabilitation and Liquidation Act of 1993, effective October 15, 1993 (D.C. Law 10-35; D.C. Official Code § 31-1301 *et seq.*), and the receiver appointed under that order determines that the title insurance producer or any other person has not complied with this subtitle, or any related rule or order, and the insurer suffered any resulting loss or damage, the receiver may maintain an action for recovery of damages or other appropriate sanctions for the benefit of the insurer and its policyholders and creditors.

(c) This section shall not affect the right of the Commissioner to impose any other penalties provided for in acts relating to insurance which are codified in Title 31 of the District of Columbia Official Code.

Sec. 2131. Violations of the Real Estate Settlement Procedures Act.

The Commissioner or Attorney General for the District of Columbia may bring an action to enjoin or seek remedies for violations of RESPA.

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## Sec. 2132. Rules.

The Commissioner, through the Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this subtitle.

## Sec. 2133. Applicability; construction.

## (a) This subtitle shall:

- (1) Apply to all persons engaged in the business of title insurance in the District;
- (2) Supplement the provisions of the Producer Licensing Act.

## (b) This subtitle shall not:

- (1) Except as otherwise provided, limit the application of any insurance law codified in Title 31 of the District of Columbia Official Code; or
- (2) Limit or restrict the rights of policyholders, claimants, and creditors.

(c) If there is a conflict between a provision of this subtitle and any other act relating to insurance which is codified in Title 31 of the District of Columbia Official Code, including the Producer Licensing Act, this subtitle shall apply.

(d) This subtitle shall apply as of January 1, 2011 and to all transactions entered into after January 1, 2011.

## SUBTITLE M. REGULATION OF TITLE INSURANCE COMPANIES

## Sec. 2141. Short title.

This subtitle may be cited as the "Title Insurance Insurer Act of 2010".

## Sec. 2142. Definitions.

For the purposes of this subtitle, the term:

(1) "Abstract of title" or "abstract" means a written history, synopsis, or summary of the recorded instruments affecting the title to real property.

(2) "Affiliate" means, with respect to a person, another person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with the person.

(3) "Aggrieved party" means a lender, title insurer, consumer, or the District of Columbia, who shall have suffered economic harm as a result of matters insured under any fidelity coverage required under this subtitle.

(4) "Attorney" means a person who holds a license to practice law in the District of Columbia.

(5) "Commissioner" means the Commissioner of the Department of Insurance, Securities, and Banking, or the Commissioner's representatives, or the commissioner, director, or superintendent of insurance in any other state.

(6) "Direct operations" means that portion of a title insurer's operations that is

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attributable to business written or conducted directly by an employee of:

- (A) The title insurer;
- (B) A title insurance producer owned by:
  - (i) The title insurer;
  - (ii) A parent entity owning the title insurer;
  - (iii) A holding entity owning the title insurer; or
  - (iv) A subsidiary of a parent or holding entity owning a title

insurer.

(7) "Escrow" means written instruments, money, or other items deposited by one party with a depository, escrow agent, or escrowee for delivery to another party upon the performance of a specified condition or the happening of a certain event.

(8) "Escrow Officer" means a person who maintains an escrow or indemnified deposit account.

(9) "Escrow, settlement, or closing fee" means the consideration for supervising or handling the actual execution, delivery, or recording of transfer and lien documents and for disbursing funds.

(10) "Fire and Casualty Act" means the Fire and Casualty Act, approved October 9, 1940 (54 Stat. 1064; D.C. Official Code § 31-2502.01 *et seq.*).

(11) "Foreign title insurer" means any title insurer incorporated or organized under the laws of any other state of the United States or any other jurisdiction of the United States.

(12) "Indemnity" or "indemnity deposit" means funds or other property received by the title insurer as collateral to secure an indemnitor's obligation under an indemnity agreement pursuant to which the insurer is granted a perfected security interest in the collateral in exchange for agreeing to provide coverage in a title insurance policy for a specific title exception to coverage.

(13) "IRLA" means the Insurers Rehabilitation and Liquidation Act of 1993, effective October 15, 1993 (D.C. Law 10-35; D.C. Official Code § 31-1301 *et seq.*).

(14) "Net retained liability" means the total liability retained by a title insurer for a single risk, after taking into account any ceded liability and collateral, acceptable to the Commissioner, maintained by the insurer.

(15) "Non-U.S. title insurer" means any title insurer incorporated or organized under the laws of any foreign nation or any province or territory.

(16) "Person" means an individual, partnership, limited liability company, association, cooperative, corporation, trust, or other legal entity.

(17) "Personal property" means stock ownership in a cooperative housing association.

(18) "Qualified financial institution" means an institution that is:

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(A) Organized or, in the case of a United States branch or agency office of a foreign banking organization, licensed under the laws of the United States or any state and has been granted authority to operate with fiduciary powers;

(B) Regulated, supervised, and examined by federal or state authorities having regulatory authority over banks and trust companies;

(C) Insured by the appropriate federal entity; and

(D) Qualified under any additional rules established by the Commissioner.

(19) "Referral source" means any person, including an officer, director, or owner of more than 5% or more of the equity or capital of any person engaged in the District in the trade, business, occupation, or profession of:

(A) Buying or selling interests in real property;

(B) Making loans secured by interests in real property; or

(C) Acting as broker, agent, representative, or attorney of a person who buys or sells any interest in real property or who lends or borrows money with the interest as security.

(20) "Residential property" means real property located in the District of Columbia with one to 4 residential dwelling units in the same or appurtenant structure.

(21) "Subsidiary" means an affiliate controlled by a person, directly or indirectly, through one or more intermediaries.

(22) "Title insurance business" or "business of title insurance" means:

(A) Issuing as an insurer, or offering to issue as an insurer, a title insurance policy;

(B) Engaging in, or proposing to engage in, any of the following activities when conducted or performed in contemplation of or in conjunction with the issuance of a title insurance policy:

(i) Soliciting or negotiating the issuance of a title insurance policy;

(ii) Guaranteeing, warranting, or otherwise insuring the correctness of title searches for all instruments affecting titles to real property, any interest in real property, cooperative units, and proprietary leases, and for all liens or charges affecting the same;

(iii) Executing title insurance policies;

(iv) Effecting contracts of reinsurance; or

(v) Abstracting, searching, or examining titles;

(C) Guaranteeing, warranting, or insuring searches or examinations of title to real property or any interest in real property;

(D) Guaranteeing or warranting the status of title as to ownership of or liens on real property or personal property by any person other than the principals to the transaction;

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(E) Doing, or holding oneself out to do, business substantially equivalent to any of the activities listed in this paragraph in a manner designed to evade the provisions of this subtitle; or

(F) Matters insuring the correctness or marketability of title.

(23) "Title insurance commitment" means a preliminary report, commitment, or binder issued prior to the issuance of a title insurance policy containing the terms, conditions, exceptions, and any other matters incorporated by reference under which the title insurer is willing to issue its title insurance policy.

(24) "Title insurance policy" or "policy" means a contract insuring or indemnifying owners of, or other persons lawfully interested in, real or personal property or any interest in real or personal property, against loss or damage arising from any or all of the following conditions existing on or before the policy date and not excepted or excluded:

(A) Defects in, or liens or encumbrances on, the insured title;

(B) Unmarketability of the insured title;

(C) Invalidity, lack of priority, or unenforceability of liens or encumbrances on the stated property;

(D) Lack of legal right of access to the land;

(E) Unenforceability of rights in title to the land and other matters affecting the title to, or the right to the use and enjoyment of, the property; or

(F) Matters insuring the correctness or marketability of title.

(25)(A) "Title insurance producer" or "producer" means a person who is authorized to perform, on behalf of a title insurer, the following acts in conjunction with the issuance of a title insurance commitment or policy covering residential or personal property situated in the District of Columbia:

(i) Determining insurability and issuing title insurance commitments or policies, or both, based upon the performance or review of a search or abstract of title; and

(ii) Soliciting or negotiating title insurance business.

(B) The term "title insurance producer" or "producer" shall not include:

(i) A financial institution (and its employees) that does not solicit, procure, or negotiate title insurance contracts for compensation or conduct title insurance business;

(ii) An employee of an abstracting company;

(iii) A person whose activities in the District are limited to advertising, without the intent to solicit insurance in the District, through communications in printed publications or other forms of electronic mass media; provided, that the person does not sell, solicit, or negotiate insurance that would insure risks of persons residing in or located in, or activities to be performed in, the District;

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(iv) A salaried full-time employee who counsels or advises his or her employer relative to the insurance interests of the employer or of the subsidiaries of the employer; provided, that the employee does not sell, solicit, or negotiate insurance, or receive a commission; or

(v) An employee of a title insurer; provided, that the employee's activities are not focused on transactions in the District of Columbia, his or her primary responsibilities cover multiple states, and his or her involvement in transactions is to coordinate with title insurance producers licensed in the District of Columbia who conduct title insurance business.

(26) "Title insurer" or "insurer" means a company organized under laws of the District of Columbia for the purpose of transacting the business of title insurance and any foreign or non-U.S. title insurer licensed in the District of Columbia to transact the business of title insurance.

(27) "Title plant" means a set of records consisting of documents, maps, surveys, or entries affecting title to real property or any interest in or encumbrance on the property, which have been filed or recorded in the jurisdiction for which the title plant is established or maintained.

(28) "Underwrite" means to accept or reject, or have the authority to accept or reject, risk on behalf of a title insurer.

Sec. 2143. Licensing needed to transact business.

No person, other than a domestic, foreign, or non-U.S. title insurer organized on the stock plan and licensed under the Fire and Casualty Act, shall issue a title insurance policy or otherwise transact the business of title insurance in the District.

Sec. 2144. Authorized activities of title insurers.

Subject to the exceptions and restrictions contained in this subtitle, a title insurer may do any of the following:

(1) Engage in the business of writing title insurance directly or through title insurance producers appointed for the purpose of issuing policies of title insurance;

(2) Reinsure title insurance policies;

(3) Unless prohibited by the Commissioner, perform ancillary activities, including examining titles to real property and any interest in real or personal property and procuring and furnishing related information and information about relevant personal property, when not in contemplation of, or in conjunction with, the issuance of a title insurance policy; and

(4) Maintain or perform escrow, indemnity, or settlement services.

Sec. 2145. Limitations on powers.

(a) An insurer that transacts any class, type, or kind of business other than title insurance business shall not be eligible for the issuance or renewal of a license to transact the business of title insurance in the District of Columbia and shall not transact title insurance business.

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(b) A title insurer shall not engage in the business of guaranteeing payment of the principal of, or the interest on, bonds or mortgages.

(c)(1) Notwithstanding subsection (a) of this section, and to the extent such coverage is lawful within the District, a title insurer may issue closing or settlement protection to a proposed insured upon request if the title insurer issues a preliminary report, binder, or title insurance policy. The closing or settlement protection shall conform to the terms of coverage and form of instrument as required by the Commissioner and may indemnify a proposed insured solely against loss of settlement funds only because of the following acts of a title insurer's named title insurance producer:

(A) Theft of settlement funds in connection with the closing to the extent that the theft relates to the status of the title to that interest in land or to the validity, enforceability, and priority of the lien of the mortgage on that interest in land; and

(B) Failure to comply with the written closing instructions by the proposed insured when agreed to by the title insurance producer, to the extent that they relate to the status of the title to that interest in land or the validity, enforceability, and priority of the lien of the mortgage on that interest in land.

(2) The Commissioner may promulgate by rule pursuant to section 2164, or approve, a required charge for providing the coverage.

(3) The charge for issuance of a closing or settlement protection letter in a residential property transaction indemnifying a seller of an interest in real property, a refinancing borrower, or a buyer who does not purchase title insurance shall be not less than \$50.

(4) Except as provided under this subtitle, a title insurer shall not provide any other coverage which purports to indemnify against improper acts or omissions of a person with regard to escrow, settlement, or closing services.

(5) The form of closing protection letter used by a title insurer and rates shall be filed with the Commissioner as provided by section 2159(b)(3).

**Sec. 2146. Minimum capital and surplus requirements.**

Before being licensed to do an insurance business in the District, a title insurer shall establish and maintain a minimum paid-in capital of not less than \$500,000 and paid-in initial surplus of at least \$500,000, for a total minimum capital and surplus total of at least \$1 million.

**Sec. 2147. Single risk limit.**

(a) The net retained liability of a title insurer for a single risk in regard to property, whether assumed directly or as reinsurance, shall not exceed the aggregate of 50% of surplus as regards policyholders, plus the statutory premium reserve less the company's investment in title plants, all as shown in the most recent annual statement of the insurer on file with the Commissioner.

(b) For the purposes of this subtitle:

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(1) A single risk shall be the insured amount of any title insurance policy; provided, that, if 2 or more title insurance policies are issued simultaneously covering different estates in the same real property, a single risk shall be the sum of the insured amounts of all the title insurance policies.

(2) A policy under which a claim payment reduces the amount of insurance under one or more other title insurance policies shall be included in computing the single risk sum only to the extent that its amount exceeds the aggregate amount of the policy or policies whose amount of insurance is reduced.

Sec. 2148. Admitted asset standards.

In determining the financial condition of a domestic title insurer doing business under this subtitle, the general investment provisions of the Investments of Insurers Act of 2002, effective April 11, 2003 (D.C. Law 14-297; D.C. Official Code § 31-1371.01 *et seq.*), shall apply; provided, that:

(1) An investment in a title plant or plants in an amount equal to the actual cost shall be allowed as an admitted asset for title insurers; and

(2) The aggregate amount of the investment shall not exceed the lesser of 20% of admitted assets or 40% of surplus to policyholders, as shown on the most recent annual statement of the title insurer on file with the Commissioner.

Sec. 2149. Reserves.

(a) In determining the financial condition of a title insurer doing business under this subtitle, the general provisions of the acts relating to insurance which are codified in Title 31 of the District of Columbia Official Code requiring the establishment of reserves sufficient to cover all known and unknown liabilities, including allocated and unallocated loss adjustment expense, shall apply; provided, that a domestic title insurer shall establish and maintain:

(1) A known claim reserve in an amount estimated to be sufficient to cover all unpaid losses, claims, and allocated loss adjustment expenses arising under title insurance policies, guaranteed certificates of title, guaranteed searches, and guaranteed abstracts of title, and all unpaid losses, claims, and allocated loss adjustment expenses for which the title insurer may be liable, and for which the insurer has received notice by or on behalf of the insured, holder of a guarantee or escrow, or indemnity depositor; and

(2) A statutory or unearned premium reserve consisting of:

(A) The amount of statutory or unearned premium reserve required by the laws of the domiciliary state of the insurer if the insurer is a foreign or non-U.S. title insurer; or

(B) If the insurer is a domestic insurer of the District of Columbia:

(i) The amount of the statutory or unearned premium or reinsurance reserve on the applicability date of this subtitle, which balance shall be released in accordance with the law in effect at the time such sums were added to the reserve; and

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(ii) Out of total charges for policies of title insurance written or assumed commencing with the applicability date of this subtitle, and until December 31, 2011, a title insurer shall add to, and set aside in, the reserve an amount equal to 8% of the sum of the following items set forth in the title insurer's most recent annual statement on file with the Commissioner:

(I) Direct premiums written;  
(II) Escrow and settlement service fees;  
(III) Other title fees and service charges, including fees for closing protection letters; and  
(IV) Premiums for reinsurance assumed, less premiums for reinsurance ceded during year.

(b) Additions to the reserve after January 1, 2011, shall be, made out of total charges for title insurance policies and guarantees written, equal to the sum of the following items, as set forth in the title insurer's most recent annual statement on file with the Commissioner:

(1) For each title insurance policy on a single risk written or assumed after January 1, 2011, \$0.36 per \$1,000 of net retained liability for policies under \$500,000 and \$0.16 per \$1,000 of net retained liability for policies of \$500,000 or greater; and

(2) Eight percent of escrow, settlement, and closing fees collected in contemplation of the issuance of title insurance policies or guarantees.

(c) The aggregate of the amounts set aside in the reserve in any calendar year pursuant to subsections (a)(2)(B)(ii) and (b) of this section shall be released from the reserve and restored to net profits over a period of 20 years pursuant to the following formula:

(1) Thirty-five percent of the aggregate sum on July 1 of the year next succeeding the year of addition;

(2) Fifteen percent of the aggregate sum on July 1 of each of the succeeding 2 years;

(3) Ten percent of the aggregate sum on July 1 of the next succeeding year;

(4) Three percent of the aggregate sum on July 1 of each of the next 3 succeeding years;

(5) Two percent of the aggregate sum on July 1 of each of the next 3 succeeding years; and

(6) One percent of the aggregate sum on July 1 of each of the next succeeding 10 years.

(d) A supplemental reserve shall be established consisting of any other reserves necessary, when taken in combination with the reserves required by this section, to cover the company's liabilities with respect to all losses, claims, and loss-adjusted expenses.

(e) A title insurer subject to the provisions of this subtitle shall file with its annual statement required under the Required Annual Financial Statements and Participation in the NAIC Insurance Regulatory Information System Act of 1993, effective October 21, 1993 (D.C.

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Law 10-42; D.C. Official Code § 31-1901 *et seq.*), a certification by a member in good standing of the American Academy of Actuaries. The actuarial certification required of a title insurer shall conform to the National Association of Insurance Commissioners' annual statement instructions for title insurers.

Sec. 2150 Liquidation, dissolution, or insolvency.

(a) Except as otherwise provided in this section, the IRLA shall apply to all domestic title insurers subject to this subtitle. In applying the provisions of the IRLA, the court shall consider the unique aspects of title insurance and shall have broad authority to fashion relief that provides for the maximum protection of the title insurance policyholders.

(b) Indemnity and escrow funds held by or on behalf of the title insurer shall not become general assets and shall be administered as secured creditor claims as provided in the IRLA.

(c) Title insurance policies issued by a domestic title insurer that are in force at the time an order of liquidation is entered shall not be canceled except upon a showing to the court of good cause by the liquidator. The determination of good cause shall be within the discretion of the court. In making this determination, the court shall consider the unique aspects of title insurance and all other relevant circumstances.

(d) The court may set appropriate dates that potential claimants shall file their claims with the liquidator as to a domestic title insurer. The court may set different dates for claims based upon the title insurance policy than for all other claims. In setting dates, the court shall consider the unique aspects of title insurance and all other relevant circumstances.

(e) As of the date of the order of insolvency or liquidation, all premiums paid, due, or to become due under policies of the domestic title insurers shall be fully earned. It shall be the obligation of agents, insureds, or representatives of the title insurer to pay fully earned premium to the liquidator or rehabilitator.

Sec. 2151. Restrictions on dividends.

A domestic title insurer shall only declare or distribute a dividend to shareholders without the prior written approval of the Commissioner as would be permitted under section 7 of the Holding Company System Act of 1993, effective October 21, 1993 (D.C. Law 10-44; D.C. Official Code § 31-706), for insurers other than life insurers.

Sec. 2152. Diversification requirement.

(a) Without the prior written approval of the Commissioner, a domestic title insurer shall not accept:

(1) Additional business from a title insurance agent that is not an affiliated company with the insurer if, when added to other business written through the title insurance agent during the same calendar year, that agent's aggregate premiums written on behalf of the title insurer will exceed 20% of the title insurer's gross premiums written during the prior

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calendar year, as shown on the title insurer's most recent annual statement on file with the Commissioner; or

(2)(A) Additional direct operations business from a single source if, when added to other direct operations business from the single source during the same calendar year, the aggregate premiums written on the direct operations business of the single source will exceed 20% of the title insurer's gross premiums written during the prior calendar year as shown on the title insurers most recent annual statement on file with the Commissioner.

(B) For purposes of this paragraph, the term "single source" means a person that refers business to the title insurer and any other person that controls, is controlled by, or is under common control with, that person.

(b) In determining whether prior approval may be given, the Commissioner shall consider:

(1) The potential that the acceptance of more business from the title insurance producer or source may adversely affect the financial solidity of the title insurer;

(2) The availability of competing title agents or additional sources in the territories in which the title insurer accepts risks;

(3) The number of years that the title insurer has been in business;

(4) Reinsurance arrangements mitigating the concentration of business from the agent or source;

(5) The comparative profitability of the agent's or source's book of business;

(6) The degree of oversight of the agent's operations exercised by the title insurer; and

(7) Any other circumstances considered by the Commissioner to be appropriate.

Sec. 2153. Direct operations and policyholder treatment.

(a) If a title insurance commitment includes an offer to issue an owner's policy covering the resale of owner-occupied residential property, the title insurance commitment shall be furnished to the purchaser-mortgagor or its representative as soon as reasonably possible prior to closing. If the report cannot be delivered prior to or at closing, the title insurer shall document the reasons for the delay. The title insurance commitment furnished to the purchaser-mortgagor shall incorporate the following statement on the 1<sup>st</sup> page in bold type:

"Please read the exceptions and the terms shown or referred to herein carefully. The exceptions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this form is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land."

(b)(1) A title insurer issuing a lender's title insurance policy in conjunction with a mortgage loan made simultaneously with the purchase of all or part of the owner-occupied residential property securing the loan, if no owner's title insurance policy has been requested,

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shall give written notice, on a form prescribed or approved by the Commissioner, to the purchaser-mortgagor at the time the title insurance commitment is prepared. The notice shall explain:

(A) A lender's title insurance policy is to be issued protecting the mortgage-lender;

(B) The policy does not provide title insurance protection to the purchaser-mortgagor as the owner of the property being purchased;

(C) What a title policy insures against and what possible exposures exist for the purchaser-mortgagor that could be insured against through the purchase of an owner's policy; and

(D) The purchaser-mortgagor may obtain an owner's title insurance policy protecting the property owner at a specified cost or approximate cost, if the proposed coverages or amount of insurance is not then known.

(2) A copy of the notice, signed by the purchaser-mortgagor, shall be retained in the relevant underwriting file at least 5 years after the effective date of the policy.

Sec. 2154. Duties of title insurers utilizing the services of title insurance producers.

(a) The title insurer shall not accept business from a title insurance producer unless there is in force a written contract between the parties which sets forth the responsibilities of each party and, if both parties share responsibility for a particular function, specifies the division of responsibilities.

(b) For each title insurance producer under contract with the insurer, the title insurer shall have on file a statement of financial condition of each title insurance producer as of the end of the previous calendar year setting forth an income statement of business done during the preceding year and a balance sheet showing the condition of its affairs as of the prior December 31st certified by the title insurance producer as being a true and accurate representation of the producer's financial condition.

(c) The title insurer shall, at least annually, conduct an on-site review, or a review conducted electronically that would accomplish the functional equivalent of the same, of the underwriting, claims, and escrow practices of the title insurance producer which shall include a review of the producer's policy blank inventory and processing operations. If the title insurance producer does not maintain separate bank or trust accounts for each title insurer it represents, the title insurer shall verify that the funds held on its behalf are reasonably ascertainable from the books of account and records of the title insurance producer.

(d) Within 30 days after executing or terminating a contract with a title insurance producer, the title insurer shall provide written notification of the appointment or termination and the reason for termination to the Commissioner. Notices of appointment of a title insurance producer shall be made on a form promulgated by the Commissioner.

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(e) A domestic title insurer shall not appoint to its board of directors an officer, director, employee, controlling shareholder, or any title insurance agent who wrote 1% or more of the title insurer's direct premiums written during the previous calendar year as shown on the title insurer's most recent annual statement on file with the Commissioner. This subsection shall not apply to relationships governed by the Holding Company System Act of 1993, effective October 21, 1993 (D.C. Law 10-44; D.C. Official Code § 31-701 *et seq.*).

(f) The title insurer shall maintain an inventory of all policy forms or policy numbers allocated to each title insurance producer.

(g) The title insurer shall have on file proof that the title insurance producer is licensed in the District.

(h) The title insurer shall establish the underwriting guidelines and, if applicable, limitations on title claims settlement authority to be incorporated into contracts with its title insurance producers.

Sec. 2155. Conditions for maintaining escrow and indemnity deposit accounts.

(a) A title insurer may operate as an escrow, indemnity, settlement, or closing agent, if:

(1) All funds deposited with the title insurer in connection with any escrow, settlement, closing, or indemnity deposit shall be submitted for collection to or deposited in a fiduciary trust account in a qualified financial institution no later than the close of the next business day in accordance with the following requirements:

(A) The funds shall be the property of the person entitled to them under the provisions of the escrow, settlement, indemnity deposit, or closing agreement and shall be segregated for each depository by escrow, settlement, indemnity deposit, or closing in the records of the title insurer in a manner that permits the funds to be identified on an individual basis; and

(B) The funds shall be applied only in accordance with the terms of the individual instructions or agreements under which the funds were accepted.

(b) Funds held in an escrow account shall be disbursed only pursuant to a written instruction or agreement specifying how and to whom the funds may be disbursed.

(c) Funds held in an indemnity deposit account shall be disbursed only pursuant to a written agreement specifying:

(1) What actions the indemnitor shall take to satisfy his or her obligation under the agreement;

(2) The duties of the title insurer with respect to disposition of the funds held, including a requirement to maintain evidence of the disposition of the title exception before any balance may be paid over to the depositing party or his or her designee; and

(3) Any other provisions the Commissioner may require.

(d) Any interest received on funds deposited in connection with any escrow, settlement, indemnity deposit, or closing shall be paid, net of administrative costs, to the depositing party, unless the depositor's instructions for the funds or a governing law provides otherwise.

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(e) Disbursements may be made out of an escrow, settlement, or closing account only if deposits in amounts at least equal to the disbursement have first been made directly relating to the transaction disbursed against and if the deposits are in one of the following forms:

(1) Cash;

(2) Wire transfers such that the funds are unconditionally received by the title insurer or the insurer's depository;

(3) Checks, drafts, negotiable orders of withdrawal, money orders, and any other item that has been finally paid before any disbursements; provided, that a title insurer may accept a check in an amount not to exceed \$3,000 that has not been finally paid before any disbursements;

(4) A depository check, including a certified check, governed by the provisions of the Expedited Funds Availability Act, approved August 10, 1987 (101 Stat. 635; 12 U.S.C. § 4001 *et seq.*); or

(5) Credit transfers through the Automated Clearing House which have been deemed available by the depository institution receiving the credits transfers and conform to the operating rules set forth by the National Automated Clearing House Association.

(f) This subtitle shall not:

(1) Prohibit the recording of documents prior to the time funds are available for disbursement with respect to a transaction; provided, that all parties consent to the transaction in writing; or

(2) Amend, alter, or supersede other sections of this subtitle, or the laws of the District of Columbia or the United States, regarding an escrow holder's duties and obligations.

(g) The Commissioner may prescribe a standard agreement for escrow, settlement, closing, or indemnity deposit funds.

**Sec. 2156. Prohibition of rebate and fee splitting.**

A title insurer or other person shall not give or receive, directly or indirectly, any consideration for the referral of title insurance business or escrow or other service provided by a title insurer.

**Sec. 2157. Favored agent of title insurer.**

A title insurer shall not participate in any transaction in which it knows that a title insurance producer or other person requires, directly or indirectly, or through any trustee, director, officer, agent, employee, or affiliate, as a condition precedent to selling or furnishing any other person a loan, or loan extension, credit, sale, property, contract, lease, or service, that the other person shall place a title insurance policy of any kind with the title insurer or through a particular title insurance agent.

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## Sec. 2158. Premium rate filings and standards.

(a) A title insurer or title insurance producer may charge any rates regulated by the District of Columbia after the applicability date of this subtitle; provided, that in accordance with the premium rate schedule and manual filed by the title insurer with and approved by the Commissioner in accordance with applicable law and rules governing rate filings. The Commissioner may provide, by rule, for interim use of premium rate schedules in effect prior to the applicability date of this subtitle.

(b) The Commissioner may establish rules, including rules providing statistical plans, for use by all title insurers and title insurance producers in the recording and reporting of revenue, loss, and expense experience in such form and detail as is necessary to aid him or her in the establishment of rates and fees.

(c) The Commissioner may require that the information provided under this section be verified by oath of the insurer's or title insurance producer's president or vice president or secretary or actuary, as applicable. The Commissioner may further require that the information required under this section be subject to an audit conducted by an independent certified public accountant. The Commissioner may establish a minimum threshold level at which an audit would be required.

(d) Information filed with the Commissioner relating to the experience of a particular producer shall be kept confidential, subject to the Freedom of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*).

## Sec. 2159. Form filing.

(a) A title insurer or authorized rate service organization shall not deliver, issue for delivery, or permit any of its authorized title insurance agents to deliver in the District, any form, in connection with title insurance written, unless it has been filed with the Commissioner and approved by the Commissioner or 30 days have elapsed and it has not been disapproved as misleading or in violation of public policy.

(b) Forms covered by this section shall include:

- (1) Title insurance policies, including standard form endorsements;
- (2) Title insurance commitments issued prior to the issuance of a title insurance policy; and
- (3) Closing protection letters.

(c) After notice and opportunity to be heard are given to the insurer or rate service organization which submitted a form for approval, the Commissioner may withdraw approval of the form on finding that the use of the form is contrary to the legal requirements applicable at the time of withdrawal. The effective date of withdrawal of approval shall not be less than 90 days after notice of withdrawal is given.

(d) An approved policy form or endorsement providing coverage for which no identifiable premium is assessed may be incorporated into every applicable title insurance policy.

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The insurer shall disclose any additional coverage to the insured. The provisions of this section shall not operate to eliminate any underwriting standard of conditions relating to the approved policy forms or endorsements.

(e) Any term or condition related to an insurance coverage provided by an approved title insurance policy or any exception to the coverage, except those ascertained from a search and examination of records relating to a title or inspection or survey of a property to be insured, shall only be included in the policy after the term, condition, or exception has been filed with the Commissioner and approved.

Sec. 2160. Filing by rating bureaus.

(a) A title insurer may satisfy its obligation to file premium rates, rating manuals, and forms as required by this subtitle if:

(1) It becomes a member of, or a subscriber to, a rate service organization, organized and licensed under the provisions of acts relating to insurance which are codified in Title 31 of the District of Columbia Official Code;

(2) The rate service organization makes the filings; and

(3) It authorizes the Commissioner in writing to accept the filings on the title insurer's behalf.

(b) This subtitle shall not:

(1) Require any title insurer to become a member of, or a subscriber to, any rate service organization; and

(2) Prohibit the filing of deviations from rate service organization filings by any member or subscriber.

Sec. 2161. Record retention requirements.

Evidence of the examination of title and determination of insurability for business written by a title insurer or title insurance producer and records relating to escrow and indemnity deposits shall be preserved and retained by the insurer or agent for as long as appropriate to the circumstances but not less than 3 years after the title insurance policy has been issued or 3 years after the escrow or indemnity deposit account has been closed. This section shall not apply to a title insurer acting as coinsurer if one of the other coinsurers has complied with this section.

Sec. 2162. Penalties and liabilities.

(a) If the Commissioner determines that the title insurer or any other person has violated this subtitle, or any rule or order promulgated under this subtitle, after notice and opportunity to be heard, the Commissioner may order:

(1) A penalty not exceeding \$2,500 for the 1<sup>st</sup> violation;

(2) A penalty not exceeding \$5,000 for each successive violation; and

(3) Revocation or suspension of the title insurer's license.

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(b) This section shall affect the right of the Commissioner to impose any other penalties provided for in any acts relating to insurance which are codified in Title 31 of the District of Columbia Official Code.

Sec. 2163. Violations of Real Estate Settlement Procedures Act ("RESPA").

The Commissioner or Attorney General may bring an action in a court of competent jurisdiction to enjoin or seek remedies for violations of the Real Estate Settlement Procedures Act of 1974, approved December 23, 1974 (88 Stat. 1724; 12 U.S.C. § 2601 *et seq.*).

Sec. 2164. Rules; orders.

(a) The Commissioner, through the Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this subtitle.

(b) The Commissioner may issue orders to implement the provisions of this subtitle.

Sec. 2165. Applicability; construction.

(a) This subtitle shall:

(1) Apply to all persons engaged in the business of title insurance in the District;

and

(2) Supplement the provisions of the Fire and Casualty Act.

(b) This subtitle shall not:

(1) Except as otherwise provided, limit the application of any acts relating to insurance which are codified in Title 31 of the District of Columbia Official Code; or

(2) Limit or restrict the rights of policyholders, claimants, and creditors.

(c) If there is a conflict between a provision of this subtitle and any provision in an act relating to insurance which is codified in Title 31 of the District of Columbia Official Code, including the Fire and Casualty Act, this subtitle shall apply.

(d) This subtitle shall apply as of January 1, 2011 and to all transactions entered into after January 1, 2011.

Sec. 2166. The Producer Licensing Act of 2002, effective March 27, 2003 (D.C. Law 14-264; D.C. Official Code § 31-1131.01 *et seq.*), is amended as follows:

(a) Section 5 (D.C. Official Code § 31-1131.05) is amended by striking the phrase "under section 9" and inserting the phrase "under sections 5b or 9" in its place.

(b) Section 5a(a) (D.C. Official Code § 31-1131.05a(a)) is amended by striking the phrase "individual complete" and inserting the phrase "individual, other than an applicant for a title insurance producer license, complete" in its place.

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

"Sec. 5b. Pre-licensing education for title insurers.

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"(a) The Commissioner shall require, by rule, that an individual, not exempt under subsections (b), (c), or (d) of this section, complete a pre-licensing course of study before:

"(1) Taking the examination required by section 5; or

"(2) Applying for an insurance producer license.

"(b) An attorney who holds a license to practice law in any state or the District of Columbia shall be exempt from pre-licensing course of study requirements and examination requirements.

"(c) An title agent insurance applicant who provides certification from a title insurance insurer that the agent has had signing authority on policies or title insurance commitments for the past 3 years relating to properties located within the District of Columbia shall be exempt from the pre-licensing course of study requirements and the examination requirements; provided, that the certification is submitted to the Commissioner within one year after the effective date of the Fiscal Year 2011 Budget Support Act of 2010, passed on 2<sup>nd</sup> reading on June 15, 2010 (Enrolled version of Bill 18-731).

"(d) A full-time employee of a title insurer shall be exempt from the pre-licensing course of study requirement.

"(e) The District of Columbia Land Title Association, or other organization designated by the Commissioner by rule, shall provide to each individual whose duties will include selling, soliciting, or negotiating a title insurer's limited line of title insurance in the District a program of instruction that is approved by the Commissioner. The insurer shall provide the program of instruction to the individual prior to the individual's application for licensure as a limited lines insurance producer."

(c) Section 6(a)(2) (D.C. Official Code § 31-1131.06(a)(2)) is amended by striking the phrase "set forth in section 12" and inserting the phrase "set forth in section 12; provided, that if an applicant for a title insurance producer license has been convicted of any such act and 10 years have elapsed since the individual's conviction, and a title insurer submits written verification that the person has had authority from the title insurer to issue title insurance policies or commitments related to real or personal property within the District of Columbia for a period of not less than 3 years prior to the application for license, such act or conviction may be considered not to apply by the Commissioner" in its place.

(d) Section 7b (D.C. Official Code § 31-1131. 07b) is amended to read as follows:

"Sec. 7b. Continuing education.

"(a) A title insurance producer shall fulfill the following continuing education requirements:

"(1) Eight hours per year, of which not more than 4 hours may be completed by computer or video-based education; or

"(2) If the title insurance producer is an attorney, 4 hours per year in courses related to real estate and continuing education courses approved by the Commissioner by rule.

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"(b) The Commissioner may establish continuing education requirements for resident insurance producers."

(e) Section 8 (D.C. Official Code § 31-1131.08) is amended by adding a new subsection (g) to read as follows:

"(g) A nonresident title insurance producer shall have a registered agent in the District of Columbia at the time of application for a title insurance producer license and shall maintain a registered agent in the District of Columbia as a condition of licensing under this section."

## SUBTITLE N. PUBLIC INSURANCE ADJUSTER LICENSING FEE AUTHORITY

Sec. 2171. Short title.

This subtitle may be cited as the "Public Insurance Adjuster Licensure Amendment Act of 2010".

Sec. 2172. Section 4(a)(1) of the Public Insurance Adjuster Licensure Act of 2002, effective March 27, 2003 (D.C. Law 14-256; D.C. Official Code § 31-1631.04(a)(1)), is amended by striking the phrase "specified by this act" and inserting the phrase "established by the Commissioner by rule" in its place.

## SUBTITLE O. INSURANCE PREMIUM ASSESSMENT EQUALIZATION

Sec. 2181. Short title.

This subtitle may be cited as the "Insurance Premium Assessment Equalization Amendment Act of 2010".

Sec. 2182. Section 650(b) of the Life Insurance Act of 1901, approved March 3, 1901 (31 Stat. 1291; D.C. Official Code § 31-205(b)), is amended as follows:

(a) Paragraph (1)(A) is amended by striking the phrase "One and seven tenths" and inserting the word "Two" in its place.

(b) Paragraph (2) is amended by striking the phrase "One and seven tenths" and inserting the word "Two" in its place.

Sec. 2183. Section 47-2608(a)(1) of the District of Columbia Official Code is amended by striking the phrase "1.7%" and inserting the phrase "2%" in its place.

Sec. 2184. Sunset.

This subtitle shall expire on September 30, 2015.

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SUBTITLE P. UNEMPLOYMENT COMPENSATION AND WORKERS  
COMPENSATION ADMINISTRATIVE ACCOUNTS

Sec. 2191. Short title.

This subtitle may be cited as the "Unemployment Compensation Administrative Assessment Account Amendment Act of 2010".

Sec. 2192. (a) Section 3(m)(3) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 947; D.C. Official Code § 51-103(m)(3)), is repealed.

(b) This section shall apply as of October 20, 2005.

Sec. 2193. Section 42 of the District of Columbia Workers' Compensation Act of 1979, effective July 1, 1980 (D.C. Law 3-77; D. C. Official Code § 32-1541), is amended by adding a new subsection (e-1) to read as follows:

"(e-1) (1) If the Mayor fails to properly determine or redetermine the costs of administering this act or fails to properly determine or redetermine the assessment rate or assessments under this section, the assessment rates and assessments shall remain valid and no cause of action shall lie for the Mayor's failure."

(b) This section shall apply as of July 1, 1980.

SUBTITLE Q. UNEMPLOYMENT AND WORKFORCE DEVELOPMENT  
ADMINISTRATIVE ACCOUNT

Sec. 2201. Short title.

This subtitle may be cited as the "Unemployment and Workforce Development Administrative Assessment Account Amendment Act of 2010".

Sec. 2202. The District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 947; D.C. Official Code § 51-101 *et seq.*) is amended as follows:

(a) Section 3(m)(2) (D.C. Official Code § 51-103(m)(2)) is amended by striking the phrase "Administrative Assessment Account" and inserting the phrase "Unemployment and Workforce Development Administrative Fund" in its place.

(b) Section 14(d) (D.C. Official Code § 51-114(d)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase "Administrative Assessment Account" and inserting the phrase "Unemployment and Workforce Development Administrative Fund" in its place.

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

(A) Subparagraph (B) is amended by striking the phrase "the expansion of reemployment services to individuals determined to be likely to exhaust their benefit entitlements" and inserting the phrase "the provision of employment and reemployment services" in its place.

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(B) Subparagraph (C)(vi) is amended by striking the phrase "reemployment prior to the exhaustion of a benefit claim" and inserting the phrase "employment or reemployment" in its place.

## SUBTITLE R. GRANT-MAKING AUTHORITY FOR PLANNING

Sec. 2211. Short title.

This subtitle may be cited as the "Planning Grant-making Authority Act of 2010".

Sec. 2212. Grants for planning and planning implementation purposes.

The Mayor may issue grants to individuals and organizations from local revenue, dedicated tax revenue, special purpose revenue, and capital funds in furtherance of the Mayor's planning mission under section 423 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 792; D.C. Official Code § 1-204.23), subject to available appropriations, and subject to the provisions of D.C. Official Code § 47-368.06.

Sec. 2213. 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.*), may issue rules to implement the provisions of this subtitle.

## SUBTITLE S. PUBLIC SERVICE COMMISSION AMENDMENTS

Sec. 2221. Short title.

This subtitle may be cited as the "Public Service Commission Amendment Act of 2010".

Sec. 2222. Section 8 of AN ACT Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes, approved March 4, 1913 (37 Stat. 974; scattered sections of the D.C. Official Code), is amended as follows:

(a) Paragraph 42 (D.C. Official Code § 34-912) is amended as follows:

(1) Paragraph 42(b)(5) (D.C. Official Code § 34-912(b)(5)) is amended by striking the last sentence.

(2) Paragraph 42(b)(6) (D.C. Official Code § 34-912(b)(6)) is repealed.

(3) A new paragraph 42(b)(10) is added to read as follows:

"(10) A public utility or service provider that fails to comply with a reimbursement order issued by the Commission pursuant to this paragraph shall be subject to the penalty provisions set forth in paragraph 85."

(b) Paragraph 85 (D.C. Official Code § 34-706) is amended as follows:

(1) The third unnumbered paragraph (D.C. Official Code § 34-706(c)) is amended by adding a new first sentence to read as follows: "Notwithstanding any other provision of law,

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the Commission may adjudicate the occurrence of a violation under this paragraph and impose sanctions in accordance with its regulations.”.

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

“In connection with a proceeding under this paragraph, a public utility shall provide to the Commission access to any accounts, books, papers, and documents which the Commission considers necessary to resolve the matter.”.

Sec. 2223. The Renewable Energy Portfolio Act of 2004, effective April 12, 2005 ( D.C. Law 15-340; D.C. Official Code § 34-1431 *et seq.*), is amended as follows:

(a) Section 2(10) (D.C. Official Code § 34-1431(10)) is amended to read as follows:

“(10) “Renewable energy credit” or “credit” means a credit representing one megawatt-hour of energy produced by a tier one or tier two renewable source located within the PJM Interconnection region or within a state that is adjacent to the PJM Interconnection region.”.

(b) Section 3(e) (D.C. Official Code § 34-1432(e)) is amended to read as follows:

“(e) Subject to subsections (a) and (c) of this section, an electricity supplier shall meet the solar requirement by obtaining the equivalent amount of renewable energy credits from solar energy systems located within the District or interconnected to the distribution grid serving the District. Only after an electricity supplier exhausts all opportunity to meet this requirement can that supplier obtain renewable energy credits from other solar energy systems.”.

Sec. 2224. The Telecommunications Competition Act of 1996, effective September 9, 1996 (D.C. Law 11-154; D.C. Official Code § 34-2001 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 34-2001) is amended by adding a new paragraph (20A) to read as follows:

“(20A) “Telecommunications service provider” means an entity that provides telecommunications services.”.

(b) Section 3 (D.C. Official Code § 34-2002) is amended by adding new subsections (h-1) through (h-5) to read as follows:

“(h-1) For a violation of any provision of this act or a violation of any rule or order issued under this act, after notice and a hearing, the Commission may:

“(1) Suspend or revoke the certification of a telecommunications service provider;

“(2) Impose a civil penalty on a telecommunications service provider;

“(3) Order a refund or credit to a customer;

“(4) Cancel a contract or part of a contract between a customer and a telecommunications service provider; or

“(5) Issue a cease and desist order to a telecommunications service provider.

“(h-2)(1) A civil penalty imposed by the Commission under this section shall not exceed \$10,000 per violation.

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“(2) The Commission shall determine the amount of the civil penalty after considering:

“(A) The number of previous violations of the telecommunications service provider;

“(B) The gravity and duration of the current violation; and

“(C) The good faith of the telecommunications service provider in attempting to achieve compliance after notification of the violation.

“(h-3) The Commission may temporarily suspend a certification, issue a temporary cease and desist order, or take any other appropriate temporary remedial action, pending a final determination after notice and hearing, if the Commission determines that there is reasonable cause to believe that customers or the reliability of the telecommunications service in the District of Columbia will be harmed by the actions of a telecommunications service provider.

“(h-4) A proceeding under this section may be initiated by the Commission, the Office of the People's Counsel, the Office of the Attorney General, or any aggrieved party.

“(h-5) In connection with a proceeding under this section, a telecommunications service provider shall provide to the Commission access to any accounts, books, papers, and documents which the Commission considers necessary to resolve the matter.”.

(c) Section 4(b) (D.C. Official Code § 34-2003(b)) is amended by striking the 2nd sentence and inserting the sentence “To the extent permitted by federal law and regulation, the determination of each LEC's share and Voice Over Internet Protocol Service provider's share shall be in proportion to each LEC's and Voice Over Internet Protocol Service provider's total revenues for local telecommunications or telecommunications services derived from end users in the District during the previous year.” in its place.

#### SUBTITLE T. YOUTH WORKFORCE DEVELOPMENT PLANNING AND EVALUATION

Sec. 2231. Short title.

This subtitle may be cited as the "Youth Workforce Development Planning and Evaluation Amendment Act of 2010".

Sec. 2232. The Youth Employment Act of 1979, effective January 5, 1980 (D.C. Law 3-46; D.C. Official Code § 32-241), is amended as follows:

(a) Section 2 (D.C. Official Code § 32-241) is amended as follows:

(1) A section heading is added to read as follows:

“Sec. 2. Programs for employment and training of young District domiciliaries.”.

(2) Subsection (a)(1)(B) is amended by striking the phrase "40 hours" and inserting the phrase "25 hours" in its place.

(b) New sections 2a and 2b are added to read as follows:

"Sec. 2a. Development of plans for the delivery of workforce development services.

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"(a) The Mayor shall develop a plan for the delivery of workforce development services for the summer youth jobs program required by section 2(a)(1).

"(b) The Mayor shall develop a plan for the delivery of workforce development services for the out-of-school year-round employment program required by section 2(a)(3).

"(c) The plans required by this section shall include the following components:

"(1) Stated objectives of the program;

"(2) Quantitative and qualitative output and outcome measurements and the proposed evaluation mechanisms;

"(3) A review of the previous year's programmatic implementation and an analysis of what strategies have worked and what strategies have not worked with regards to achieving the programmatic goals;

"(4) A full budget narrative, including a delineation of funding for youth connected to traditional academic institutions and youth who are disconnected from any academic institution;

"(5) A delineation of the specific roles that the nonprofit sectors and government sectors play as they relate to policies, procedures, and specific services to be offered to youth requesting workforce development services;

"(6) A strategy to link workforce development programming with academic objectives;

"(7) A strategy to link youth workforce development programming with local employers' current and projected workforce needs; and

"(8) A strategy to identify all potential obstacles to employment success for participating youth and connect the youth to additional support services as needed.

"(d) In the development of the plans required by this section, the Mayor shall consult with youth workforce development stakeholders, experts, and providers.

"(e) Within 120 days of the effective date of the Youth Workforce Development Planning and Evaluation Amendment Act of 2010, passed on 2<sup>nd</sup> reading on June 15, 2010 (Enrolled version of Bill 18-731), the Mayor shall submit the plans required by this section to the Council for its approval. Upon approval by the Council, the Mayor shall implement the plans.

"Sec. 2b. Evaluation of the summer youth employment program.

"(a) By June 1, 2011, and every year thereafter, the Mayor shall hire an independent contractor to evaluate the summer youth employment program. The contractor shall conduct the evaluation according to nationally accepted standards. The evaluation criteria shall include a pre-program and post-program survey of participating youth and employers. The contractor shall interview local youth workforce development stakeholders, experts, and providers when preparing the evaluation.

"(b) The evaluation shall include an assessment of the following:

"(1) Client satisfaction from participating youth and employers;

"(2) Job responsibilities of participating youth;

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"(3) Support mechanisms for participating youth and employers;

"(4) Sense of progress as it relates to job readiness and specific work skills gained for participating youth;

"(5) An estimation of the percentage of youth participating in each of the various types of activities provided through the summer youth employment program (for example, work experience, academic, and youth enrichment); and

"(6) An assessment of the steps taken to address shortcomings identified in previous program evaluations and an analysis of the effectiveness of these corrective measures.

"(c) By December 30, 2011, and every year thereafter, the contractor shall present the results of the evaluation to the Council and the Department of Employment Services. The department shall place the evaluation on its website."

## SUBTITLE U. COMMERCIAL REVITALIZATION FUND

Sec. 2241. Short title.

This subtitle may be cited as the "Commercial Revitalization Segregated Fund Amendment Act of 2010".

Sec. 2242. The Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*), is amended by adding a new section 2376 to read as follows:

"Sec. 2376. Commercial Revitalization Assistance Fund.

"(a)(1) There is established as a nonlapsing fund the Commercial Revitalization Assistance Fund ("Fund"). All funds deposited into the Fund and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or any other time, but shall be continually available for the uses and purposes set forth in subsection (b) of this section without regard to fiscal year limitation, subject to authorization by Congress.

"(2) The Fund shall be administered by the Department of Small and Local Business Development and shall be separate and independent from any other commercial revitalization programs provided by the District.

"(b) The Fund shall be used solely to provide commercial revitalization funding to Main Streets programs and other commercial revitalization services."

Sec. 2243. Fiscal year 2011 implementation of Commercial Revitalization Assistance Fund.

(a) For fiscal year 2011, an amount of \$1 million from the Commercial Revitalization Assistance Fund shall be disbursed to fund the continued operation of the Main Streets program and the continued implementation of Main Street services in designated corridors as follows:

(1) An amount of \$125,000 to Shaw;

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- (2) An amount of \$125,000 to Historic Dupont;
- (3) An amount of \$100,000 to Adams Morgan;
- (4) An amount of \$150,000 to North Capitol;
- (5) An amount of \$100,000 to H Street, N.E.;
- (6) An amount of \$100,000 to Barracks Row;
- (7) An amount of \$150,000 to Deanwood; and
- (8) An amount of \$150,000 to Congress Heights.

(b) Each Main Streets program receiving an amount of \$150,000 or more pursuant to subsection (a) of this section, shall use \$50,000 of its \$150,000 allocation for a Business Improvement District Litter Cleanup program pursuant to section 6092 of the Business Improvement District Litter Cleanup Assistance Fund Establishment Act of 2007, effective September 18, 2007 (D.C. Law 17-20; D.C. Official Code § 1-325.111).

(c) For fiscal year 2011, an amount of \$1,035,000 from the Commercial Revitalization Fund shall be disbursed to fund business retention, assistance, recruitment, and development activities in designated commercial districts to ensure that each ward in the District receives funding for business assistance, streetscape mitigation, and development services. Of the \$1,035,000, at least:

(1) An amount of \$275,000 shall be used to fund 2 separate Ward 4 commercial revitalization programs, corridor-wide business needs assessments, and the implementation of services and programs to address those identified needs on upper Georgia Avenue, N.W., and Kennedy Street, N.W.;

(2) An amount of \$125,000 shall be used to fund a Ward 5 commercial revitalization program, corridor-wide business needs assessment, and the implementation of services and programs to address those identified needs;

(3) An amount of \$165,000 shall be used to fund a 12th Street, N.E., corridor-wide streetscape mitigation needs assessment and the implementation of services and programs to address those identified needs;

(4) An amount of \$100,000 shall be used to fund a Logan Circle and U Street, N.W., commercial corridor-wide business assistance needs and development assessment and the implementation of services and programs designed to address those identified needs;

(5) An amount of \$50,000 shall be used to fund the continued provision of business assistance services in Ward 3;

(6) An amount of \$35,000 shall be used to fund business development and assessment services provided to women-owned businesses in collaboration with the United States Small Business Administration;

(7) An amount of \$235,000 shall be used to fund the Ward 4 BID Demonstration Project to provide clean team services for designated sections of the Kennedy Street, N.W., and Georgia Avenue, N.W. commercial corridors; and

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(8) An amount of \$50,000 shall be used to fund business assistance services in Ward 6.

SUBTITLE V. UNIFIED ECONOMIC DEVELOPMENT BUDGET TRANSPARENCY AND ACCOUNTABILITY ACT

Sec. 2251. Short title.

This subtitle may be cited as the "Unified Economic Development Budget Transparency and Accountability Act of 2010".

Sec. 2252. Definitions.

For the purposes of this act, the term:

(1) "Chief Financial Officer" means the Office of the Chief Financial Officer established by section 424 of the District of Columbia Home Rule Act, approved April 17, 1995 (109 Stat. 142; D.C. Official Code § 1-204.24a).

(2) ~~"Economic development incentive" or "incentive"~~ means any expenditure of public funds by a granting body for the purpose of stimulating economic development within the District of Columbia, including any bond issuance including pilot bond, tax increment financing bond, and revenue bond issuances, grant, loan, loan guarantee, fee waiver, land price subsidy, matching fund, tax abatement, tax exemption, tax credit, and any other tax expenditure.

(3) "Granting body" means an agency, board, office, instrumentality, or authority of the District government that provides or authorizes an economic development incentive.

(4) "Recipient" means any non-governmental person association, corporation, joint venture, partnership, or other entity that receives an economic development incentive.

(5) "Tax expenditure" shall include any loss of revenue to the Government of the District of Columbia that is attributable to an exemption, abatement, credit, reduction, or other exclusion under District tax law.

(6) "Unified Economic Development Budget Report" or "Report" means the document that the Chief Financial Officer is required to create under section 2253.

Sec. 2253. Unified Economic Development Budget Report.

(a)(1) Not more than 3 months after the end of each fiscal year, the Chief Financial Officer shall compile and publish an annual Unified Economic Development Budget Report ("Report") with regard to the fiscal year just concluded. The report shall be produced in both printed and electronic form and shall be freely available in offices of all District agencies included in the report. A user-friendly electronic version of the report shall be posted on the Government of the District of Columbia's website in a central location that the public can easily locate.

(2) The comprehensive report shall provide the following information regarding the economic development incentives offered by the District:

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- (A) The name of each recipient receiving one or more economic development incentives with a combined total value equal to or greater than \$75,000;
- (B) The dollar value of each economic development incentive received by each recipient; provided, that any economic development incentive received by a recipient with a value less than \$75,000 shall not be itemized; the Chief Financial Officer shall report an aggregate dollar amount of those expenditures and the total number of recipients aggregated;
- (C) The aggregate dollar amounts for each type of incentive;
- (D) The aggregate dollar amounts expended per ward;
- (E) The aggregate number of companies, groups, or individuals receiving each type of economic development incentive; and
- (F) The total cost of all economic development incentives appropriated by each granting body categorized by the granting body's name.

(b) The Chief Financial Officer shall submit annually, as part of the annual budget request to the Council, a single document estimating the costs of all economic development incentives for the fiscal year of the requested budget, including:

- (1) The total cost to the District resulting from the proposed economic development incentives, including the costs for each category of proposed tax expenditures, and the amounts of proposed tax expenditures classified by ward; and
- (2) The cost to the District of all proposed appropriated funds for economic development incentives by District agency, instrumentality, or public institution of higher education.

(c) Any granting authority agencies administering any economic development incentive shall cooperate and assist the Chief Financial Officer in the preparation of the Unified Economic Development Budget Report and all reporting requirements imposed by this subtitle.

Sec. 2254. Performance measure requirements and strategic plan.

(a) For purposes of evaluating the success of economic development in the District of Columbia, the Mayor, before the start of each legislative period, shall prepare a strategic plan for economic development that reflects the District's economic priorities ("strategic plan"). At a minimum, the strategic plan shall:

(1) Establish realistic and verifiable goals for economic development, including concrete performance measures for the following economic priorities:

- (A) Job growth;
- (B) Business retention and expansion;
- (C) Business attraction;
- (D) An increased tax base; and
- (E) Increased usage and purchasing of local goods and services;

(2) Incorporate data obtained from the Unified Economic Development Budget Report required by section 2253 to assess the success of the District's usage of economic

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development incentives in the past fiscal year to accomplish economic priorities and to relate how economic development incentives proposed as part of the upcoming fiscal year's budget will assist the District in meeting its goals and performance measures for economic development;

(3) Identify a cohort of relevant comparable economic analyses, considering efforts by neighboring jurisdictions and across the nation as examples;

(4) Evaluate other economic development benchmarking;

(5) Identify and evaluate the strengths, weaknesses, and opportunities inherent in and available to the District economy as well as the mechanisms and leverage points where the District should invest additional resources to achieve the goals established in the strategic plan; and

(6) Recommend policy initiatives designed to improve the relative ability of the District to achieve the goals identified in the strategic plan.

(b) The Mayor shall publish the strategic plan in both printed and electronic form. The printed version shall be distributed to the Council and made freely available to the public at the Office of the Deputy Mayor of Planning and Economic Development. A user-friendly electronic version of the report shall also be posted on the Government of the District of Columbia's website in a central location that the public can easily locate.

Sec. 2255. Freedom of information act disclosure.

All data collected and maintained as part of the reporting obligations imposed by this subtitle shall be fully subject to, and comply with, the Freedom of Information Act of 1976, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*).

SUBTITLE W. ADULT JOB TRAINING.

Sec. 2261. Short title.

This subtitle may be cited as the "Adult Job Training Fund Act of 2010".

Sec. 2262. (a) Local funds in the amount of \$4.6 million from within the Department of Employment Services from fiscal year 2010 shall be nonlapsing and remain available until expended from the purposes of funding industry/sector specific adult job training.

(b) Of the \$4.6 million, at least \$2.225 million shall go to an organization or school that:

(1) Has at least 3 years of experience in providing adult job training;

(2) Provides adult job training in:

(A) Culinary arts;

(B) Information technology; and

(C) Nursing;

(3) Has an adult student placement rate of over 90 %;

(4) Has a plan in place to use funds immediately; and

Sec. 3002. The Emergency and Non-Emergency Calling Systems Fund Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 34-1801 *et seq.*), is amended as follows:

(a) Section 602 (D.C. Official Code § 34-1801) is amended as follows:

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

“(2A) “Consumer” means an individual who purchases prepaid wireless telecommunications service in a retail transaction for any purpose other than resale.”;

(2) New paragraphs (6A) through (6C) are added to read as follows:

“(6A) “Prepaid wireless E911 charge” means the charge that is required to be collected by a seller from a consumer in the amount established under section 604b.

“(6B) “Prepaid wireless telecommunications service” means a commercial mobile radio service, as defined by Section 20.3 of Title 47 of the Code of Federal Regulations, that allows a caller to dial 911 to access the 911 system, which service must be paid for in advance and is sold in predetermined units or dollars of which the number declines with use in a known amount.

“(6C) “Provider” means a person that provides prepaid wireless telecommunications service pursuant to a license issued by the Federal Communications Commission.”;

(3) A new paragraph (7A) is added to read as follows:

“(7A) “Retail transaction” means the purchase of prepaid wireless telecommunications service from a seller for any purpose other than resale.”;

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

“(8A) “Seller” means a person who sells prepaid wireless telecommunications service to another person.”;

(b) Section 603(a) (D.C. Official Code 34-1802(a)) is amended by striking the phrase “section 604” both times it appears and inserting the phrase “section 604 and section 604b” in its place.

(c) Section 604 (D.C. Official Code § 34-1803) is amended by adding a new subsection (e) to read as follows:

This subtitle may be cited as the “Prepaid Wireless E911 Charge Amendment Act of 2010”.

Sec. 3001. Short title.  
 NUMBER TELEPHONE CALLING SYSTEMS FUND  
 SUBTITLE A. PAYMENTS TO THE EMERGENCY AND NON-EMERGENCY  
 TITLE III. PUBLIC SAFETY AND JUSTICE

(5) Is capable of enrolling at least 300 adult students in its job training program in fiscal year 2011.

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“(e) The provisions of this section do not apply to prepaid wireless telecommunications service, which shall be subject to the provisions of section 604b.”

(d) A new section 604b is added to read as follows:

“Sec. 604b. Collection and remittance of prepaid wireless E911 charge.

“(a)(1) A prepaid wireless E911 charge of 2.0% of the sales price per retail transaction occurring in the District shall be collected by the seller from the consumer, and remitted to the District. The amount of the prepaid wireless E911 charge shall be separately stated on an invoice, receipt, or other similar document that is provided to the consumer by the seller.

“(2) For the purposes of paragraph (1) of this subsection, a retail transaction that is effected in person by a consumer at a business location of the seller shall be treated as occurring in the District if that business location is in the District and any other retail transaction shall be treated as occurring in the District if the retail transaction is a sale at retail as described in D.C. Official Code § 47-2001(n)(1)(T) that is subject to tax pursuant to D.C. Official Code § 47-2002.

“(b) The prepaid wireless E911 charge is the liability of the consumer and not of the seller or of any provider, except that the seller shall be liable to remit all prepaid wireless E911 charges that the seller collects from consumers, except for deductions pursuant to subsection (f) of this section, including all such charges that the seller is deemed to collect where the amount of the charge has not been separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller.

“(c) If the amount of the prepaid wireless E911 charge that is collected by a seller from a consumer is separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller, the amount shall not be included in the base for measuring any tax, fee, surcharge, or other charge that is imposed by the District.

“(d)(1) Except as provided in paragraph (2) of this subsection, when prepaid wireless telecommunications service is sold with one or more other products or services for a single, non-itemized price, then the percentage specified in section 604b(a) shall apply to the entire non-itemized price unless the seller elects to apply the percentage to:

“(A) The amount of the prepaid wireless telecommunications service disclosed to the consumer as a dollar amount; or

“(B) The portion of the price identified by the seller that is attributable to the prepaid wireless telecommunications service by reasonable and verifiable standards from the seller's books and records that are kept in the regular course of business for other purposes, including non-tax purposes.

“(2) If a minimal amount of prepaid wireless telecommunications service is sold with a prepaid wireless device for a single, non-itemized price, then the seller may elect not to apply the percentage specified in paragraph (1) of this subsection to the transaction. For the purposes of this paragraph, an amount of service denominated as 10 minutes or less, or \$5 or less, is minimal.

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“(e) The Office of Tax and Revenue shall establish regulations governing collection, remittance, and other administrative provisions that are consistent with existing provisions governing the collection, remittance, and administration of the tax imposed by D.C. Official Code § 47-2002.

“(f) A seller shall be permitted to deduct and retain 3% of prepaid wireless E911 charges that are collected by the seller from consumers.”.

Sec. 3003. Applicability.

This subtitle shall apply as of October 1, 2010.

## SUBTITLE B. ACCESS TO JUSTICE INITIATIVE

Sec. 3011. Short title.

This subtitle may be cited as the "Access to Justice Initiative Establishment Act of 2010".

Sec. 3012. Access to Justice Initiative.

(a) Pursuant to section 404(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 787; D.C. Official Code § 1-204.04(b)), the Council establishes the Access to Justice Initiative, as a single paper agency, for the purpose of providing support to nonprofit organizations that deliver civil legal services to low-income and under-served District residents.

(b) The Office of the Chief Financial Officer shall award a grant in each fiscal year, from the budget of the Access to Justice Initiative, to the District of Columbia Bar Foundation ("Bar Foundation") for the purpose of the Bar Foundation providing support to nonprofit organizations that deliver civil legal services to low-income and under-served District residents, including funds for a shared legal interpreter bank. Payment shall be submitted by October 15th of each fiscal year in the amount specified by an act of the Council.

(c) The Office of the Chief Financial Officer shall permit the Bar Foundation to use up to 5% of the grant awarded in each fiscal year for reasonable administrative expenses associated with the provision of support to the nonprofit organizations.

Sec. 3013. Section 3082 of the Fiscal Year 2008 Budget Support Act of 2007, effective September 18, 2007 (D.C. Law 17-20; D.C. Official Code § 1-301.114), is repealed.

## SUBTITLE C. FEMS OVERTIME LIMITATION

Sec. 3021. Short title.

This subtitle may be cited as the "FEMS Overtime Limitation Amendment Act of 2010".

Sec. 3022. Section 1103(f) 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 §

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1-611.03(f)), is amended as follows:

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

(1) Designate the existing language as subparagraph (A).

(2) The newly designated subparagraph (A) is amended by striking the phrase "Uniformed members" and inserting the phrase "Except as provided in subparagraph (B) of this paragraph, uniformed members" in its place.

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

"(B) For fiscal year 2011, uniformed members of the Fire and Emergency Medical Services Department at the rank of Battalion Fire Chief and above shall not receive overtime compensation for work performed in excess of 40 hours in an administrative workweek and in excess of 48 hours in a workweek for those uniformed members of the Fire and Emergency Medical Services Department at the rank of Battalion Fire Chief and above in the Firefighting Division."

(b) A new paragraph (4) is added to read as follows:

"(4) For fiscal year 2011, no officer or member of the Fire and Emergency Medical Services Department who is authorized to receive overtime compensation under this subsection may earn overtime in excess of \$20,000 in the fiscal year."

Sec. 3023. Section 2 of An Act To amend the Act entitled "An Act to classify the officers and members of the Fire Department of the District of Columbia, and for other purposes", approved June 20, 1906, and for other purposes, approved June 19, 1948 (62 Stat. 498; D.C. Official Code § 5-405), is amended by adding new subsections (f) and (g) to read as follows:

"(f) For fiscal year 2011, no member of the Fire and Emergency Medical Services Department, except for officers, shall work more than 204 hours in 2 consecutive pay periods.

"(g) For fiscal year 2011, no officer or member shall be permitted to earn overtime compensation for overtime work performed in a pay period after that officer or member has received sick leave in the same pay period."

Sec. 3024. Section 202 of the Omnibus Public Safety Agency Reform Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-194; D.C. Official Code § 5-441), is amended by adding a new subsection (c) to read as follows:

"(c) For fiscal year 2011, no officer or member of the Fire and Emergency Medical Services Department shall be detailed to Emergency Medical Technician classes for more than 60 days."

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## SUBTITLE D. DOMESTIC VIOLENCE FATALITY REVIEW BOARD

Sec. 3031. Short title.

This subtitle may be cited as the "Domestic Violence Fatality Review Board Act of 2010".

Sec. 3032. Section 16-1059 of the District of Columbia Official Code is repealed.

## SUBTITLE E. DELIVERY OF HEALTH CARE TO INMATES ACT

Sec. 3041. Short title.

This subtitle may be cited as the "Delivery of Health Care to Inmates Act of 2010".

Sec. 3042. Delivery of health care to Department of Corrections inmates.

The Mayor shall contract for delivery of health care for inmates in the custody of the Department of Corrections at the D.C. Jail and Correctional Treatment Facility under a community-oriented healthcare services model. For the purposes of this section, the term "community-oriented healthcare services model" means a delivery system in which one entity is responsible for managing Department of Corrections inmates through the full healthcare continuum, including primary care, specialty care, emergency care, and hospital care, and for connecting inmates with a health center in the community for continued care after the inmates are released from the custody of the Department of Corrections.

## SUBTITLE F. E911 AUDITING REQUIREMENT

Sec. 3051. Short title.

This subtitle may be cited as the "E911 Auditing Requirement Amendment Act of 2010".

3052. Section 603(d) of the Emergency and Non-Emergency Telephone Calling Systems Fund Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 34-1802), is amended to read as follows:

"(d)(1) All income and expenses of the Fund shall be audited annually by the Chief Financial Officer, who shall transmit the audit report to the Mayor and the Council.

"(A) The expenses of the annual audit shall be defrayed by the Fund.

"(B) The annual audit shall include the following:

"(i) The assets, liabilities, fund balance, revenue, and expenditures of the Fund;

"(ii) A detailed accounting of the Fund's expenditures;

"(iii) Recommendations to improve the financial management processes of the Fund;

"(iv) Identification of any Fund expenditures that are not permitted under law;

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"(v) Recommendations to improve the language of the Fund's enabling statute to reflect best practices; and

"(vi) Any other information deemed important by the Chief Financial Officer.

"(2) The Chief Financial Officer shall also transmit to the Mayor and Council quarterly reports summarizing the income and expenditures of the Fund."

## TITLE IV. PUBLIC EDUCATION

## SUBTITLE A. PRE-K CHILD ELIGIBILITY REQUIREMENTS

Sec. 4001. Short title.

This subtitle may be cited as the "Pre-k Enrollment Amendment Act of 2010".

Sec. 4002. Section 302 of the Pre-K Enhancement and Expansion Amendment Act of 2008, effective July 18, 2008 (D.C. Law 17-202; D.C. Official Code § 38-273.02), is amended as follows:

(a) Subsection (b) is amended by striking the phrase "Priority enrollment" and inserting the phrase "Except as provided in subsection (c) of this section, priority enrollment" in its place.

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

"(c) "Enrollment for pre-k programs in District of Columbia Public Charter Schools shall be conducted according to the admission and enrollment provisions of section 2206 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321-107; D.C. Official Code § 38-1802.06)."

## SUBTITLE B. PUBLIC CHARTER SCHOOL FINANCING AND SUPPORT

Sec. 4011. Short title.

This subtitle may be cited as the "Direct Loan Fund for Charter School Improvement Amendment Act of 2010".

Sec. 4012. Section 143(b)(4) of the District of Columbia Appropriations Act, 2003, approved February 20, 2003 (117 Stat. 131; D.C. Official Code § 38-1833.02(d)), is amended by striking the word "school" and inserting the phrase "school campus" in its place.

## SUBTITLE C. UNIFORM PER STUDENT FUNDING FORMULA

Sec. 4021. Short title.

This subtitle may be cited as the "Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Amendment Act of 2010".

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Sec. 4022. The Uniform Per Student Funding Formula for Public Schools and Public Charter Schools and Tax Conformity Clarification Amendment Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901 *et seq.*), is amended as follows:

(a) Section 104 (D.C. Official Code § 38-2903) is amended by striking the phrase "\$8,770 per student for fiscal year 2009" and inserting the phrase "\$8,945 per student for fiscal year 2011" in its place.

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

"Grade Level	Weighting	Per Pupil Allocation in FY 2011
"Pre-School	1.34	\$11,987
"Pre-Kindergarten	1.30	\$11,629
"Kindergarten	1.30	\$11,629
"Grades 1-3	1.00	\$8,945
"Grades 4-5	1.00	\$8,945
"Ungraded ES	1.00	\$8,945
"Grades 6-8	1.03	\$9,214
"Ungraded MS/JHS	1.03	\$9,214
"Grades 9-12	1.16	\$10,377
"Ungraded SHS	1.16	\$10,377
"Alternative Program	1.17	\$10,466
"Special ed schools	1.17	\$10,466
"Adult	0.75	\$6,709."

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

"General Education Add-ons:

"LEP/NEP	Limited and non-English proficient students	0.45	\$4,025
"Summer	An accelerated instructional program in the summer for students who do not meet literacy standards pursuant to promotion policies of the District of Columbia Public Schools and	0.17	\$1,521

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	public charter schools		
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"Special Education Add-ons:

"Level/Program	Definition	Weighting	Per Pupil Supplemental FY 2011
"Level 1: Special Education	Eight hours or less per week of specialized services	0.52	\$4,652
"Level 2: Special Education	More than 8 hours and less than or equal to 16 hours per school week of specialized services	0.79	\$7,067
"Level 3: Special Education	More than 16 hours and less than or equal to 24 hours per school week of specialized services	1.56	\$13,955
"Level 4: Special Education	More than 24 hours per week which may include instruction in a self contained (dedicated) special education school other than residential placement	2.83	\$25,315
"Residential	D.C. Public School or public charter school that provides students with room and board in a residential setting, in addition to their instructional program	1.70	\$15,207

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## "Special Education Residential Add-ons:

"Level/Program	Definition	Weighting	Per Pupil Supplemental FY 2011
"Level 1: Special Education - Residential	Additional funding to support the after-hours level 1 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.374	\$3,346
"Level 2: Special Education - Residential	Additional funding to support the after-hours level 2 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	1.360	\$12,166
"Level 3: Special Education - Residential	Additional funding to support the after-hours level 3 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.941	\$26,308
"Level 4: Special Education - Residential	Additional funding to support the after-hours level 4 special education needs of limited and non-	2.924	\$26,156

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	English proficient students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting		
"LEP/NEP - Residential	Additional funding to support the after-hours Limited and non-English proficiency needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.68	\$6,083

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

"Level/Program	Definition	Weight	Per Pupil Supplemental FY 2011
"Special Education Level 1 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.064	\$569
"Special Education Level 2 ESY	Additional funding to support the summer school/program need for students who require	0.231	\$2,068

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	extended school year (ESY) services in their IEPs		
“Special Education Level 3 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.500	\$4,472
“Special Education Level 4 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.497	\$4,446

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

(1) Subsection (a) is amended by adding the following sentence at the end:

"Beginning in fiscal year 2012, the base for the projections shall be the audited enrollment for the school year preceding the fiscal year for which the appropriation is made."

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

"(2) The total estimated costs for the per pupil public charter school facilities allotment for the fiscal year for which the appropriation is made."

(e) Section 109(b-1) (D.C. Official Code §38-2908(b-1)) is amended by striking the figure "\$2800" and inserting the figure "\$3000" in its place.

**SUBTITLE D. DISTRICT OF COLUMBIA PUBLIC SCHOOLS FISCAL TRANSPARENCY**

Sec. 4031. Short title.

This subtitle may be cited as the "District of Columbia Public Schools Fiscal Transparency Amendment Act of 2010".

Sec. 4032. Section 6 of the Board of Education Continuity and Transition Amendment Act of 2004, effective December 7, 2004 (D.C. Law 15-211; D.C. Official Code § 38-2831), is amended to read as follows:

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**"Sec. 6. Budget submission requirements.**

"(a) The Chancellor of the District of Columbia Public Schools ("Chancellor") shall prepare and execute a performance-based budget on an annual basis. The budget prepared by the Chancellor shall have its operations organized by major programs, which in turn will be composed of activities and services. The budget submitted by the Chancellor shall allocate all monies by revenue source for programs, activity, and service levels, and by revenue source for comptroller source group by program and activity. The District of Columbia Public Schools ("DCPS") submission shall include the number of full-time equivalents with job titles by program and revenue source.

"(b) The DCPS submission shall also include a presentation that specifies all monies budgeted for each school, education campus, and center, including the funds available to each school for which the decision to spend is made by the school's local school restructuring team, and all other organization Level 4 funds, the spending of which directly benefits local schools, such as textbooks, substitute teachers, special education related services, and athletics, so that the Council and the public may know the totality of funds, goods, and services that will be provided to students at each school, education campus, or center.

"(c) No later than 21 days before the Mayor's submission of the District's budget and financial plan to the Council, the Chancellor shall, annually, make available on the DCPS website and post at each school a detailed estimate, in accordance with this section, of the amount of money required to operate the public schools for the ensuing year, including preliminary school-by-school budgets.

"(d) The Mayor's annual submission of the District's budget and financial plan to the Council shall include as an attachment an accurate and verifiable report on the positions and employees of the District of Columbia Public Schools to include:

"(1) A compilation of DCPS Schedule A positions for the ensuing fiscal year on a full-time equivalent basis, including a compilation of all positions by organization Level 4, job title, pay plan and grade, program and activity, revenue fund, and annual salary; and

"(2) A compilation of all DCPS employees as of the preceding March 1, on a full-time equivalent basis, including a compilation of all positions by organization Level 4, job title, pay plan, grade, and step, program and activity, revenue fund, and annual salary.

"(e) No later than October 30 of each year, the Mayor shall submit to the Council a revised appropriated funds operating budget for DCPS for the fiscal year beginning on the preceding October 1 that sets forth the total amount of the approved appropriation and that realigns budgeted data with anticipated actual expenditures with the specification set forth in of subsections (a) and (b) of this section.

"(f) Beginning in fiscal year 2011, the Mayor shall submit to the Council quarterly financial reports for DCPS setting forth by organization Level 4 approved budget, revised budget, actual expenditures and funds obligated to date, and projected expenditures for the full fiscal year.

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Sec. 4033. Section 1102 of the Fiscal Year 1999 Budget Support Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 38-2801), is repealed.

Sec. 4034. Section 2(h) of An Act To fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia, approved June 20, 1906 (34 Stat. 317; D.C. Official Code § 38-103), is repealed.

Sec. 4035. Section 143 of the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (108 Stat. 2594; D.C. Official Code § 38-154), is repealed.

Sec. 4036. Section 5 of An Act to provide aviation education in the senior high schools of the District of Columbia, and for other purposes, approved December 16, 1941 (55 Stat. 807; D.C. Official Code § 38-923), is repealed.

SUBTITLE E. REPORTING OF DISTRICT OF COLUMBIA PUBLIC SCHOOLS USE OF PRIVATE FUNDS

Sec. 4041. Short title.

This subtitle may be cited as the "Use of Private Funds Reporting Requirement Act of 2010".

Sec. 4042. District of Columbia Public Schools use of private funds.

(a) The annual District of Columbia Public Schools ("DCPS") budget submission shall identify and list all donations, whether monetary or gifts in kind, of \$100,000 or more, donated to DCPS, in a single donation or in multiple donations by a benefactor, for its benefit or purpose, whether directly or indirectly.

(b) The Mayor shall submit an annual report, along with the budget submission, on the use of non-government funds that specifies for each benefactor:

- (1) Name and address;
- (2) Amount of the planned or actual expenditure donation;
- (3) The intended use of the donation; and
- (4) The specific goods or services purchased on behalf of or donated to DCPS.

(c) For the purposes of this subtitle, the term "donation" means any gift, grant, devise, or bequest of any real or personal property, or other type of asset.

SUBTITLE F. STANDARDIZATION OF DISTRICT OF COLUMBIA PUBLIC SCHOOLS PERFORMANCE MEASURES

Sec. 4051. Short title.

This subtitle may be cited as the "DCPS Performance Measures Standardization Act of 2010".