

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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

ENROLLED ORIGINAL

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

ENROLLED ORIGINAL

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

ENROLLED ORIGINAL

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 18th 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.

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

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:

ENROLLED ORIGINAL

"(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.

ENROLLED ORIGINAL

"(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

ENROLLED ORIGINAL

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

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

ENROLLED ORIGINAL

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".

(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 1st 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

ENROLLED ORIGINAL

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

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".

ENROLLED ORIGINAL

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:

- (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

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

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.

ENROLLED ORIGINAL

"(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

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

ENROLLED ORIGINAL

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."

ENROLLED ORIGINAL

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."

ENROLLED ORIGINAL

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."

ENROLLED ORIGINAL

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,

2013.

"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;

ENROLLED ORIGINAL

"(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;

ENROLLED ORIGINAL

- "(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

ENROLLED ORIGINAL

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;

ENROLLED ORIGINAL

"(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

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

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

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

ENROLLED ORIGINAL

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

ENROLLED ORIGINAL

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 2nd 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 7th 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."

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."

ENROLLED ORIGINAL

(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:

ENROLLED ORIGINAL

"(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.”.

(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

- (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

ENROLLED ORIGINAL

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

"(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.

(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.

ENROLLED ORIGINAL

(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;

ENROLLED ORIGINAL

(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

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

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

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 1st 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

ENROLLED ORIGINAL

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.

(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,

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 1st 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.

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

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:

ENROLLED ORIGINAL

(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;

(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;

(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.

(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:

(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

ENROLLED ORIGINAL

(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.

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

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 1st 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,

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.

(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.

(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.

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.

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 1st violation;

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

(3) Revocation or suspension of the title insurer's license.

(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.

"(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 2nd 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.

ENROLLED ORIGINAL

"(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.

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.

(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,

ENROLLED ORIGINAL

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.

“(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.

ENROLLED ORIGINAL

"(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 2nd 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;

"(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;

ENROLLED ORIGINAL

- (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

(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:

(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

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

(5) Is capable of enrolling at least 300 adult students in its job training program in fiscal year 2011.

TITLE III. PUBLIC SAFETY AND JUSTICE
SUBTITLE A. PAYMENTS TO THE EMERGENCY AND NON-EMERGENCY
NUMBER TELEPHONE CALLING SYSTEMS FUND

Sec. 3001. Short title.

This subtitle may be cited as the "Prepaid Wireless E911 Charge Amendment Act of 2010".

Sec. 3002. 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 § 34-1801 *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:

“(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.

“(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 §

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."

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;

ENROLLED ORIGINAL

"(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".

ENROLLED ORIGINAL

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

ENROLLED ORIGINAL

	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

	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:

“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".

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Sec. 4052. (a)(1) By January 1, 2011, the District of Columbia Public Schools, shall submit, in accordance with section 456(a) of the District of Columbia Home Rule Act, approved October 19, 1994 (108 Stat. 3488; D.C. Official Code § 1-204.56a), comprehensive, measurable, objective agency performance measures that are to be included in the next 4 budget submissions for the purposes of measuring the agency's performance in certain areas, including student outcomes, recruitment and retention of teachers and principals, management and business operations, and parent and community involvement.

(2) Beginning in 2012, this information shall be submitted by January 31 of each year in accordance with subsection (b) of this section to the Council for review and comment.

(b) A performance measure shall be included in the budget submission that includes at least one year of actual data. Once included in a budget submission, a performance measure shall be included in its original form for at least 4 successive years.

SUBTITLE G. PUBLIC EDUCATION FINANCE REFORM COMMISSION

Sec. 4061. Short title.

This subtitle may be cited as the "Public Education Finance Reform Commission Establishment Amendment Act of 2010".

Sec. 4062. 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 by adding new sections 115 and 116 to read as follows:

"Sec. 115. Services.

"Beginning in fiscal year 2012, services provided by District of Columbia government agencies to public schools shall be provided on an equal basis to the District of Columbia Public Schools and public charter schools. Any services that are funded apart from the Uniform per Student Funding Formula shall not also be funded by the Uniform Per Student Funding Formula.

"Sec. 116. Public Education Finance Reform Commission.

"(a)(1) An independent organization shall be retained by the Council of the District of Columbia to convene and staff an independent commission on public education finance reform in the District of Columbia, to be known as the Public Education Finance Reform Commission ("Commission").

"(2) The Commission shall:

"(A) Be conducted according to the standard procedures of the independent organization, with full cooperation of the:

"(i) Council;

"(ii) Mayor;

"(iii) Chancellor;

"(iv) State Superintendent of Education; and

“(v) Other government personnel;

“(B) Establish a process by which the public may participate in providing information, opinion, and reaction to Commission proceedings and reports; and

“(C) Post all documents that it produces on the Internet.

“(3) All Commission meetings and deliberations shall be open to the public.

"(b) The Commission shall study and report on revisions to the Uniform Per Student Funding Formula with regard to improvements in:

“(1) Equity;

“(2) Adequacy;

“(3) Affordability; and

“(4) Transparency, including:

"(A) The maintenance of uniformity in funding between District of Columbia Public Schools (“DCPS”) and public charter schools, taking into account services provided without charge by other District of Columbia agencies;

"(B) The determination of the funding level needed by DCPS and the public charter schools to provide educational services sufficient to enable public school students, including special education students and English-language learners, to meet the academic standards of the District of Columbia;

"(C) The fiscal ability of the District of Columbia government to provide the necessary funding level; and

"(D) The presentation of the Uniform Per Student Funding Formula and calculations made pursuant to it so that the public may clearly understand the basis of the calculations and related budget appropriations.

“(c)(1) No later than January 31, 2011, the Commission shall provide to the Council an equity report detailing for fiscal years 2009 and 2010:

“(A) The kinds and amounts of payments made directly to DCPS and to public charter schools from the General Fund of the District of Columbia;

“(B) The kind and amount of any other transfers from the General Fund of the District of Columbia to DCPS and public charter schools from District of Columbia government agencies;

“(C) The kind and value of in-kind services provided to DCPS and the public charter schools by District of Columbia government agencies; and

“(D) The kind and value of reprogrammed funds from the General Fund of the District of Columbia to DCPS or the public charter schools.

“(2) The equity report shall include:

“(A) An analysis of the impact of these payments, transfers, in-kind services, and reprogramming on the uniformity of funding for DCPS and public charter schools;

“(B) Recommendations for increasing uniformity in the 2013 budget and succeeding years; and

“(C) Weaknesses in the Uniform Per Student Funding Formula Act or in its implementation, if any, that interfere with uniformity of funding.

“(d) No later than June 30, 2011, the Commission shall provide the Mayor and Council with a final report and its recommendations for consideration in the development of the fiscal year 2013 budget.”.

SUBTITLE H. PUBLIC CHARTER SCHOOL ACCESS TO DISTRICT OF COLUMBIA PUBLIC SCHOOL BUILDINGS.

Sec. 4071. Short title.

This subtitle may be cited as the "Public Charter School Access to District of Columbia Public School Buildings Clarification Amendment Act of 2010".

Sec. 4072. Section 2209 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (Pub. L. No.104-134; D.C. Official Code § 38-1802.09), is amended as follows:

(a) Subsection (a) is amended by striking the word "Superintendent" both times it appears and inserting the phrase "Office of Public Education Facilities Modernization" in its place.

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

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

(A) The lead-in text is amended by striking the phrase "Former public school property" and inserting the phrase "Current and former public school properties" in its place.

(B) Subparagraph (B)(ii) is amended by striking the phrase "Board of Education" and inserting the phrase "former Board of Education or the Mayor or the Chancellor of the District of Columbia Public Schools" in its place.

(C) Subparagraph (C)(iii) is amended by striking the phrase "its charter." and inserting the phrase "its charter; provided, that leases involving co-location agreements may include a lease period of less than 25 years." in its place.

(2) Paragraph (2) is repealed.

SUBTITLE I. PUBLIC CHARTER SCHOOL BOARD MEMBERSHIP SELECTION AND STAFF COMPENSATION.

Sec. 4081. Short title.

This subtitle may be cited as the "Public Charter School Board Membership Selection and Staff Compensation Clarification Amendment Act of 2010".

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Sec. 4082. Section 2214 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.14), is amended as follows:

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

(1) The lead-in language of paragraph (2) is amended to read as follows:

"(2) *Membership.* – The Board shall consist of 7 members, appointed by the Mayor, with the advice and consent of the Council. Members shall be selected so that knowledge of each of the following areas is represented on the Board:".

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

"(3) *Vacancies.* – Where a vacancy occurs in the membership of the Board for reasons other than the expiration of the term of a member, the Mayor shall appoint, with the advice and consent of the Council, an individual to serve in the vacant position, taking into consideration the criteria described in paragraph (2) of this subsection. Any member appointed to fill a vacancy occurring prior to the expiration of the term of a predecessor shall be appointed only for the remainder of the term."

(4) Paragraph (4) is repealed.

(b) Subsection (d)(1) is amended by striking the phrase ", but no individual so appointed shall be paid in excess of the rate payable for level EG-16 of the Educational Service of the District of Columbia".

SUBTITLE J. DCPS AND PUBLIC CHARTER SCHOOL ENROLLMENT AND DROPOUT DATA REPORTS

Sec. 4091. Short title.

This subtitle may be cited as the "Per Capita District of Columbia Public School and Public Charter School Funding Amendment Act of 2010".

Sec. 4092. Section 2402 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1804.02), is amended as follows:

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

(1) Strike the phrase "Mayor containing" and insert the phrase "the Mayor and the Council containing" in its place.

(2) Strike the phrase "; provided, that in the case of the June 30 report, the information submitted by each eligible chartering authority shall be in the form of estimates of the number of students who will fall into each category on the following October 5".

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

(1) The lead-in language is amended by striking the phrase "State Education Office" and inserting the phrase "Office of the State Superintendent of Education" in its place.

(2) Paragraph (7) is amended by striking the word "and" at the end.

ENROLLED ORIGINAL

(3) Paragraph (8) is amended by striking the period and inserting the phrase “; and” in its place.

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

“(9) The number of enrolled students who have dropped out since the date of the previous report.”.

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

(1) Paragraph (1) is amended by striking the phrase "State Education Office shall arrange with the Authority to" and inserting the phrase "Office of the State Superintendent of Education shall" in its place.

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

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

"(3) *Submission of audit.* – Not later than 60 days after the date on which the Council receives the initial annual report from the Office of the State Superintendent of Education required under subsection (c) of this subsection, the Office of the State Superintendent of Education shall submit to the Mayor, the Council, and the appropriate congressional committees, the audit conducted pursuant to this subsection.”.

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

"(4) *Cost of the audit.* – The Office of the State Superintendent of Education shall fund the independent audit solely from amounts appropriated to the Office of the State Superintendent of Education for staff, stipends, and non-personal services of the Office of the State Superintendent of Education by an act making appropriations for the District of Columbia.”.

SUBTITLE K. PRE-K EXPANSION, ENHANCEMENT, AND WORKFORCE DEVELOPMENT

Sec. 4101. Short title.

This subtitle may be cited as the "Pre-K Expansion and Program Assistance and Workforce Development Act of 2010".

Sec. 4102. Of the fiscal year 2011 local funds appropriated to the Office of the State Superintendent of Education (“OSSE”), \$1 million shall be used for increasing pre-k slots in community-based organizations.

Sec. 4103. (a) The OSSE shall ensure that funds utilized to support pre-k community-based classrooms maximize the use of and supplement, not supplant, existing federal and local funding sources, such as Head Start and Child Care Subsidy, that finance education programs for children of pre-k age in the District of Columbia.

(b) For each provider that meets the high-quality standards established pursuant to

section 201 of the Pre-K Enhancement and Expansion Amendment Act of 2008, effective July 18, 2008 (D.C. Law 17-202; D.C. Official Code § 38-272.01), the OSSE shall ensure that local funding shall be allocated in such a manner that each provider receives in total funding per student funding an amount equal to the Uniform Per Student Funding Formula, established pursuant to section 2401 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321-107; D.C. Official Code § 38-1804.01).

Sec. 4104. Of the fiscal year 2011 local funds appropriated to the Office of the State Superintendent of Education, \$500,000 shall be deposited into the Pre-k Program Assistance Grant Fund, established pursuant to section 204 of the Pre-K Enhancement and Expansion Amendment Act of 2008, effective July 18, 2008 (D.C. Law 17-202; D.C. Official Code § 38-272.04).

Sec. 4105. Of the fiscal year 2011 local funds appropriated to the Office of the State Superintendent of Education for professional development services, the OSSE shall transfer \$1 million to the University of the District of Columbia by no later than October 30, 2010, to ensure continuity of existing pre-k and early childhood workforce development programs operated by the university and funded by the OSSE in support of the city's efforts to expand and improve pre-k and to comply with requirements of the Child Care and Development Block Grant.

SUBTITLE L. APPROVAL OF 2010 MASTER FACILITIES PLAN

Sec 4111. Short title.

This subtitle may be cited as the "Master Facilities Plan Approval Act of 2010".

Sec. 4112. (a) Pursuant to section 1104 of the School Based Budgeting and Accountability Act of 1998, approved March 26, 1999 (D.C. Law 12-175; D. C. Official Code § 38-2803), the following components of the Master Facilities Plan for the District of Columbia Public Schools for 2010, as submitted by the Mayor to the Council, on April 1, 2010 ("2010 MFP") are approved:

(1) All priorities, objectives, and methods of defining modernization, including the phased approach to elementary and middle schools;

(2) Demographics and Data;

(3) Plan Detail Narrative, including school-by-school detail, known as Mini-Master Plans; and

(4) The glossary of terms.

(b) The Schedule of modernization, including sequencing and project implementation timelines and the budget, including the 8-Year Master Facilities Plan Financial Projection and Scope of Work and Estimated Methodology in the 2010 MFP shall be adjusted pursuant to the Capital Improvement Plan Amendments for Public Education Facilities Act of 2010, passed on

ENROLLED ORIGINAL

2nd reading on June 15, 2010 (Enrolled version of Bill 18-731), and resubmitted by October 15, 2010, to the Council for review and approval.

SUBTITLE M. SMART PLANNING FOR PUBLIC EDUCATION FACILITIES

Sec. 4121. Short title.

This subtitle may be cited as the "Office of Public Education Facilities Planning Establishment Amendment Act of 2010".

Sec. 4122. Section 1104(b) of the School Based Budgeting and Accountability Act of 1998, approved March 26, 1999 (D.C. Law 12-175; D. C. Official Code § 38-2803(b)), is amended to read as follows:

"(b)(1) The Mayor shall establish an Office of Public Education Facilities Planning ("OPEFP") within the Office of the Deputy Mayor for Education responsible for the development of the Master Facilities Plan, which shall function as a citywide public education facilities plan.

"(2) The OPEFP shall include in the Master Facilities Plan detailed, current analyses and data on:

"(A) The facilities condition assessment for each school building and facility under the control and jurisdiction of the District of Columbia Public Schools;

"(B) The capacity of existing schools, current level of utilization, and recommendations for the utilization or reduction of excess space, including, as appropriate, specific recommendations on:

(i) Consolidation;

(ii) Closure; and

(iii) Co-location;

"(C) Historical and projected enrollment;

"(D) Current and projected demographic information for the surrounding neighborhood;

Planning;

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

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

"(ii) The statewide education and youth development plan described in section 202 of the Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-191), and how it enables schools to be centers of the community;

ENROLLED ORIGINAL

"(G) A detailed facility portfolio analysis that will inform any decisions related to alternative financing options, including public/private development partnerships and co-location opportunities;

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

- (i) Local school restructuring teams;
- (ii) School improvement teams; and
- (iii) Advisory Neighborhood Commissions;

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

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

"(3) The following agencies shall work with the OPEFP in the development of the Master Facilities Plan:

"(A) The District of Columbia Public Schools, which shall transmit to the OPEFP educational plans and policies it considers relevant to the facilities planning process and provide the educational specifications for each facility subject to modernization;

"(B) The Public Charter School Board, which shall:

"(i) Transmit to the OPEFP educational plans and policies of individual public charter schools, data on existing public charter school facilities and facilities-related needs, and other information considered relevant to the planning process; and

"(ii) Establish a Public Charter School facilities registry in which individual public charter schools will have the opportunity to register to receive facilities planning and technical support from the OPEFP, including the analyses and data compiled pursuant to paragraph (2) of this subsection;

"(C) The Office of Planning, which shall provide demographic and neighborhood data support; and

"(D) The Office of Public Education Facilities Modernization, which shall implement the Master Facilities Plan consistent with the policy priorities set forth in this act.

"(4) Of the fiscal year 2011 capital funds appropriated to the Office of Public Education Facilities Modernization, it shall transfer:

"(A) Up to \$500,000 to the Office of the Deputy Mayor for Education to support capital planning pursuant to subsection (b)(1) of this section; and

"(B) An amount of \$100,000 to the District of Columbia Public Schools and \$100,000 to the Public Charter School Board to support capital planning activities as provided in paragraph (3) of this subsection.”.

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Sec. 4123. Section 202(b) of the Public Education Reform Amendment Act of 2007, approved June 12, 2007 (D.C. Law 17-9; D.C. Official Code §38-191(b)), is amended as follows:

- (a) Paragraph (6) is amended by striking the word “and” at the end.
- (b) Paragraph (7) is amended by striking the period and inserting the phrase “; and” in its place.
- (c) A new paragraph (8) is added to read as follows:
“(8) Coordinate the development of the Master Facilities Plan.”.

SUBTITLE N. FY2011 CAPITAL IMPROVEMENT PLAN FOR PUBLIC EDUCATION FACILITIES

Sec. 4131. Short title.

This subtitle may be cited as the "FY 2011 - FY 2016 Capital Improvement Plan for Public Education Facilities Amendment Act of 2010".

Sec. 4132 (a) The FY 2011 - FY 2016 Capital Improvement Plan (“CIP”), as submitted by the Mayor to the Council as part of the Master Facilities Plan, shall be consistent with the requirements of section 4122 (b) and shall be realigned to:

- (1) Give priority consideration for modernization to schools with poor condition assessments, with defined educational gaps due to the condition of facilities, or the lack of facilities, and with capacity needs as seen in historical enrollments and audited enrollments; and
- (2) Reflect a fix-it first modernization policy where all elementary and middle schools undergo basic Phase I modernization, as defined in the 2010 Master Facilities Plan approved pursuant to the Master Facilities Plan Approval Act of 2010, passed on 2nd reading on June 15, 2010 (Enrolled version of Bill 18-731), prior to the start of Phase II or Phase III modernizations or expansion of facilities at any school.

(b) The realigned CIP shall be submitted to the Council no later than October 15, 2010 for review and approval.

(c) Except for projects underway, until the Council has approved the CIP, the Chief Financial Officer shall not approve the use of fiscal year 2011 funding from the following budget categories:

- (1) Modernizations Underway (YY130C);
- (2) High School Modernizations (YY131C);
- (3) Elementary/Middle Schools Modernization (YY132C); or
- (4) Selective Additions and New Construction (YY133C).

TITLE V. HUMAN SUPPORT SERVICES

SUBTITLE A. MEDICAID STATE PLAN

Sec. 5001. Short title.

This subtitle may be cited as the "Medical Assistance Program Amendment Act of 2010".

Sec. 5002. Section 1(a) of An Act to enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02(a)), is amended by adding a new paragraph (4) to read as follows:

"(4) Review and approval by the Council of the fiscal year 2011 budget and financial plan shall constitute the Council review and approval required by paragraph (2) of this subsection of any waiver, modification to the state plan, or modification to a waiver required during fiscal year 2011 for purposes of implementing federal health care reform initiatives as set forth in the Patient Protection and Affordable Care Act, approved March 23, 2010 (124 Stat. 119; Pub. L. No.111-148); provided, that the Department of Health Care Finance publishes a copy of any waiver, modification to the state plan, or modification to a waiver available on its website for at least 5 business days prior to submission to the Secretary of the United States Department of Health and Human Services."

SUBTITLE B. HOSPITAL REVENUE ASSESSMENT

Sec. 5011. Short title.

This subtitle may be cited as the "Hospital Assessment Act of 2010".

Sec. 5012. Definitions.

For the purposes of this act, the term:

(1) "Hospital" shall have the same meaning as provided in section 2(a)(1) 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(a)(1)), but excludes St. Elizabeths Hospital and any hospital operated by the federal government.

(2) "Medicaid" means the medical assistance programs authorized by title XIX of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 *et seq.*), and by section 1 of An Act To enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02), and administered by the Department of Health Care Finance.

Sec. 5013. Hospital Fund.

(a) There is established as a nonlapsing fund the Hospital Fund, which shall be used solely to fund District State Medicaid services.

(b) There shall be deposited into the Hospital Fund:

- (1) Assessments collected under this act;
- (2) Interest and penalties collected under this act;
- (3) Matching federal funds on assessments; and
- (4) Other amounts collected under this act.

(c) All funds deposited in the Hospital 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 purpose set forth in subsection (a) of this section without regard to fiscal year limitation, subject to authorization by Congress.

Sec. 5014. Assessments on hospitals.

(a) Each hospital in the District of Columbia shall pay to the Mayor an annual assessment as follows:

(1) For fiscal year 2010, \$500 per licensed bed, which shall be paid by September 1, 2010, and which shall be deposited in the Medical Liability Captive Trust Fund, established by section 12 of the District of Columbia Medical Liability Captive Insurance Agency Establishment Act of 2008, effective July 18, 2008 (D.C. Law 17-196; D.C. Official Code § 1-307.91), to be used for the purposes of this fund; and

(2) For fiscal years 2011 through 2014, \$1,500 per licensed bed, which shall be paid based on a schedule determined by the Mayor and which shall be deposited in the Hospital Fund, established by section 5013, to be used for the purpose of this fund.

(b) The Chief Financial Officer may determine the manner in which payments are to be made under this act, including whether payments owed by each hospital pursuant to subsection (a) of this section shall be paid electronically.

Sec. 5015. Interest and penalties.

(a) If a hospital fails to pay the full amount of an assessment by the date required by this act, or by rules issued pursuant to this act, the hospital shall pay, in addition to the required assessment:

(1) Interest at the rate of 1.5% of the assessment per month or any fraction thereof, which shall be added to the unpaid balance; and

(2) An administrative penalty of 10% of the assessment.

(b) The District of Columbia shall have a lien upon a hospital's real and personal property located in the District of Columbia for any assessments, interest, or administrative penalties that are due under this act, or rules issued pursuant to this act.

(c) An action brought to enforce the provisions of this section shall be brought in the Superior Court of the District of Columbia by the Attorney General for the District of Columbia in the name of the District of Columbia.

Sec. 5016. Appeals.

(a) A hospital may contest the amount of an assessment, including any interest or administrative penalties, imposed under this act, or by rules issued pursuant to this act, by filing a notice of appeal with the Office of Administrative Hearings within 60 days after the date of the notice of a determination or redetermination of an assessment based on an audit of information.

(b) The Office of Administrative Hearings shall conduct a hearing on the appeal filed under subsection (a) of this section subject to the provisions of 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.*), governing adjudication of contested cases, and pursuant to the rules of the Office of Administrative Hearings.

(c) Before filing an appeal pursuant to subsection (a) of this section, the hospital shall pay to the Mayor the assessment and any administrative penalties and interest due on the assessment. The filing of a notice of appeal shall not act as a stay on the requirement to pay payment of the assessment, interest, and administrative penalties.

Sec. 5017. Federal determinations; suspension and termination of assessment.

(a) If the federal government determines that an assessment imposed on a hospital pursuant to this act does not satisfy the requirements for federal financial participation set forth in section 1903(w) of the Social Security Act, approved July 30, 1965 (70 Stat. 349; 42 U.S.C. § 1396b(w)), the determination shall not affect the validity, amount, applicable rate, or any other terms of an assessment on other hospitals imposed by this act.

(b) If the federal government determines that an exclusion for hospitals specified under this act would prevent an assessment imposed by this act from qualifying as a broad-based health care related tax, as that term is defined in section 1903(w)(3)(B) of the Social Security Act, approved July 30, 1965 (79 Stat. 349; 42 U.S.C. § 1396b(w)(3)(B)), the exclusion shall not be made.

Sec. 5018. 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 act.

Sec. 5019. Sunset.

This act shall expire on September 30, 2014.

SUBTITLE C. MEDICAID RESOURCE MAXIMIZATION

Sec. 5021. Short title.

This subtitle may be cited as the "Medicaid Resource Maximization Amendment Act of 2010".

ENROLLED ORIGINAL

Sec. 5022. Section 4a of the Health Maintenance Organization Act of 1996, effective August 16, 2008 (D.C. Law 17-219; D.C. Official Code § 31-3403.01), is amended as follows:

(a) Subsection (a) is amended by striking the phrase "the District Medicaid Program, the Healthy DC Program, the DC HealthCare Alliance,".

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

"(d) Any revenues generated from this section arising from contracts for services under the District's Medicaid program, DC HealthCare Alliance program, or Healthy DC program shall be deposited in the Healthy DC and Health Care Expansion Fund, established by section 15b of the Hospital and Medical Services Corporation Regulatory Act of 1996, effective March 2, 2007 (D.C. Law 16-192; D.C. Official Code § 31-3514.02)."

(c) New subsections (e) and (f) are added to read as follows:

"(e) Of all other revenues generated pursuant to this section, 75% shall be deposited in the Healthy DC and Health Care Expansion Fund and 25% shall be deposited in the General Fund of the District of Columbia.

"(f) For the purposes of this section, the term, "health maintenance organization" shall include prepaid health plans."

Sec. 5023. The Hospital and Medical Services Corporation Regulatory Act of 1996, effective April 9, 1997 (D.C. Law 11-245; D.C. Official Code § 31-3501 *et seq.*), is amended as follows:

(a) Section 2(3A) (D.C. Official Code § 31-3501(3A)) is amended by striking the phrase "Healthy DC Fund" both times it appears and inserting the phrase "Healthy DC and Health Care Expansion Fund" in its place.

(b) Section 15(j)(2) (D.C. Official Code § 31-3514(j)(2)) is amended by striking the phrase "Healthy DC Fund" and inserting the phrase "Healthy DC and Health Care Expansion Fund" in its place.

(c) Section 15b (D.C. Official Code § 31-3514.02) is amended as follows:

(1) The section heading is amended by striking the phrase "Healthy DC Fund" and inserting the phrase "Healthy DC and Health Care Expansion Fund" in its place.

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

(A) Strike the phrase "Healthy DC Fund ("Fund")" and insert the phrase "Healthy DC and Health Care Expansion Fund ("Fund")" in its place.

(B) Strike the phrase "Title 4 without" and insert the phrase "Title 4, and other medical assistance programs administered by the Department of Health Care Finance, without" in its place.

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

"(2) Any other local funds, including any fees, penalties, or other tax revenues required by District law, including the premium tax imposed on health maintenance organizations, as required by section 4a of the Health Maintenance Organization Act of 1996,

effective August 16, 2008 (D.C. Law 17-219; D.C. Official Code § 31-3403.01).".

Sec. 5024. Section 2(2) of the Insurance Regulatory Trust Fund Act of 1993, effective October 21, 1993 (D.C. Law 10-40; D.C. Official Code § 31-1201(2)), is amended by adding the following sentence at the end:

"Direct gross receipts shall not include any policy or membership fees, net premium receipts, or consideration received from or paid by the District of Columbia's Department of Health Care Finance."

Sec. 5025. The Healthy DC Act of 2008, effective August 16, 2008 (D.C. Law 17-219; D.C. Official Code § 4-631 *et seq.*), is amended as follows:

(a) Section 5042(c) (D.C. Official Code § 4-632(c)) is amended by striking the phrase "Healthy DC Fund" and inserting the phrase "Healthy DC and Health Care Expansion Fund" in its place.

(b) Section 5047 (D.C. Official Code § 4-637) is amended by striking the phrase "Healthy DC Fund" and inserting the phrase "Healthy DC and Health Care Expansion Fund" in its place.

SUBTITLE D. INTERMEDIATE CARE FACILITIES

Sec. 5031. Short title.

This subtitle may be cited as the "Intermediate Care Facilities Amendment Act of 2010".

Sec. 5032. Chapter 12 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-1271 is amended as follows:

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

(A) Paragraph (1) is amended by striking the phrase "per hour" and inserting the phrase "per hour, or a higher amount as determined through rulemaking" in its place.

(B) Paragraph (2) is amended by striking the phrase "Medical Assistance Administration ("MAA")" and inserting the phrase "Department of Health Care Finance ("DHCF")" in its place.

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

"(c) Notwithstanding subsection (b) of this section, of the revenues deposited in the Fund in fiscal year 2011, at least \$1 million shall be used to support quality of care improvements for those facilities that meet the requirements of § 47-1272, and up to \$3.7 million may be used to support Medicaid services in the District of Columbia, including reimbursements for ICF-MRs for the services that they provide."

(b) Section 47-1272 is amended as follows:

ENROLLED ORIGINAL

(1) Subsections (a), (b), and (c) are amended by striking the phrase "MAA" wherever it appears and inserting the phrase "DHCF" in its place.

(2) Subsection (d) is amended by striking the phrase "Department of Health" and inserting the phrase "DHCF" in its place.

(c) Section 47-1273(a) is amended by striking the phrase "1.5%" and inserting the phrase "5.5%" in its place.

SUBTITLE E. EMERGENCY HOUSING ASSISTANCE

Sec. 5041. Short title.

This subtitle may be cited as the "Emergency Housing Assistance Act of 2010".

Sec. 5042. Section 19-701(a) of the District of Columbia Official Code is amended by adding a sentence at the end to read as follow: "All cash, including real or personal property reduced to cash, received or obtained by the District pursuant to this section shall be transferred at regular intervals to the Department of Human Services for uses consistent with the emergency assistance grants described in section 7(e) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-753.01(e)).".

SUBTITLE F. DEPARTMENT OF HEALTH FEES

Sec. 5051. Short title.

This subtitle may be cited as the "Department of Health Fee Modifications Amendment Act of 2010".

Sec. 5052. Section 47-2827 of the District of Columbia Official Code is amended by adding a new subsection (k) to read as follows:

"(k) The Mayor may adjust, by rule, the fees established by this section."

Sec. 5053. Section 3500.1 of Title 17 of the District of Columbia Municipal Regulations is amended as follows:

(a) The renewal fee for acupuncturists is amended by striking the phrase "\$145.00" and inserting the phrase "\$290.00" in its place.

(b) The renewal fee for chiropractors is amended by striking the phrase "\$203.00" and inserting the phrase "\$300.00" in its place.

(c) The renewal fee for nursing home administrators is amended by striking the phrase "\$203.00" and inserting the phrase "\$375.00" in its place.

(d) The renewal fee for pharmacists is amended by striking the phrase "\$179.00" and inserting the phrase "\$310.00" in its place.

(e) The renewal fee for social workers is amended by striking the phrase "\$145.00" and inserting the phrase "\$185.00" in its place.

ENROLLED ORIGINAL

Sec. 5054. Title 22 of the District of Columbia Municipal Regulations is amended as follows:

(a) Section 1923.1 is amended to read as follows:

"1923.1 The fees related to pharmacies are as follows:

"(a) Biennial license fee: \$900.00.

"(b) Late fee: \$125.00.

"(c) Non-resident pharmacy registration fee: \$900.00.

"(d) Duplicate certificate: \$35.00.

"(e) License validation: \$35.00."

(b) Section 3114.3 is amended to read as follows:

"3114.3 License fees for nursing homes are as follows:

"(a) 1-50 beds

Annual Fee	\$390
Late Fee	\$195

"(b) 51-100 beds

Annual Fee	\$520
Late Fee	\$200

"(c) 101 or more beds

Annual Fee	\$1,000
Late Fee	\$250

SUBTITLE G. CHILDREN AND YOUTH INVESTMENT TRUST CORPORATION

Sec. 5061. Short title.

This subtitle may be cited as the "Children and Youth Investment Trust Corporation Act of 2010".

Sec. 5062. Gang-intervention funding.

Of the funding provided to the Children and Youth Investment Trust Corporation in fiscal year 2011, \$500,000 shall be provided for competitive grants to support community-based targeted gang intervention and outreach.

SUBTITLE H. DEPARTMENT OF HEALTH CARE FINANCE CONFORMING AMENDMENTS

Sec. 5071. Short title.

This subtitle may be cited as the "Department of Health Care Finance Conforming Amendment Act of 2010".

Sec. 5072. The Health Care Privatization Amendment Act of 2001, effective July 12, 2001 (D.C. Law 14-18; D.C. Official Code § 7-1401 *et seq.*), is amended as follows:

(a) Section 3(a) (D.C. Official Code § 7-1401(a)) is amended by striking the phrase "Department of Health" and inserting the phrase "Department of Health Care Finance" in its place.

(b) Section 6(a) (D.C. Official Code § 7-1404(a)) is amended by striking the phrase "Department of Health" and inserting the phrase "Department of Health Care Finance" in its place.

SUBTITLE I. SNAP EXPANSION

Sec. 5081. Short title.

This subtitle may be cited as the "SNAP Expansion Act of 2010".

Sec. 5082. Implementation of transitional Supplemental Nutrition Assistance Program benefits.

A qualified household that ceases to receive cash assistance under the District's Temporary Assistance for Needy Families ("TANF") program, funded by federal TANF funds, District Maintenance of Effort ("MOE") funds, or any other cash assistance received under a state-funded program (collectively "cash assistance") due to a change in income, shall receive transitional Supplemental Nutrition Assistance program ("SNAP") benefits for a period of 5 months after the date on which the cash assistance was terminated, automatically adjusted for the loss of the cash assistance, pursuant to section 11(s) of the Food Stamp Act Food Stamp Act of 1964, approved August 31, 1964 (78 Stat. 703; 7 U.S.C. § 2020 (s)) ("Food Stamp Act").

Sec. 5083. Implementation of simplified self-employment deduction.

No later than March 31, 2011, the Mayor shall submit to the United States Department of Agriculture, a proposal to use a standard self-employment deduction, with an option for an applicant to prove actual expenses in the event that the applicant's expenses exceed the set

standard deduction under SNAP, pursuant to section 5(m) of the Food Stamp Act (7 U.S.C. § 2014 (m)) and to 7 C.F.R. § 273.11(b)(3)(v)).

Sec. 5084. Reporting.

Beginning on January 1, 2011, and every 6 months thereafter, the Mayor shall provide the following information, delineated by month, to the Council, the:

- (1) Number of households participating in the District's cash assistance TANF programs;
- (2) Number of households participating in SNAP;
- (3) Number of homeless households participating in SNAP;
- (4) Number of households who left the District's cash assistance TANF programs, including the reasons they left;
- (5) Number of households who left SNAP, including the reasons they left; and
- (6) Number of SNAP participants who are self-employed.

SUBTITLE J. CHILDREN AND YOUTH INITIATIVE ESTABLISHMENT

Sec. 5091. Short title.

This subtitle may be cited as the "Children and Youth Initiative Establishment Amendment Act of 2010".

Sec. 5092. Section 2403 of the Children and Youth Initiative Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D. C. Official Code § 2-1553), is amended as follows:

(a) Subsection (a) is amended by striking the word "non-profit" and inserting the word "nonprofit" in its place.

(b) Subsection (a-1) is amended by adding a new paragraph (3) to read as follows:

"(3) All sub-grants of District funds shall be awarded on a competitive basis, except in the case of an emergency circumstance, as determined by a vote of the Board of Directors."

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

"(a-3) To be eligible to receive a grant pursuant to subsection (a) of this section, the non-service provider, nonprofit organization shall meet the following requirements:

"(1) All positions on the Board of Directors are filled, including any position for nonvoting government officials, unless a vacancy has occurred on the board because a board member's term expired or terminated for any reason; provided, that the position is filled within 90 days of the vacancy.

"(2) Each board member serving has demonstrated knowledge and experience in the disciplines that are the focus of the mission of the non-service provider, nonprofit organization."

SUBTITLE K. MEDICAID BENEFITS PROTECTION ACT

Sec. 5101. Short title.

This subtitle may be cited as the "Medicaid Benefits Protection Amendment Act of 2010".

Sec. 5102. Section 2 of the Medicaid Benefits Protection Act of 1994, effective March 14, 1995 (D.C. Law 10-202; D.C. Official Code § 1-307.41), is amended as follows:

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

"(e) As a condition of doing business in the District:

"(1) An insurer shall not impose requirements on a District of Columbia agency that has been assigned the rights of an individual eligible for medical assistance under the District State Medicaid Plan and covered for health benefits from the insurer that are different from requirements applicable to an agent or assignee of any other individual so covered.

"(2) An insurer shall:

"(A) Accept the District's right of recovery and the assignment to the District of any right of an individual or other entity to payment from the insurer for an item or service for which payment has been made under the District State Medicaid Plan;

"(B) Respond to any inquiry by the District, or its agent, regarding a claim for payment for a health care item or service that the District submits within 3 years after the date that the health-care item or service was provided;

"(C) Not deny a claim submitted by the District because of the date of submission of the claim, the type or format of the claim form, or for failure to present proper documentation at the point-of-sale that is the basis of the claim; provided, that the District:

"(i) Submits the claim within the 3-year period beginning on the date of which the item or service was furnished; and

"(ii) Commences an action to enforce its right with respect to the claim within 6 years of submitting the claim; and

"(D) Upon the request of the Mayor, in a manner prescribed by the Mayor, provide coverage, eligibility, and paid claims data to the District, or its agent, to determine the period that individuals who received, or were eligible for, health care assistance were, or could have been, covered by an insurer and the nature of the coverage that is being, or was, provided by the health insurer. The data to be provided shall include:

"(i) Each individual's:

"(I) Name;

"(II) Address; and

"(III) Plan identification number; and

"(ii) Any other information prescribed by the Mayor."

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

"(f) For the purposes of this section, the term "insurer" includes a self-insured plan, a

ENROLLED ORIGINAL

group health plan, as defined in section 607(1) of the Employee Retirement Income Security Act of 1974, approved April 7, 1986 (100 Stat. 231; 29 U.S.C. 1167(1)), a service benefit plan, a managed care organization, a pharmacy benefit manager, or other party that is, by statute, contract, or agreement, legally responsible for payment of a claim for all or part of a health-care item or service."

SUBTITLE L. PHARMACEUTICAL MARKETING COSTS REPORT

Sec. 5111. Short title.

This subtitle may be cited as the "Prescription Drug Marketing Costs Amendment Act of 2010".

Sec. 5112. Section 1800.6 of Title 22 of the District of Columbia Municipal Regulations (22 DCMR § 1800.6) is amended by striking the phrase "two thousand five hundred dollars (\$2,500)" and inserting the phrase "five thousand dollars (\$5,000)" in its place.

SUBTITLE M. SUBSTANCE ABUSE EPIDEMIOLOGY REPORT

Sec. 5121. Short title.

This subtitle may be cited as the "Substance Abuse Epidemiology Report Act of 2010".

Sec. 5122. Substance abuse epidemiology report.

Of the fiscal year 2011 funds allocated to the Addiction Prevention and Recovery Administration, up to \$250,000 shall be used to support improved statistical analysis, outcome measures, data reporting, and policy recommendations related to drug abuse epidemiology in the District of Columbia.

SUBTITLE N. HEALTH PROGRAMS SUPPORT

Sec. 5131. Short title.

This subtitle may be cited as the "Community Access to Health Care Amendment Act of 2010".

Sec. 5132. Section 102(b) of the Community Access to Health Care Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-288; D.C. Official Code § 7-1932(b)), is amended as follows:

(a) Paragraph (3) is amended by striking the phrase "\$10 million" and inserting the phrase "\$4.6 million" in its place.

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

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

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

“(10) For fiscal year 2011:
 (A) Allocate \$4.4 million to support health services at the D.C. Jail; and
 (B) Allocate \$1 million to support the District’s AIDS Drug Assistance
Program.”.

SUBTITLE O. COMMISSION ON JUVENILE JUSTICE REFORM

Sec. 5141. Short title.

This subtitle may be cited as the "Commission on Juvenile Justice Reform Establishment Act of 2010".

Sec. 5142. Establishment of the Commission on Juvenile Justice Reform.

(a) There is established a Juvenile Justice Commission (“Commission”).

(b) The Commission shall be empaneled within 30 days of the effective date of this act.

(c)(1) The Commission shall be comprised of 12 members, who shall serve without public compensation and who shall be appointed as follows:

(A) Four members to be appointed by the Chairman of the Council of the District of Columbia, in consultation with the Chairs of the related committees of the Council, one of whom shall be a representative of the public;

(B) Four members to be appointed by the Mayor, one of whom shall be a representative of the public; and

(C) Four members to be appointed by the Chief Judge of the Superior Court of the District of Columbia, one of whom shall be a representative of the public.

(2) The Chair of the Commission shall be selected by the members of the Commission.

(d)(1) To be eligible for appointment as a Commissioner, other than as a member of the public, a person shall have individual expertise in a relevant discipline and familiarity with the laws, standards, and services related to youth safety and juvenile justice reform.

(2) To be eligible for appointment as a Commissioner as a representative of the public, a person shall not be required to have special expertise of any kind.

(e) The Office of the City Administrator shall provide administrative and staff support for the Commission and seek private financial support.

Sec. 5143. Juvenile Justice Reform Report.

Within 180 days of the empaneling of the Commission, pursuant to section 5142, the Commission shall submit a report to the Council of the District of Columbia, which shall include:

(1) A review and assessment of the implementation of the reforms recommended in the Report of the Blue Ribbon Commission on Youth Safety and Juvenile Justice Reform;

(2) A review and assessment of the reforms recommended in the Blueprint for

ENROLLED ORIGINAL

Action: Responding to Gang, Crew and Youth Violence in D.C.;

- (3) An analysis of Part 1 and Part 2 juvenile-arrest cases of the preceding 3 years;
- (4) An analysis of recidivism rates at the Department of Youth Rehabilitation Services (“DYRS”) and Court Social Services (“CSS”) of the preceding 3 years;
- (5) An assessment of the federal, local, and private resources available to DYRS and CSS; and
- (6) Recommendations on streamlining available resources and on increased coordination, transparency, and accountability between CSS, DYRS, the Metropolitan Police Department, and other District agencies to ensure the confidential sharing of key information between these agencies and with identified community organizations with professional interest in the well-being of youth.

TITLE VI. PUBLIC WORKS

SUBTITLE A. DISTRICT DEPARTMENT OF TRANSPORTATION UNIFIED FUND

Sec. 6001. Short title.

This subtitle may be cited as the "District Department of Transportation Unified Fund Amendment Act of 2010".

Sec. 6002. Section 9c(c)(2) of the Department of Transportation Establishment Act of 2002, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 50-921.11(c)(2)), is amended to read as follows:

"(2) Except for the dedicated sales tax described in D.C. Official Code § 47-2002.05(d)(4), and any dedicated taxes or fees on parking, as the term "dedicated taxes and fees" is described in section 490(n)(5) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 807; D.C. Official Code § 1-204.90(n)(5)), that were dedicated prior to November 17, 2005, all revenue derived from the sales and use taxes collected by the District for parking and storing; provided, that of the first \$30 million collected each year, \$12.7 million in fiscal year 2009, \$12.2 million in fiscal year 2010, and \$10.2 million in all subsequent years, shall remain in the General Fund of the District of Columbia and that any revenue in excess of \$30 million shall be deposited into the Highway Trust Fund."

SUBTITLE B. PUBLIC SPACE PERMITS TECHNOLOGY SURCHARGE

Sec. 6011. Short title.

This subtitle may be cited as the "Public Space Permit Enhancement Amendment Act of 2010".

Sec. 6012. Section 604 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 10-1141.04), is amended as follows:

- (a) Paragraph (3) is amended by striking the word "and" at the end.

ENROLLED ORIGINAL

(b) Paragraph (4) is amended by striking the period at the end and inserting the phrase "; and" in its place.

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

"(5) Provide for the payment of a technology charge or other surcharge to be added to the fee for each permit issued under section 603."

Sec. 6013. Section 225 of Title 24 of the District of Columbia Municipal Regulations is amended by adding a new subsection 225.8 to read as follows:

"225.8 Beginning on October 1, 2010, there shall be imposed a non-refundable technology fee on each public space permit. The technology fee shall be equal to ten percent (10%) of the total amount of the public space permit fee."

SUBTITLE C. UNCLAIMED DEPOSITS FOR EXCAVATION WORK

Sec. 6021. Short title.

This subtitle may be cited as the "Unclaimed Deposits for Excavation Work Amendment Act of 2010".

Sec. 6022. The Uniform Disposition of Unclaimed Property Act of 1980, effective March 5, 1981 (D.C. Law 3-160; D.C. Official Code § 41-101 *et seq.*), is amended by adding a new section 141a to read as follows:

"Sec. 141a. Unclaimed deposits for excavation work in public space.

"This act shall not apply to an unclaimed deposit for excavation work in public space. The Mayor may establish, by rule, the standards and procedures for determining whether and when such a deposit will be considered abandoned, and for determining the custody and ownership of such a deposit."

Sec. 6023. Section 9c(c) of the Department of Transportation Establishment Act of 2002, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 50-921.11(c)), is amended by adding a new paragraph (9) to read as follows:

"(9) All unclaimed public space deposits pursuant to 24 DCMR § 3405.9."

Sec. 6023. Section 3405 of Title 24 of the District of Columbia Municipal Regulations is amended as follows:

(a) Subsection 3405.5 is amended to read as follows:

"3405.5 Return of Deposit. Upon expiration of two (2) years after the satisfactory permanent restoration of the area excavated, a Permittee's Deposit(s), less the deductions made pursuant to subsection 3405.3, may be claimed by the Permittee or its assigns. If a Permittee elected to furnish a single Deposit to cover multiple excavations, the two (2) year period shall not commence until all excavations covered by the deposit have been satisfactorily permanently

restored. Upon receiving a valid claim, the Deposit shall be returned, less the deductions made pursuant to subsection 3405.3."

(b) A new subsection 3405.9 is added to read as follows:

"3405.9 Unclaimed Deposits. If a Permittee or its assigns does not claim a Deposit under subsection 3405.5 within 30 days after the expiration of the two (2) year period referenced in subsection 3405.5, the Director shall notify the Permittee or its assigns at the Permittee's or assigns' last known address of record of the unclaimed deposit. If the Permittee has not claimed the deposit within one year after the date of the Director's notice, the Director shall deposit the unclaimed deposit into the Department of Transportation Unified Fund, as provided in section 9c(c)(9) of the Department of Transportation Establishment Act of 2002, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 50-921.11(c)(9))."

SUBTITLE D. STEEL PLATE FEE

Sec.6031. Short title.

This subtitle may be cited as the "Steel Plate Fee Amendment Act of 2010".

Sec. 6032. Steel plate fee.

Subsection 225.1 of Title 24 of the District of Columbia Municipal Regulations (24 DCMR § 225.1) is amended by adding a new paragraph (p) to read as follows:

"(p) **Steel Plates: Permit Fee**

<p>Public space covered by 1-4 steel plate(s) at any time between and including January 1 and March 31 and between and including November 1 and December 31.</p>	<p>\$600.00 per plate for the first 5 days in public space \$900.00 per plate for the first 5-day renewal period \$1350.00 per plate for the second and all subsequent 5-day renewal periods</p>
<p>Public space covered by 1-4 steel plate(s) at all other times.</p>	<p>\$300.00 per plate per 5 days in public space \$450.00 per plate for the first 5-day renewal period \$675.00 per plate for the second and all subsequent 5-day renewal periods</p>
<p>Public space covered by an additional 1-4 steel plate(s) at any time between and including January 1 and March 31 and between and including November 1 and December 31.</p>	<p>\$1200.00 per additional plate per 5 days in public space \$1800.00 per additional plate for the first 5-day renewal period \$2700.00 per additional plate for the second and</p>

ENROLLED ORIGINAL

	all subsequent 5-day renewal periods
Public space covered by additional 1-4 steel plate(s) at all other times.	\$600.00 per additional plate per 5 days in public space \$900.00 per additional plate for the first 5-day renewal period \$1350.00 per additional plate for the second and all subsequent 5-day renewal periods
Public space covered by more than 8 steel plate(s) at any time between and including January 1 and March 31 and between and including November 1 and December 31.	\$1800.00 for the 9 th and subsequent plate per 5 days in public space \$2700.00 for the 9 th and subsequent plate for the first 5-day renewal period \$4050.00 for the 9 th and subsequent plate for the second and all subsequent 5-day renewal periods
Public space covered by more than 8 steel plate(s) at all other times.	\$900.00 for the 9 th and subsequent plate per 5 days in public space \$1350.00 for the 9 th and subsequent plate for the first 5-day renewal period \$2025.00 for the 9 th and subsequent plate for the second and all subsequent 5-day renewal periods

SUBTITLE E. BUS LOADING AND UNLOADING

Sec. 6041. Short title.

This subtitle may be cited as the "Bus Service Bus Stop Fee Amendment Act of 2010".

Sec. 6042. Subsection 225.1 of Title 24 of the District of Columbia Municipal Regulations (24 DCMR § 225.1) is amended by adding a new paragraph (q) to read as follows:

"(q) **Bus stop:**

Use of public space for buses that park, as that term is defined in 18 DCMR § 9901, at a designated location in public space on a regular schedule to pick up and drop off passengers:	Annual fee of two dollars and fifty cents (\$2.50) multiplied by the total number of hours per week permitted for occupancy further multiplied by fifty-two (52)
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SUBTITLE F. PARKING METER ADVERTISEMENTS

Sec. 6051. Short title.

This subtitle may be cited as the "Parking Meter Advertisement Amendment Act of 2010".

Sec. 6052. The Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.01 *et seq.*), is amended as follows:

(a) Section 4(5) (D.C. Official Code § 50-921.03(5)) is amended as follows:

- (1) Subparagraph (C) is amended by striking the word "and" at the end.
- (2) Subparagraph (D) is amended by adding the word "and" at the end.
- (3) A new subparagraph (E) is added to read as follows:

"(E) Advertisements on parking meters, including the back of receipts printed out by multi-space parking meters;"

(b) Section 5(4) (D.C. Official Code § 50-921.04(4)) is amended as follows:

- (1) Subparagraph (E) is amended by striking the word "and" at the end.
- (2) Subparagraph (F) is amended by adding the word "and" at the end.
- (3) A new subparagraph (G) is added to read as follows:

"(G) Enter into agreements to allow the placement of advertisements on parking meters, including the back of receipts printed out by multi-space parking meters, and may collect payments under the agreements."

SUBTITLE G. ENVIRONMENTAL IMPACT SCREENING FORM REVIEW

Sec. 6061. Short title.

This subtitle may be cited as the "Environmental Impact Screening Forms and Environmental Impact Statements Amendment Act of 2010".

Sec. 6062. The District of Columbia Environmental Policy Act of 1989, effective October 18, 1989 (D.C. Law 8-36; D.C. Official Code § 8-109.09), is amended as follows:

(a) Section 10(b) (D.C. Official Code § 8-109.09(b)) is amended as follows:

(1) Strike the phrase "Within 180 days of the effective date of this act, the Department of Consumer and Regulatory Affairs" and insert the phrase "The District Department of the Environment" in its place.

(2) Strike the phrase "District agencies" and insert the phrase "District agencies in the review of an environmental impact screening form and" in its place.

(b) A new section 11b is added to read as follows:

"Sec. 11b. Fees.

"Whenever the Mayor reviews an environmental impact screening form or prepares, or causes to be prepared, an EIS or supplemental EIS under this act, the Mayor may impose a fee on the applicant to compensate the Mayor for the costs of reviewing the environmental impact

screening form or preparing the EIS or supplemental EIS.”.

Sec. 6063. Section 7212 of Title 20 of the District of Columbia Municipal Regulations (20 DCMR § 7212) is amended as follows:

(a) Subsection 7212.1 (20 DCMR § 7212.1) is amended by striking the phrase "the EIS" and inserting the phrase "the EISF and the EIS" in its place.

(b) Subsection 7212.2 (20 DCMR § 7212.2) is amended to read as follows:
"7212.2 The EISF and EIS review fee is fifty-five dollars (\$55) per hour.”.

(c) Subsection 7212.3 (20 DCMR § 7212.3) is amended by striking the phrase "any EIS" and inserting the phrase "any EISF or EIS" in its place.

SUBTITLE H. CLEAN AND AFFORDABLE ENERGY ACT

Sec. 6071. Short title.

This subtitle may be cited as the "Clean and Affordable Energy Amendment Act of 2010".

Sec. 6072. Section 210(c) of the Clean and Affordable Energy Amendment Act of 2008, effective October 22, 2008 (D.C. Law 17-250; D.C. Official Code § 8-1774.10(c)), is amended to read as follows:

“(c) The funds in the Sustainable Energy Trust Fund shall be used solely to fund:

“(1) The SEU contract in the following amounts:

“(A) The amount of \$7.5 million in the 1st year of the contract;

“(B) The amount of \$15 million in the 2nd year of the contract;

“(C) The amount of \$17.5 million in the 3rd year of the contract; and

“(D) The amount of \$20 million in the 4th and each subsequent year of the initial contract, and for each year of any subsequent contract;

“(2) The administration of the SEU contract by DDOE, on an annual basis, equal to 10% of the payments under the contract in that fiscal year;

“(3) An independent review of the performance of the SEU under section 205(k) in the amount of \$100,000 annually, beginning in fiscal year 2012;

“(4) The activities of the SEU Advisory Board under section 203 in the amount of \$13,000 annually;

“(5) Existing electricity programs in the amount of \$2.773 million for fiscal year 2011;

“(6) Existing natural gas programs in the amount of \$1.5 million for fiscal year 2011; and

“(7) The renewable energy incentive program under section 209 in the amount of \$1.455 million for fiscal year 2011 and \$2 million in fiscal year 2012, of which up to \$20,000 annually may be used to pay for the installation of monitoring and communications systems.”.

Sec. 6073. This subtitle shall apply as of October 1, 2011.

SUBTITLE I. SPORT FISH FUNDING PRESERVATION

Sec. 6081. Short title.

This subtitle may be cited as the "Assent to the Dingell-Johnson Sport Fish Restoration Act Amendment Act of 2010".

Sec. 6082. Section 1 of An Act to Modernize the fish and game laws of the District of Columbia, and for other purposes, approved August 23, 1958 (72 Stat. 814; D.C. Official Code § 22-4328), is amended by striking the phrase "provided, that nothing herein contained shall authorize the Council to impose any requirement for a fishing license or fee of any nature whatsoever" and inserting the phrase "provided, that the District assents to the provisions of the Dingell-Johnson Sport Fish Restoration Act, approved August 9, 1950 (64 Stat. 430; 16 U.S.C. §§ 777-777n), the Pittman-Robertson Wildlife Restoration Act, approved September 2, 1937 (50 Stat. 917; 16 U.S.C. §§ 669-669k), and 18 U.S.C. § 701, including a prohibition against the diversion of fishing license fees paid by sport fishermen for any purpose other than the administration of the District's fish and wildlife agency" in its place.

SUBTITLE J. VEHICLE INSPECTION TASK FORCE

Sec. 6091. Short title.

This subtitle may be cited as the "Vehicle Inspection Task Force Act of 2010".

Sec. 6092. Vehicle inspection task force.

(a) There is established a Vehicle Inspection Task Force ("Task Force") to study the impact of the elimination of mandatory vehicle safety inspections for private vehicles, in order to recommend whether the District should restore mandatory vehicle safety inspection for private vehicles of any or all types, and to recommend any improvements to the District's current vehicle safety inspection program for commercial vehicles, or any restored vehicle safety inspection program, for private vehicles that could improve the cost-effectiveness of these programs and reduce the burden of these inspections upon residents and businesses. If the Task Force concludes that some new, restored, or expanded vehicle safety program is in the best interests of the District, the Task Force shall also recommend how to fund such a program.

(b)(1) The Task Force shall consist of at least 7 members, to be selected by the Mayor and the Chairperson of the Council committee with oversight over the Department of Motor Vehicles.

(2) The Chairperson of the Council committee shall choose a chairperson for the task force, who shall represent the interests of the driving public of the District of Columbia, and the Mayor and Chairperson of the Council committee shall each select half of the remaining members.

- (3) At a minimum, the membership shall include:
- (A) A representative of the Department of Motor Vehicles;
 - (B) A representative of the Metropolitan Police Department;
 - (C) Representatives of the driving public;
 - (D) Traffic safety advocates; and
 - (E) Other governmental bodies that may be considered relevant to the

Task Force's mission.

Sec. 6093. Duration of Task Force.

The Task Force shall complete its study and submit its report to the Council and Mayor no later than February 28, 2011.

SUBTITLE K. SCHOOL CROSSING GUARD PROMOTION OPPORTUNITY

Sec. 6101. Short title.

This subtitle may be cited as the "School Crossing Guard Promotion Opportunity Amendment Act of 2010".

Sec. 6102. Section 6022 of the Civilian School Crossing Guard Function Transfer Amendment Act of 2007, effective September 18, 2007 (D.C. Law 17-20; D.C. Official Code § 50-921.05, note) is amended by adding a new subsection (c) to read as follows:

“(c) The time-in-grade restrictions of section 838 of Chapter B8 of Title 6 of the District of Columbia Municipal Regulations (6-B DCMR § 838) shall not apply to any civilian crossing guard, as defined by this section, for the purpose of being promoted to the position of civilian Traffic Control Officer.”.

TITLE VII. FINANCE AND REVENUE

SUBTITLE A. BUDGET FINANCING CONTINGENCIES

Sec. 7001. Short title.

This subtitle may be cited as the "Budget Financing Contingencies Amendment Act of 2010".

Sec. 7002. Section 3 of the Heights on Georgia Avenue Tax Exemption Act of 2009, effective March 23, 2010 (D.C. Law 18-124; 57 DCR 1175), is repealed.

Sec. 7003. (a) Section 3 of the Studio Theatre Housing Property Tax Exemption and Equitable Relief Act of 2009, effective December 17, 2009 (D.C. Law 18-96; 56 DCR 8526), is repealed.

(b) Section 47-1082(c) and (d) of the District of Columbia Official Code are repealed.

ENROLLED ORIGINAL

Sec. 7004. Section 4 of the Affordable Housing Opportunities Residential Rental Project Property Tax Exemption and Equitable Real Property Tax Relief Act of 2010, effective March 23, 2010 (D.C. Law 18-129; 57 DCR 1189). is repealed.

Sec. 7005. Section 802(b) of the Healthy Schools Act of 2010, signed by the Mayor on May 21, 2010 (D.C. Act 18-428; 57 DCR 4779), is repealed.

Sec. 7006. Section 47-3802 of the District of Columbia Official Code is amended as follows:

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

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

“(b) Notwithstanding the provisions of subsection (a) of this section, a qualified supermarket, qualified restaurant, or retail store shall not be eligible for an exemption beginning on or after October 1, 2010 until the fiscal effect of any such new exemptions is included in an approved budget and financial plan.”.

Sec. 7007. Section 4(b) of the Omnibus Election Reform Amendment Act of 2009, effective February 4, 2010 (D.C. Law 18-103; 56 DCR 9169), is repealed.

Sec. 7008. Section 3 of the Jubilee Housing Residential Rental Project Real Property Tax Exemption Act of 2010, effective May 27, 2010 (D.C. Law 18-163; 57 DCR 2032), is repealed.

Sec. 7009. Section 3 of the Campbell Heights Residents Real Property Tax Exemption Act of 2010, effective May 27, 2010 (D.C. Law 18-164; 57 DCR 3034), is repealed.

Sec. 7010. Section 3 of the IHOP Restaurant #3221 Tax Exemption Clarification Temporary Act of 2010, effective May 27, 2010 (D.C. Law 18-169; 57 DCR 3157), is repealed.

**SUBTITLE B. FIRST CONGREGATIONAL UNITED CHURCH OF CHRIST
PROPERTY TAX ABATEMENT**

Sec. 7011. Short title.

This subtitle may be cited as the "First Congregational United Church of Christ Property Tax Abatement Amendment Act of 2010".

Sec. 7012. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

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

"47-4636. First Congregational United Church of Christ property tax abatement."

ENROLLED ORIGINAL

(b) A new section 47-4636 is added to read as follows:

"§ 47-4636. First Congregational United Church of Christ property tax abatement.

"(a) The real property described as Lots 833 through 835 and 7000 through 7011, Square 375, as the land for such lots may be subdivided into a record lot or lots or assessment and taxation lots in the future, known as the First Congregational United Church of Christ property and owned by the First Congregational United Church of Christ, a District of Columbia nonprofit corporation formed for the purpose of religious worship, shall be exempt from taxation under Chapter 8 of this title so long as the First Congregational United Church of Christ owns the real property, subject to the provisions of §§ 47-1005, 47-1007, and 47-1009 as if the exemption were granted administratively.

"(b) The transfer by the First Congregational United Church of Christ of Lots 834, 835, 7003, 7006, 7007, 7008, 7009, 7010, and 7011, Square 375, as the land for such lots may be subdivided into a record lot or lots or assessment and taxation lots in the future, shall be exempt from the tax imposed by Chapter 9 of this title.

"(c) The tax abatement pursuant to this section shall be in addition to, and not in lieu of, any other tax relief or development assistance from any other source applicable to the First Congregational United Church of Christ."

Sec. 7013. Equitable real property tax relief.

(a) Of the deed transfer taxes imposed on the transfer by the First Congregational United Church of Christ of Lots 834, 835, 7003, 7006, 7007, 7008, 7009, 7010, and 7011, Square 375 and the real property taxes, interest, penalties, fees, and other related charges assessed against the First Congregational United Church of Christ on real property located on Lots 823 and 831 (or as the land for such lots may be subdivided into a record lot or lots or assessment and taxation lots in the future), Square 375, for the period beginning February 1, 2008, \$951,000 shall be forgiven by the District and refunded to the First Congregational United Church of Christ.

(b) The District shall make refunding payments to the First Congregational United Church of Christ in the following amounts by the dates specified:

- (1) \$317,000 by January 2, 2011;
- (2) \$317,000 by January 2, 2012; and
- (3) \$317,000 by January 2, 2013.

**SUBTITLE C. PARK PLACE AT PETWORTH, HIGHLAND PARK, AND
HIGHLAND PARK PHASE II ECONOMIC DEVELOPMENT ACT OF 2010**

Sec. 7021. Short title.

This subtitle may be cited as the "Park Place at Petworth, Highland Park, and Highland Park Phase II Economic Development Amendment Act of 2010".

Sec. 7022. Section 3 of the Park Place at Petworth, Highland Park, and Highland Park Phase II Economic Development Act of 2010, effective March 23, 2010 (D.C. Law 18-128; 57 DCR 1186), is repealed.

Sec. 7023. Section 47-4629 of the District of Columbia Official Code is amended as follows:

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

"(b) Beginning on October 1, 2010, the Park Place at Petworth, Highland Park, and Highland Park Phase II Properties shall be exempt from the real property tax imposed by Chapter 8 of this title for 20 years as follows: 10 years at 50% and a 5% increase in years 11 through 20 until the annual real property taxation equals 100%."

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

"(b-1) All interest and penalties associated with real property taxes that have been assessed for the period beginning on October 1, 2008, and ending 45 days after the effective date of the Fiscal Year 2011 Budget Support Act of 2010 passed on 2nd reading on June 15, 2010 (Enrolled version of Bill 18-731), against the Park Place at Petworth, Highland Park, or Highland Park Phase II Properties, shall be forgiven, and any payments already made for this period, as of the effective date of the Fiscal Year 2011 Budget Support Act of 2010, passed on 2nd reading on June 15, 2010 (Enrolled version of Bill 18-731), shall be refunded or credited against real property taxes owed on the properties."

SUBTITLE D. KELSEY GARDENS REDEVELOPMENT PROJECT REAL PROPERTY LIMITED TAX ABATEMENT ASSISTANCE ACT OF 2009

Sec. 7031. Short title.

This subtitle may be cited as the "Kelsey Gardens Redevelopment Project Real Property Limited Tax Abatement Assistance Amendment Act of 2010".

Sec. 7032. Section 3 of the Kelsey Gardens Redevelopment Project Real Property Limited Tax Abatement Assistance Act of 2009, effective December 17, 2009 (D.C. Law 18-97; 56 DCR 8528), is amended to read as follows:

"Sec. 3. Applicability.

"(a) This act shall apply in fiscal years 2010, 2011, and 2012.

"(b) This act shall apply in fiscal year 2013 and later fiscal years upon the inclusion in an approved budget and financial plan of the fiscal effect of this act in those fiscal years."

SUBTITLE E. NONPROFIT TAX ABATEMENT

Sec. 7041. Short title.

This subtitle may be cited as the "Nonprofit Tax Abatement Act of 2010".

ENROLLED ORIGINAL

Sec. 7042. Chapter 8 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding the section designations "47-857.11 Tax abatements for nonprofit organizations locating in emerging commercial neighborhoods - Definitions. 47-857.12. Tax abatements for nonprofit organizations locating in emerging commercial neighborhoods - Requirements for tax abatement. 47-857.13. Tax abatements for nonprofit organizations locating in emerging commercial neighborhoods - Application and certification of eligibility. 47-857.14. Tax abatements for nonprofit organizations locating in emerging commercial neighborhoods - Annual reporting. 47-857.15. Tax abatements for nonprofit organizations locating in emerging commercial neighborhoods - Abatement caps. 47-857.16. Tax abatements for nonprofit organizations locating in emerging commercial neighborhoods - Rules." after the section designation "47-857.10 Tax abatements for new residential developments - Regulations."

(b) New sections 47-857.11 through 47-857.16 are added to read as follows:

"§ 47-857.11. Tax abatements for nonprofit organizations locating in emerging commercial neighborhoods - Definitions.

"For the purposes of §§ 47-857.11 through 47-857.16, the term:

"(1) "Anacostia Nonprofit Zone" means all real property fronting on:

"(A) Good Hope Road, S.E., between the Anacostia Freeway and the 18th Street, S.E.;

"(B) Martin Luther King, Jr. Avenue, S.E., between S Street, S.E., and Suitland Parkway;

"(C) Howard Road, S.E., between the Anacostia Freeway and Bowen Road, S.E.; and

"(D) Shannon Place, S.E., between U Street, S.E., and Chicago Street, S.E.

"(2) "Capitol Riverfront Nonprofit Zone" means the area described as the Capitol Riverfront BID in § 2-1215.58(b).

"(3) "Designated Nonprofit Zone" means an area of the District designated by the Mayor as one that will benefit from the location of a nonprofit organization or an area to which a nonprofit organization seeks to locate and for which the Mayor determines that it is in the best interests of the District to offer a tax abatement under this section to the nonprofit organization and which the Council approves by act.

"(4) "Eligible Nonprofit Zone" means an Emerging Neighborhood Nonprofit Zone or a Designated Nonprofit Zone.

"(5) "Emerging Neighborhood Nonprofit Zone" means the Anacostia Nonprofit Zone, Capitol Riverfront Nonprofit Zone, Minnesota-Benning Nonprofit Zone, Mount Vernon Triangle Nonprofit Zone, and NoMa Nonprofit Zone."

"(6) "Mayor" means the Mayor of the District of Columbia.

ENROLLED ORIGINAL

“(7) "Minnesota-Benning Nonprofit Zone" means the area bounded by a line beginning at the intersection of Hayes Street, N.E. and Minnesota Avenue, N.E., continuing northwest to the intersection of Hayes Street, N.E., and Kenilworth Avenue, N.E., continuing northwest along Hayes Street, N.E., to Anacostia Avenue, N.E.; continuing due west to the eastern shoreline of the Anacostia River; continuing south along the eastern shoreline of the Anacostia River to Benning Road, N.E.; continuing east along Benning Road, N.E., to Anacostia Avenue, N.E.; continuing southerly along Anacostia Avenue, N.E., to Dix Street, N.E.; continuing east along Dix Street, N.E., to 34th Street, N.E.; continuing north along 34th Street, N.E., to Eads Street, N.E.; continuing southeast along Eads Street, N.E., to 36th Street, N.E.; continuing south along 36th Street, N.E., to Kenilworth Avenue, N.E.; continuing southeast along a straight line to the intersection of 35th Street, N.E., and Clay Place, N.E.; continuing southeast along Clay Place, N.E., to Minnesota Avenue, N.E., continuing northeast along Minnesota Avenue, N.E., to Clay Place, N.E.; continuing southeast and then east along Clay Place, N.E., to 40th Street, N.E.; continuing northeast along 40th Street, N.E., to Benning Road, N.E. (and including the area to the immediate east of 40th Street, N.E., that is zoned C-3-A); continuing northwest along Benning Road, N.E., to Minnesota Avenue, N.E. (and including the area to the immediate north of Benning Road, N.E., that is zoned C-3-A); continuing northeast along Minnesota Avenue, N.E., to Hayes Street, N.E. (and including the area to the immediate east of Minnesota Avenue, N.E., that is zoned C-3-A), the starting point.

"(8) "Mount Vernon Triangle Nonprofit Zone" means the area described as the Mount Vernon Triangle BID in § 2-1215.55(b).

"(9) "NoMa Nonprofit Zone" means the area described as the NoMa Improvement Association BID in § 2-1215.57(b).

"(10) "Qualified nonprofit organization" means an entity that is exempt from taxation under section 501(c)(3), (4), or (6) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3), (4), and (6)).

"§ 47-857.12. Tax abatements for nonprofit organizations locating in emerging commercial neighborhoods - Requirements for tax abatement.

"(a) Subject to approval by the Mayor under § 47-857.13 and subject to the caps established by § 47-857.15, a qualified nonprofit organization that purchases office space in an Eligible Nonprofit Zone shall be eligible for an abatement on its real property taxes in the amount of \$8 per square foot, subject to subsection (c) of this section, for a period of 10 years, if:

"(1) The qualified nonprofit organization purchases, after the effective date of this section, a minimum of 5,000 square feet of office space in the Eligible Nonprofit Zone;

"(2) The qualified nonprofit organization occupies at least 75% of the office space purchased by the organization in the Eligible Nonprofit Zone and uses that space for the organization's stated mission;

"(3) The qualified nonprofit organization purchases the office space at the market rate, as determined by the Mayor;

ENROLLED ORIGINAL

"(4) The qualified nonprofit organization is not receiving any other real property tax abatement for the office space; and

"(5) The office space is occupied by the qualified nonprofit organization on or before September 30, 2013, if the office space is in the Capitol Riverfront Nonprofit Zone, Mount Vernon Nonprofit Zone, or NoMa Nonprofit Zone, or on or before September 30, 2016, if the office space is in the Anacostia Nonprofit Zone, a Designated Nonprofit Zone, or Minnesota-Benning Nonprofit Zone.

"(b) Subject to approval by the Mayor under § 47-857.13, and subject to the caps established by § 47-857.15, if a qualified nonprofit organization leases office space in an Eligible Nonprofit Zone, the owner of the office space shall be eligible for an abatement on its real property taxes in the amount of \$8 per square foot, subject to subsection (c) of this section, for a period of 10 years, if:

"(1) The qualified nonprofit organization leases, after the effective date of this section, a minimum of 5,000 square feet of office space;

"(2) The qualified nonprofit organization occupies at least 75% of the leased office space and uses that space for the organization's stated mission;

"(3) The qualified nonprofit organization leases the office space at the market rate, as determined by the Mayor;

"(4) The qualified nonprofit organization leases the office space at a rate that is net of real estate taxes;

"(5) The owner of the office space leased by the qualified nonprofit organization is not receiving any other real property tax abatement for the office space; and

"(6) The office space is occupied by the qualified nonprofit organization on or before September 30, 2013, if the office space is in the Capitol Riverfront Nonprofit Zone, Mount Vernon Nonprofit Zone, or NoMa Nonprofit Zone, or on or before September 30, 2016, if the office space is in the Anacostia Nonprofit Zone, a Designated Nonprofit Zone, or Minnesota-Benning Nonprofit Zone.

"(c)(1) The amount of the annual real property tax abatement provided to a qualified nonprofit organization or owner of office space under this section shall not exceed the real property tax liability for the office space that is receiving the abatement.

"(2) A qualified nonprofit organization or owner of office space shall not be eligible to receive a real property tax abatement under §§ 47-857.11 through 47-857.16 for more than 100,000 square feet of office space.

"§ 47-857.13. Tax abatements for nonprofit organizations locating in emerging commercial neighborhoods - Application and certification of eligibility.

"(a) To be eligible to receive a tax abatement under § 47-857.12, a qualified nonprofit organization shall submit to the Mayor an application and the Mayor shall determine whether the organization is eligible to receive the real property tax abatement. The Mayor shall approve the applications by the eligible qualified nonprofit organizations in the order in which they are

received subject to the provisions of this section and the caps established by § 47-857.15.

"(b) The application shall include such information and documents as may be prescribed by the Mayor, including a letter of intent or similar document.

"(c) After receiving an application, the Mayor may:

“(1) Reserve the amount of the requested real property tax abatement for the applicant;

“(2) Establish or extend deadlines by which the applicant must:

“(A) Provide documentation of its eligibility under § 47-857.12 and rules promulgated pursuant to § 47-857.16;

“(B) Submit an executed lease or purchase agreement;

“(C) Occupy the office space;

“(D) Submit requested documents and information; and

(3) Cancel the reservation for failure to meet any deadline.

"(d) The Mayor may establish such other application requirements as the Mayor considers necessary or useful.

"(e) A qualified nonprofit organization shall not receive a real property tax abatement under § 47-857.11 through 47-857.16 if it has not received a certification of eligibility from the Mayor under this section.

"§ 47-857.14. Tax abatements for nonprofit organizations locating in emerging commercial neighborhoods - Annual reporting.

"A qualified nonprofit organization that is receiving a real property tax abatement under this section shall file annually with the Mayor and the Office of Tax and Revenue the report required by § 47-1007 and shall include in such report:

"(1) A certification that the qualified nonprofit organization:

"(A) Continues to lease or purchase (whichever is applicable) the office space for which the organization was granted the tax abatement;

"(B) Continues to occupy at least 75% of the office space and uses that space for the organization's stated mission;

"(C) If it leases the office space, continues to lease the office space at the market rate, subject to verification by the Mayor, and net of real estate taxes; and

"(D) If it owns the office space, or the owner of the office space, if the office space is leased by the qualified nonprofit organization, is not receiving any other real property tax abatement for the office space; and

"(2) Such other information as may be required by the Mayor pursuant to rule.

"§ 47-857.15. Tax abatements for nonprofit organizations locating in emerging commercial neighborhoods - Abatement caps.

"(a) The total annual dollar amount of tax abatements approved for an Eligible Nonprofit Zone shall not exceed:

"(1) \$600,000 in the Anacostia Nonprofit Zone;

- "(2) \$2.6 million in the Capitol Riverfront Nonprofit Zone;
- "(3) \$800,000 in all Designated Nonprofit Zones;
- "(4) \$600,000 in the Minnesota-Benning Nonprofit Zone;
- "(5) \$1.2 million in the Mount Vernon Triangle Nonprofit Zone; and
- "(6) \$2.6 million in the NoMa Nonprofit Zone.

"(b) The total amount of real property tax abatements approved for qualified nonprofit organizations in all Eligible Nonprofit Zones shall not exceed \$500,000 in Fiscal Years 2011, 2012, 2013, and 2014.

"§ 47-857.16. Tax abatements for nonprofit organizations locating in emerging commercial neighborhoods - Rules.

"The Mayor, pursuant to Chapter 5 of Title 2, may issue rules to implement the provisions of §§ 47-857.11 through 47-857.16."

SUBTITLE F. SPECIAL PURPOSE FUND TRANSFERS

Sec. 7051. Short title.

This subtitle may be cited as the "Fiscal Year 2011 Transfer of Special Purpose Funds Act of 2010".

Sec. 7052. Fiscal year 2011 transfer of special purpose account balances and revenue to local funds.

(a) Notwithstanding any provision of law limiting the use of funds in the accounts listed in the following chart, the Chief Financial Officer shall transfer from the certified fund balances in those accounts to the unrestricted fund balance of the General Fund of the District of Columbia ("General Fund"), and recognize as fiscal year 2011 revenue, the dollar amounts specified in the chart:

AGENCY NAME (AGENCY CODE)		
FUND DETAIL	FUND DETAIL NAME	DOLLAR AMOUNT
Office of the Chief Financial Officer (AT0)		
0606	Recorder of Deeds Surcharge	2,635,084
0610	Bank Fees	847,113
Commission on the Arts and Humanities (BX0)		
0600	Special Purpose Revenue	65,627
Office of the Attorney General (CB0)		
0603	Child Support - Temporary Aid to Needy Families (TANF)/Aid to Families with Dependent Children (AFDC) Collections	4,999,999

ENROLLED ORIGINAL

0604	Child Support - Reimbursements and Fees	67,000
0605	Child Support - Interest Income	66,725
0612	Anti-Fraud Fund	193,541
District of Columbia Public Library (CE0)		
6109	Miscellaneous Customer Service	9,630
Department of Employment Services (CF0)		
0610	Workers' Compensation Special Fund	7,654,732
0611	Workers' Compensation Administration Fund	16,835,615
0612	Unemployment Insurance Interest/Penalties	107,719
0624	Unemployment Insurance Administrative Assessment Tax	9,299,514
Office of the Tenant Advocate (CQ0)		
6005	Condominium Conversion	1,026,781
Dept. of Consumer and Regulatory Affairs (CR0)		
6008	Real Estate Guarantee and Education Fund	1,509,843
6010	Occupations and Professions Licensure Special Account	306,886
6020	Board of Engineers Fund	72,290
6025	Construction/Zoning Compliance Management Fund	444,340
6030	Green Building Fund	600,066
Office of Cable TV and Telecommunications (CT0)		
0600	Cable Franchise Fees	3,555,982
Dept. of Housing and Community Development (DB0)		
0603	Land Acquisition for Housing Development Opportunities	3,806,186
0605	Multi-Family/ Rehabilitation Repayment	3,947,715
0623	Home Again Revolving Fund	949,807
Office of the People's Counsel (DJ0)		
0631	Advocate for Consumers	164,882
Office of the Deputy Mayor for Planning and Economic Development (EB0)		
0609	Industrial Revenue Bond Program	818,275
0632	Economic Development Special Account	10,104,101
Metropolitan Police Department (FA0)		
1607	Sale of Unclaimed Property	356,297
7278	Asset Forfeiture	192,744

ENROLLED ORIGINAL

Fire and Emergency Medical Services Dept. (FB0)		
6100	Special Event Fees	93,232
Office of the Chief Medical Examiner (FX0)		
0601	Medical Examiner Fees	17,121
District of Columbia Public Schools (GA0)		
0603	Lease Income	200,081
0604	Pepco/Washington Gas	22,851
0607	Custodial	3,940
0608	Nonresident	112,877
0609	Security Deposits	80,852
0611	Cafeteria	101,091
0623	Hoop Dreams Scholarship Fund	178,910
0626	Career Cluster Project at Cardozo	14,543
Department of Parks and Recreation (HA0)		
0602	Enterprise Fund Account	1,406,051
Department of Health (HC0)		
0605	State Health Planning and Development Agency (SHPDA) Fees	74,763
0606	Vital Records Revenue	378,986
0611	Radioactive Waste Fees	11,605
0612	Food Handlers Certification	6,124
0632	Pharmacy Protection	160,382
0633	Radiation Protection	473,269
0638	Animal Control Dog License Fees and Fines	75,323
0643	Board of Medicine	1,409
0649	Health Facility Fee	18,768
0650	Human Services Facility Fee	121,404
0653	DC General Collections	71,141
0655	State Health Planning and Development Agency (SHPDA) Admission Fee	879,854
0656	Emergency Medical Services Fees	2,760
0658	Public Health Laboratory Fees	21,136
0661	Intermediate Care Facilities for Persons with Mental Retardation (ICF-MR) Fees and Fines	81,449
Department of Human Services (JA0)		
0603	Social Security Insurance Payback	250,700

ENROLLED ORIGINAL

District Department of Transportation (KA0)		
6140	Tree Fund	539,467
District Department of the Environment (KG0)		
0607	Underground Storage Tank Fines and Fees	24,321
0634	Soil Erosion/Sediment Control	800,000
0645	Pesticide Product Registration	1,740,000
0646	Storm Water Fees	69,508
0662	Renewable Energy Development Fund	7,415
0665	Adjudication Hearings (Water Quality)	16,932
0666	Wells Fund	562
0674	Hazardous Generator Fees	16,309
6201	Economy II	62,037
6700	Sustainable Energy Trust Fund	2,927,809
6800	Energy Assistance Trust Fund	3,057,652
Alcoholic Beverage Regulation Administration (LQ0)		
6018	Keg Registration Fees	42,312
Office of Contracting and Procurement (PO0)		
4010	Surplus Personal Property	615
6102	Supply Schedule Sales Discount	135,953
Office of Unified Communications (UC0)		
1630	911 and 311 Assessments	7,311,000

(b) Notwithstanding any provision of law limiting the use of funds in the accounts listed in the following chart, the Chief Financial Officer shall transfer from the certified revenues deposited in those accounts to the unrestricted fund balance of the General Fund, and recognize as revenue in the fiscal year specified, the dollar amounts specified in the chart:

AGENCY NAME (AGENCY CODE)					
FUND DETAIL	FUND DETAIL TITLE	FY2011	FY2012	FY2013	FY2014
Department of Real Estate Services (AM0)					
1450	Parking Fees	318,990	318,990	318,990	318,990
Office of the Chief Financial Officer (AT0)					
0602	Payroll Service Fees	1,234	1,234	1,234	1,234
0603	Service Contracts	8,836	8,836	8,836	8,836
0605	Dishonored Check Fees	1,322	1,322	1,322	1,322

ENROLLED ORIGINAL

0607	Miscellaneous Revenue	1,038	1,038	1,038	1,038
0613	Unclaimed Property Contingency Fund	4,012	4,012	4,012	4,012
0614	Defined Contribution Plan Administration	124,372	124,372	124,372	124,372
0619	DC Lottery Reimbursement	9,807	9,807	9,807	9,807
0623	OPEB Trust Administration	13,776	13,776	13,776	13,776
Office of Planning (BD0)					
2001	Historic Landmark and Historic District Filing Fees	2,000	2,000	2,000	2,000
Department of Human Resources (BE0)					
0615	Defined Benefits Retirement Program	5,456	5,456	5,456	5,456
1555	Reimbursables from Other Governments	2,952	2,952	2,952	2,952
Office of the Attorney General (CB0)					
0601	DUI	2,851	2,851	2,851	2,851
0612	Antifraud Fund	174,688	174,688	174,688	174,688
Department of Employment Services (CF0)					
0624	Unemployment Insurance Administrative Assessment	3,936,000	3,936,000	3,936,000	3,936,000
Office of the Tenant Advocate (CQ0)					
6005	Condominium Conversion	600,000	600,000	600,000	600,000
6015	Rental Accommodation	576,036	576,036	576,036	576,036

ENROLLED ORIGINAL

	Fees				
Department of Consumer and Regulatory Affairs (CR0)					
6006	Nuisance Abatement	80,889	80,889	80,889	80,889
6008	Real Estate Guaranty and Education Fund	501	501	501	501
6010	OPLA - Special Account	14,373	14,373	14,373	14,373
6013	Basic Business License Fund	793,509	543,509	793,509	43,509
6025	Construction/Zoning Compliance Management Fund	3,802	3,802	3,802	3,802
6030	Green Building Fund	5,191	5,191	5,191	5,191
Office of Cable Television (CT0)					
0600	Cable Franchise Fees	1,875,030	1,875,030	1,875,030	1,875,030
Office of the People's Counsel (DJ0)					
0631	Advocate for Consumers	50,435	50,435	50,435	50,435
Metropolitan Police Department (FA0)					
1431	Data Processing	5,000	5,000	5,000	5,000
1614	Miscellaneous	994	994	994	994
1660	Automated Traffic Enforcement	1,482,910	1,482,910	1,482,910	1,482,910
2532	Gambling Proceeds	2,476	2,476	2,476	2,476
Department of Corrections (FL0)					
0600	Corrections Trustee Reimbursement	15,264	15,264	15,264	15,264
District of Columbia Public Schools (GA0)					
0608	Nonresident	608	608	608	608
0621	Parking Fees	72,207	72,207	72,207	72,207

ENROLLED ORIGINAL

Public Charter School Board (GB0)					
6632	Administrative Fees	21,051	21,051	21,051	21,051
Office of Public Education Facilities Modernization (GM0)					
0603	Lease Income	1,953,213	1,953,213	1,953,213	1,953,213
Department of Parks and Recreation (HA0)					
0602	Enterprise Fund Account	1,298	1,298	1,298	1,298
Department of Health (HC0)					
0606	Vital Records Revenue	1,678	1,678	1,678	1,678
0612	Food Handlers Certification	227,153	227,153	227,153	227,153
0673	DOH - Regulatory Enforcement Fund	988	988	988	988
Department of Human Services (JA0)					
0603	SSI Payback	825,000	825,000	825,000	825,000
Department of Disabilities Services (JM0)					
0610	Vocation Rehabilitation Service Reimbursement	50,000	50,000	50,000	50,000
District Department of Transportation (KA0)					
6452	Child Safety Seat Program	2,000	2,000	2,000	2,000
6900	DDOT Operating Fund	10,726,563	10,414,563	10,133,763	9,881,043
District Department of the Environment (KG0)					
0607	Underground Storage Tank Fines And Fees	13,532	13,532	13,532	13,532
0646	Storm Water Fees	14,035	14,035	14,035	14,035
0664	Adjudication Hearings (Air Quality)	730	730	730	730

ENROLLED ORIGINAL

6400	DC Municipal Aggregation Program	39,253	39,253	39,253	39,253
Department of Public works (DPW)					
6000	General O-Type Revenue Sources	200,000	200,000	200,000	200,000
6082	Solid Waste Disposal Fee Fund	208,973	208,973	208,973	208,973
6591	Clean City Fund	1,350	1,350	1,350	1,350
6700	Sustainable Energy Trust Fund	13,608,600	—	—	—
Department of Public Works (KT0)					
6100	Fee - Out-Of-State Vehicle Registration	21,200	21,200	21,200	21,200
Department of Motor Vehicles (KV0)					
6785	Commercial Drivers License Program	72,160	72,160	72,160	72,160
Office of Contracting and Procurement (PO0)					
6102	DC Supply Schedule	1,531	1,531	1,531	1,531
Department of Mental Health (RM0)					
0610	DMH Federal Beneficiary Reimbursement	53,479	53,479	53,479	53,479
Department of Insurance, Securities, and Banking (SR0)					
2200	Insurance Assessment	135,341	135,341	135,341	135,341
2300	Securities Broker/Dealer Licenses	1,057,314	1,057,314	1,057,314	1,057,314
2500	Investment Advisors Licenses	450,200	450,200	450,200	450,200
2800	Captive Insurance	333,510	333,510	333,510	333,510
2900	Banking Trust	342,868	342,868	342,868	342,868

ENROLLED ORIGINAL

	Fund				
—	Title Insurance Fees (new)	750,000	—	750,000	—
D.C. Taxicab Commission (TC0)					
2200	Taxicab Assessment Act	2,155	2,155	2,155	2,155
Office of Motion Pictures and Television Development (TK0)					
0610	Production Support	5,151	5,151	5,151	5,151

(c) Notwithstanding any provision of law limiting the use of funds in the accounts listed in the following chart, the Chief Financial Officer shall transfer, from either the certified fund balances of those accounts or the certified revenues deposited in those accounts, to the unrestricted fund balance of the General Fund, and recognize as revenue in the fiscal year specified, the dollar amounts specified in the chart:

Fund Name	FY11	FY12	FY13	FY14
Baseball Fund	289,000	636,360	1,796,896	17,933,786
Federal Commercial Revitalization Fund	2,046,579	—	—	—
Tobacco Fund	21,180,000	—	—	—
Medical Captive Liability Fund	7,824,000	—	—	—
Office on Aging Client Reserve Account	5,865,282	—	—	—

ENROLLED ORIGINAL

SUBTITLE G. CAPITAL BUDGET REALIGNMENTS

Sec. 7061. Short title.

This subtitle may be cited as the "FY 2011 Capital Projects Modification Act of 2010".

Sec. 7062. Realignment of capital project funding.

(a) Adjustments to capital budget allotment and associated budget authority are as follows:

Fund	Agency	Project	Title	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	Amount
Sources										
0300	EBO	EB013C	Barry Farms	-947,700						-947,700
0300	CEO	FGR37C	Francis Gregory	-3,000,000						-3,000,000
0300	HAO	QK438C	Douglas Center	-6,200,000	2,500,000					-8,700,000
0300	HAO	QS339C	Edgewood Recreation				-1,000,000		-2,000,000	-3,000,000
0300	HAO	RG001	General Improvement	-1,000,000						-1,000,000
0300	HAO	RG001	General Improvement	-500,000						-500,000
0300	HAO	RG001	General Improvement	-500,000						-500,000
			TOTAL Sources							17,647,700
Uses										
0300	GM0	MH137C	Dunbar School	2,000,000						2,000,000
0300	KA0	SA306C	Streetcars	1,947,700						1,947,700
0300	HAO	QS339C	Edgewood Recreation	6,200,000	2,500,000					8,700,000
0300	HAO	QK438C	Douglas Center				1,000,000		2,000,000	3,000,000
0300	HAO	RG008	Noyes Field	1,000,000						1,000,000
0300	HAO	RG009	Dakota Playground	500,000						500,000
0300	HAO	RG012	Therapeutic Recreation	500,000						500,000
			TOTAL Uses							17,647,700

(b) For fiscal year 2011, project KA0 CEL19C, entitled "City Wide Pavement Restoration" in the District Department of Transportation, any remaining unobligated balance of authority and allotment shall be transferred by the Chief Financial Officer to project KA0

ENROLLED ORIGINAL

CE301C, entitled "Street Alley Maintenance and Repair" in the District Department of Transportation. No budget shall be reprogrammed into project KA0 CEL19C. Before the close of fiscal year 2011, obligations existing in project KA0 CEL19C upon the effective date of this act shall be liquidated as appropriate for spending on eligible projects and activities, or de-obligated and any remaining unobligated balance transferred to project KA0 CE301C and the project closed.

(c) Fiscal Year 2011 capital budget authority is provided for project GF0 UG706C, entitled "Renovation of University Facilities" in the University of the District of Columbia, in the amount of \$500,000 backed by O-Type revenue received from student fees for use in design and construction of the new student center project.

Sec. 7063. Grant-making authority for Ft. Lincoln and Lincoln Theater capital projects.

The Deputy Mayor for Planning and Economic Development shall have grant-making authority for the purpose of providing funds to implement capital projects for the Ft. Lincoln and the Lincoln Theater capital projects.

Sec. 7064. The fiscal year 2011-2013 allotments and associated budget authority for each capital project in the following chart shall be amended to reflect the amounts listed in the chart, to correct an error in the Mayor's proposed fiscal year 2011 budget:

Agency	Project #	Project Name	FY11 Amount	FY12 Amount	FY13 Amount
OSSE	N2802C	Student Longitudinal Education Data System (SLED)		\$4,000,000	\$3,600,000
OSSE	N2803C	Special Education Data System (SEDS)	\$5,400,000	\$2,500,000	\$1,500,000

Sec. 7065. Streetcar plan.

(a) The Mayor shall submit to the Council a comprehensive plan for financing, operations, and necessary capital facilities of the Streetcar Project, along with a proposed resolution for approval of the plan, for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the

ENROLLED ORIGINAL

plan, in whole or in part, by resolution, within this 45-day review period, the proposed plan shall be deemed approved.

(b) The \$34.5 million of capital funds allocated for the Streetcar Project in fiscal year 2011 shall not be released until the Council has approved the plan required by subsection (a) of this section.

Sec. 7066. Subject to the provisions of section 7065, the fiscal year 2011 capital borrowing authority is increased by \$47 million over the Mayor's fiscal year 2011 budget proposal and is allocated as follows:

(a) An amount of \$47 million in budget authority and \$34.5 million budget allotment to agency KAO, Streetcars, H Street-Benning line; and

(b) An amount of \$12.5 million in budget allotment to agency RMO, project HX501C, St. Elizabeth's Hospital to repay the amount allocated to the Streetcar Project in fiscal year 2010.

SUBTITLE H. THE CAPITAL PROJECTS MODIFICATION ACT OF FY10

Sec. 7071. Short title.

This subtitle may be cited as the "Capital Projects Modification Act of 2010".

Sec. 7072. Realignment of capital project funding.

(a) The budget authority for each capital project in the following chart shall be realigned by decreasing the specified allotment and associated budget authority for each project in fiscal year 2010 and adding the specified allotment and associated budget authority to the same project in fiscal year 2011 and in the same project phases and from the same type of funding sources as the fiscal year 2010 decreased amounts:

Agency	Project #	Project Name	FY 2010 Decrease (\$)	FY 2011 Appropriation (\$)
EB0	EB402C	Pennsylvania Avenue, SE, Properties	3,400,000.00	3,400,000.00
FB0	LB637C	Engine 15	2,508,459.43	2,508,459.43
FB0	LC337C	Engine 21	479,096.89	479,096.89
FB0	LC437C	Engine 22	3,000,000.00	5,100,000.00
FB0	LC837C	Engine 26	2,051,000.00	2,051,000.00
FB0	LE337C	Engine 5	479,096.89	479,096.89
FB0	LE737C	Engine 27	1,533,743.00	1,533,743.00
FB0	LE937C	Special Operations Facility	238,912.00	857,189.64
FB0	LI237C	Integrated Management Information System	860,639.00	860,639.00

ENROLLED ORIGINAL

CEO	MCL03C	Martin Luther King Jr. Memorial Library	901,351.60	901,351.60
TOO	EQ101C	Master Lease Wireless	1,865,215.00	1,865,215.00
TOO	N2101C	Mainframe Relocation	723,372.00	723,372.00

(b) The capital budget allotment and associated budget authority for each of the capital projects listed in the following chart is decreased in the amount set forth in the chart:

Agency	Project #	Project Name	FY10 Rescission Amount (\$)
KA0	EDS01C	Georgia Avenue/7th Street	4,825,286.30
GA0	NL937C	Complete Renovation and Modernization	1,417,422.44
GA0	SG120C	General Improvement	855,952.88
GA0	SG138C	General Improvements	1,008,000.00
GA0	SG305C	Modernization	1,951,935.00
GA0	NR638C	H.D. Woodson	4,139,000.00
ELC	FR102C	Move to Virginia Avenue	\$315,000
HA0	RG005C	Roof Replacement	\$300,000
HA0	RR007C	Facility Renovation	\$300,000
ELC	N1901C	PC Refresh	\$13,729.61
ELC	N1902C	OCTO Application Support Server Refresh	\$60,814.76
ELC	EQ401C	Child Tracking System	\$28,069.70
ELC	Various	Close-out of former PBC accounts	\$991,000
KA0	EDS00C	Great Streets: General Planning	\$1,600,000
KA0	EDS02C	Great Streets: H Street NE/Benning Road	\$1,200,000.00
KA0	EDS03C	Great Streets: Nannie Helen Burroughs Avenue SE	\$400,000.00
KA0	EDS06C	Great Streets: M. L. King Jr. Avenue SE/S Capitol Street	\$800,000.00
AM0	EA710B	Neighborhoods Revitalization	\$ 34,000
AM0	N1401C	Government Centers	\$ 1,600,000
AM0	N1412C	Government Centers	\$ 29,000

ENROLLED ORIGINAL

		Pool/Anacostia Gateway	
TO0	N1601B	DC WAN	\$ \$27,088.02
TO0	N1704C	IT Infrastructure Implementation	\$ 182,000
TO0	N1707C	Infrastructure Support Systems	\$ 457,000
TO0	N1710C	Data Center Consolidation	\$ 657,912
TO0	N1801C	Shared Facility Upgrade	\$ 646,039
TO0	N2701C	Applications Maintenance Transition Project	\$ 100,000
TO0	N3699C	SMP Pool (Paygo Budget 0301)	\$ 486,000
GM0	YY133C	Selective Additions and New Construction	\$2,000,000
HC0	HC501C	Community Clinics Construction	\$4,350,132.58
TO0	N1702C	DC Cable Net	\$253,961.34
KA0	EDS	Unallocated Great Streets	\$4,000,000
TO0	N1710C	Data Center Consolidation	\$490,000
TO0	N1801C	Shared Facility Upgrade	\$489,000
RM0	HX501C	St Elizabeths Hospital (allotment)	\$12,500,000
AM0	N1415C	Public Safety Hdqts (authority only)	\$12,500,000

(c) The fiscal year 2010 allotments and associated budget authority for the capital projects in the following chart shall be increased by the dollar amounts set forth in the chart, from the funding sources designated in the chart:

Agency	Project #	Project Name	FY10 Addition Amount (\$)
HA0	QI937C	Rosedale Recreation Center	2,042,343.81
KA0	CA302C	Repair/Maintain Curbs/Sidewalks/ Alleys	700,000
KA0	CE301C	Pavement Marking and Traffic Calming	300,000
KA0	SA306C	Streetcars	\$963,101.00

ENROLLED ORIGINAL

KA0	SA306C	Streetcars	500,000.76
KA0	SA306C	Streetcars	\$12,500,000
KE0	SA202C	MetroBus (to support the Circulator in East Washington)	\$399,345.41
RL0	RL201C	Performance-Based Contracts	124,000
RM0	HX403C	Mental Health Housing Initiatives	1,000,000
EBO	EB408C	Georgetown Waterfront Park	\$600,000
RL0	RL202C	Performance Based Contracts (Faces.Net)	\$65,000
FBO	NEW	Engine Company 28	\$1,900,000
HA0	QS339C	Edgewood Recreation	\$1,000,000
HA0	QJ901C	Boys & Girls Clubs	\$3,143,000
GM0	NR637C	Woodson Senior High School	\$ 4,139,000
GM0	NEW	Autism Suites	\$337,088
GM0	NEW	Ward 8 School Playgrounds	\$850,000
GM0	YY230C	Stabilization	\$650,262
GM0	NEW	Murch Demountables	400,000
FA0	CTV10C	MPD Tactical Village Training Facility	\$ 3,200,000
EBO	EB404C	Lincoln Theater	\$500,000
GM0	NEW	Middle School IT/Arts & Sciences Initiative	\$3,573,345.61
FA0	CTV10C	MPD Tactical Village Training Facility	\$ 2,000,000
GM0	NEW	Pre-K Classroom Conversions	\$750,285.54
GM0	NEW	Noyes & Hearst Demountables	\$900,000
KT0	NEW	Paygo swap to Street Sweeping	\$ 486,000
GM0	NEW	DC Schools Kitchen, (planning and Design)	\$ 3,598,000.
HCO	HC301C	MMIS Completion	\$1,985,000
HA0	QB338C	Roper-Deanwood	\$ 300,000
GMO	NF937C	Complete Modernization	\$300,000
GM0	WT337C	Modernization – Whittier ES	\$2,000,000
EBO		Bruce Monroe ES Interim	\$1,500,000
GM0		Middle Schools IT/Arts and	\$600,000

ENROLLED ORIGINAL

		Sciences Initiative	
HA0	QI237C	Marvin Gaye Park/Rec.	\$1,200,000
CE0	FGR37C	Francis Gregory Neighborhood Library	\$3,400,000
HA0	QB338	Roper Deanwood Recreation	\$4,300,000
GMO		Rose School Stabilization	\$979,000
HTO	MPM01C	Administrative Service Organization (Medicaid billing system)	\$2,200,000

(d) For fiscal year 2010, the Washington Metropolitan Area Transit Authority Fund, established by the Washington Metropolitan Area Transit Fund Act of 2006, effective June 16, 2006 (D.C. Law 16-132; D.C. Official Code § 9-1108.01) ("Fund"), shall:

(1) Retain Appropriated Fund 0300 budget allotment and associated budget authority of \$12.5 million currently accounted for in the Fund to transfer this subsidy in fiscal year 2010 to the Washington Metropolitan Area Transit Authority ("Authority") as a match for federal funds appropriated by the Congress of the United States pursuant to section 601 of the Passenger Rail Investment and Improvement Act of 2008, approved October 16, 2008 (122 Stat. 4848; Pub. L. No. 110-432), to be used for capital improvements undertaken by the Authority.

(2) Exchange Appropriated Fund 0300 budget allotment and associated budget authority of \$13 million currently accounted for in the Fund with an equal amount of Appropriated Fund 0301 budget in various projects identified by the Chief Financial Officer, as shown in the committee report of the Committee of Whole for the Fiscal Year 2011 Budget Request Act of 2010, passed on 1st and final reading on May 26, 2010 (Enrolled version of Bill 18-728) ("Budget Request Act Report"), to transfer up to this amount as a Paygo capital subsidy in fiscal year 2010 to the Authority to be used as operating budget resources by the Authority;

(3) Redirect Appropriated Fund 0300 budget allotment and associated budget authority of \$3 million currently accounted for in the Fund to the capital projects, in the following chart, which shall be increased by the dollar amounts set forth in the chart from the funding sources and for the project phases designated in the chart:

KA0	EDS00 C	Great Streets: General Planning	600,000.00
KA0	EDS02 C	Great Streets: H Street NE/Benning Road	1,200,000.00
KA0	EDS03 C	Great Streets: Nannie Helen Burroughs Avenue SE	400,000.00
KA0	EDS06 C	Great Streets: M. L. King Jr. Avenue SE/S Capitol Street	800,000.00

ENROLLED ORIGINAL

(4) The Streetcars project (KA0 project SA306C) shall be funded in the amount of \$15,447,212 for fiscal year 2010 as follows:

(A) Redirect Appropriated Fund 0300 budget allotment and associated budget authority of \$1,484,111 currently accounted for in the Fund to the capital project, in the following chart, which shall be increased by the dollar amounts set forth in the chart from the funding sources and for the project phases designated in the chart:

KA0	SA306C	Streetcars - Planning & Prelim. Engineering	\$1,484,111.00
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(B) An additional redirection in the amount of \$963,101 from projects accounted for in subsection (a) of this section.

(C) An additional redirection in the amount of \$500,000.76 from Great Streets - Georgia Avenue (KA0 project EDS01C) as accounted for in subsection (b) of this section.

(D) An additional redirection of allotment in the amount of \$12.5 million from Saint Elizabeths Hospital (RM0 project HX501C) and an additional redirection of associated budget authority in the amount of \$12,500,000 from the Public Safety Headquarters (Daly Building) project (AM0 project N1415C) as accounted for in subsection (b) of this section.

(5) Exchange Appropriated Fund 0300 budget allotment and associated budget authority currently accounted for in the Fund with an equal amount of Appropriated Fund 0301 budget in various projects identified by the Chief Financial Officer to redirect this Paygo budget allotment and associated budget authority in fiscal year 2010 to the capital projects in the following chart, which shall be increased by the dollar amounts set forth in the chart from the funding sources and for the project phases designated in the chart:

Agency	Project #	Project Name	Project Phase	Funding Source	FY 2010 Addition Amount (\$)
GM0	NEW	Stuart Hobson MS IT/Arts & Sciences Demonstration	Construction (04)	Paygo (0301)	\$770,000

(6)(A) Exchange Appropriated Fund 0300 budget allotment and associated budget authority of \$3 million currently accounted for in the Fund with an equal amount of Appropriated Fund 0332 budget in the District Department of Transportation project KA0 CE310C, Street and Alley Maintenance and Repair, to redirect this Paygo budget allotment and associated budget authority in fiscal year 2010 to the capital project in the following chart.

ENROLLED ORIGINAL

Agency	Project #	Project Name	Project Phase	FY 2010 Addition Amount (\$)
KA0	NEW	Support for Small Business Survival During Construction of Any Streetscape Improvement	Project Management (03) Paygo (0332)	\$3,000,000

(B) Redirect budget allotment and associated budget authority of \$4 million from Paygo funding from projects accounted for in subsection (b) of this section to the capital project which shall be increased by the dollar amounts set forth in the following chart from the funding sources and for the project phases designated in the chart.

Agency	Project #	Project Name	Project Phase	FY 2010 Addition Amount (\$)
KA0	NEW	Support for Small Business Survival During Construction of Any Streetscape Improvement	Project Management (03)	\$4,000,000

(C) The resulting Paygo budget allotment and associated budget authority in the amount of \$7 million shall be transferred to local funds in the District Department of Transportation and recognized as Other type revenue in a special nonlapsing fund and shall remain available until expended, rescinded, or until the end of fiscal year 2011, whichever occurs first.

(7) Exchange Appropriated Fund 0300 budget allotment and associated budget authority of \$20 million currently accounted for in the Fund with an equal amount of Appropriated Fund 0301 budget in various projects identified by the Chief Financial Officer as shown in the Budget Request Act Report. The resulting Paygo budget allotment and associated budget authority in the amount of \$16,270,598 shall be transferred to local funds and recognized as revenue for the fiscal year in which the Paygo funds are budgeted. The balance shall be used to complete the budget actions enumerated in section 7072(e)(1) and section 7073(a) and (b).

(8) Rescind available allotment and authority of \$ 3,243,418.39 determined by the Chief Financial Officer to no longer be necessary for the following projects in the amount specified in the following chart:

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Agency	Project #	Project Title	Amount
CRO	EB301C	Property Inspection	\$160.00
EBO	AW606	Diamond Teague Close-out	\$185,975.83
EBO	EBO016C	Park Morton Redevelopment	\$39,453.11
EBO	EB405C	Downtown Flood Barricade	118,000
GAO/ GMO	MG137C	Addison Annex Close-Out	\$786,966.98
GAO	NA137C	Adams ES Close-Out	\$205,274.55
GAO	NB437C	Birney ES Close-Out	\$112,816.79
GAO	NK537C	Luke Moore HS Close-Out	\$52.81
GAO	NL937C	Phelps HS Close Out	\$545,784.03
GAO	NM337C	Randle Highlands Close-Out	\$198,849.13
GAO	NO337C	Sousa MS Close-Out	\$54,375.18
GAO	NP637C	Thomson ES Close-Out	\$2,084.19
GAO	NQ937C	Wheatley ES Modernization Close-Out	\$114,097.37
GAO	SG305C	Modernization	\$36,779.35
GAO	NX237C	School Without Walls Close-Out	\$4,920.05
GMO	GM304C	Electrical Upgrades	\$31,530
GMO	GM308C	Professional Fees	\$35,433.53
GMO	ND137C	Complete Modernization/Renov.	\$29.18
	NX237C	Modernization/Renovation	\$4,920.05

ENROLLED ORIGINAL

GMO			
HAO	QH138C	New Recreation Center	\$7,309
KAO	SR318C	Potomac Park Levee Improvement	\$2,463.10
KEO	SA301C	Metrorail Rehab	\$740,000
RMO	HY501C	DCGH Campus	\$16,144.16

(e) Section 1161 of the Reallocation of Specific Capital Budget Funding Act of 2009, effective March 3, 2010 (D.C. Law 18-111; 57 DCR 181), is amended as follows:

(1) Paragraph 7 is amended by striking the phrase "An amount of \$991,000 from project 20600C, entitled "Firefighting Apparatus Replacement" in the Fire and Emergency Medical Services Department" and inserting the phrase "An amount of \$550,000 from project HC104C, entitled "Immunization Program" in the Department of Health; an amount of \$411,000 from project HC103C, entitled "STD Clinic" in the Department of Health; and an amount of \$30,000 from project AH707C, entitled "Public Art Fund" in the Commission on the Arts and Humanities" in its place.

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

"(10) An amount of \$346,836.50 from project CE301C, entitled "Pavement Marking and Traffic Calming" in the District Department of Transportation, to project BF208C, entitled "Performance Based Budgeting" in the Office of the Chief Financial Officer, to support budgeting requirements of Title VI, Public Works, Subtitle I, Cost Driven Re formulation of the District Department of Transportation Budget for fiscal year 2011."

Sec. 7073. Rescission of budget authority for capital projects.

Section 8011 of the Capital Projects Modification Act of 2009, effective March 3, 2010 (D.C. Law 18-111; 57 DCR 181), is amended as follows:

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

(1) Strike the phrase "FB0 20600C, entitled "Fire Apparatus Replacement" in the amount of \$354,556".

(2) Add the following phrases:

“(A) "BX0 AH722C, entitled "Public Art Fund" in the Commission on the Arts and Humanities in the amount of \$40,000; project HA0 NTE01C, entitled "Technology Acquisition" in the Department of Parks and Recreation in the amount of \$59,000";

“(B) "HA0 RR010C, entitled "Facility Renovation" in the Department of Parks and Recreation in the amount of \$51,000";

“(C) "RR011C, entitled "Facility Renovation" in the Department of Parks and Recreation in the amount of \$145,000";

“(D) "HA0 RR021C, entitled "Mitchell Park" in the Department of Parks and

ENROLLED ORIGINAL

Recreation in the amount of \$38,000";

“(E) "RM0 XA627C, entitled "Information Technology" in the Department of Mental Health in the amount of \$3,000"; and

“(F) "RMO HX401C, entitled "Construct New Hospital" in the Department of Mental Health in the amount of \$58,000.".

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

(1) Strike the figure "\$357,000" and insert the figure "\$394,000" in its place.

(2) Add the phrase "AY0 AWC01C, entitled "Anacostia Waterfront Corporation Subsidy" in the amount of \$2,654,731.90.".

Sec. 7074. Appropriation of budget authority for capital projects.

Fiscal year 2010 capital budget authority is provided for project GF0 UG706C, entitled "Renovation of University Facilities" in the University of the District of Columbia, in the amount of \$3.8 million backed by O-type revenue received from student fees for use in design and construction of the new student center project and \$2.2 million backed by revenues received from the District Department of the Environment for design and construction of a “green roof” for Building 52.

Sec. 7075. Charles Young site library.

Subject to available funding, the amount of \$2 million of capital or Paygo funds shall be directed to the District of Columbia Public Library to expand library services at the site of the closed Charles Young Elementary School in Ward 5.

Sec. 7076. Middle School Intelligent Technology, Arts and Science Initiative.

(a)(1) The fiscal year 2010-2015 Capital Improvement Plan and Capital Projects, as approved by Congress, shall be adjusted to continue a project for improvement of internet access and technology in grades 6, 7, and 8.

(2)(A) The project shall be targeted to public schools that have not yet received full or Phase I modernizations, where these improvements have not been made. Funding for the project is as provided for in this act.

(B) The sub-projects within this category shall include:

(i) Stuart Hobson Middle School Intelligent Technology and Arts and Science Demonstration at \$1.277 million, \$500,000 of general obligation funding, which is included in the current fiscal year 2010 spending plan, and \$770,000 of Paygo funds provided in this act;

(ii) Middle School Intelligent Technology and Arts Improvements at \$3.573 million provided in this act;

(iii) Middle School Intelligent Technology Project at \$600,000, and

(iv) Other sub-projects and funds as provided for in this or subsequent acts.

ENROLLED ORIGINAL

SUBTITLE I. TAX INCREMENT FINANCING ISSUANCE TIMING

Sec. 7081. Short title.

This subtitle may be cited as the "Timing of the Issuance of Tax Increment Financing Bonds Amendment Act of 2010".

Sec. 7082. Title 2 of the Disposition and Redevelopment of Lot 854 in Square 441 Approval Act of 2008, effective March 26, 2008 (D.C. Law 17-132; 55 DCR 1668), is repealed.

Sec. 7083. Timing of certain tax increment financing issuances.

(a) Of the aggregate principal amount of bonds authorized under the Southwest Waterfront Bond Financing Act of 2008, effective October 22, 2008 (D.C. Law 17-252; D.C. Official Code § 2-1217.131), not more than \$70 million shall be issued before October 1, 2014.

(b) Of the aggregate principal amount of bonds authorized under the Southeast Federal Center Payment in Lieu of Taxes Revision Emergency Approval Resolution of 2007, effective July 10, 2007 (Res. 17-302; 54 DCR 7639), not more than \$35 million shall be issued before October 1, 2014.

(c) Of the aggregate principal amount of bonds authorized under the Great Streets Neighborhood Retail Priority Areas Approval Resolution of 2007, effective July 10, 2007 (Res. 17-257; 54 DCR 7194), not more than \$55 million shall be issued before October 1, 2014.

SUBTITLE J. WITHHOLDING OF TAX ON LOTTERY WINNINGS ACT OF 2010.

Sec. 7091. Short title.

This subtitle may be cited as the "Withholding of Tax on Lottery Winnings Act of 2010".

Sec. 7092. Section 47-1812.08 of the District of Columbia Official Code is amended by adding a new subsection (l) to read as follows:

"(l) *Withholding from lottery winnings.* -

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

"(A) "Constructive receipt" or "constructively received" means that payments of lottery winnings, although not actually within a taxpayer's possession, are deemed to be received by the payee and subject to District tax in the taxable year during which the lottery winner is determined by Powerball or other lottery drawing.

"(B) "Lottery winnings" means winnings which are subject to withholding as defined in section 3402(q) of the Internal Revenue Code of 1986, whether as a lump sum or annuitized payment.

"(C) "Payment" means the payment of lottery winnings.

"(D) "Payor" means a person responsible to make a payment subject to withholding under section 3402(q) of the Internal Revenue Code of 1986.

"(2) In making payments, whether actually or constructively received by the payee, of lottery winnings taxable under § 47-1803.02, 47-1807.02, or 47-1808.02, the District of Columbia Lottery and Charitable Games Control Board, or any payor, shall deduct and withhold from such

ENROLLED ORIGINAL

payments an amount equal to the tax on such payments computed at the highest rate of tax under § 47-1806.03, 47-1807.02, or 47-1808.03, as applicable, in accordance with procedures to be established by the Chief Financial Officer.

"(3) Except as provided in paragraph (4) of this subsection, the withholding required by this section shall apply to any of the following payments:

"(A) A lump sum payment in the year the payment is made; or

"(B) A payment of an annuitized amount in the year the payment is made by any payor to a payee.

"(4) The withholding required by this subsection shall not apply to a payment to a nonresident, corporation, partnership, or limited liability company if the individual, shareholder, partner, or member of such entities provides the payor with a statement and documentary evidence, subject to review and approval by the Chief Financial Officer, that the income earned is not subject to District tax."

Sec. 7093. Applicability.

Section 7092 shall apply as of April 24, 2010.

SUBTITLE K. ESTATE TAX CLARIFICATION ACT OF 2010.

Sec. 7101. Short title.

This subtitle may be cited as the "Estate Tax Clarification Act of 2010".

Sec. 7102. Chapter 11 of Title 20 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:
"§ 20-1108. Certain formula clauses to be construed to refer to federal estate and generation-skipping transfer tax rules applicable to estates of decedents dying on December 31, 2009."

(b) A new section 20-1108 is added to read as follows:
"20-1108. Certain formula clauses to be construed to refer to federal estate and generation-skipping transfer tax rules applicable to estates of decedents dying on December 31, 2009.

"(a)(1) A will or trust of a decedent who dies after December 31, 2009 and before January 1, 2011, that contains a formula referring to the "unified credit," "estate tax exemption," "applicable exemption amount," "applicable credit amount," "applicable exclusion amount," "generation-skipping transfer tax exemption," "GST exemption," "marital deduction," "maximum marital deduction," or "unlimited marital deduction," or that measures a share of an estate or trust based on the amount that can pass free of Federal estate taxes or the amount that can pass free of Federal generation-skipping transfer taxes, or that is otherwise based on a similar provision of Federal estate tax or generation-skipping transfer tax law, shall be deemed to refer to the Federal estate and generation-skipping transfer tax laws as they applied with respect to

estates of decedents dying on December 31, 2009.

"(2) This subsection shall not apply with respect to a will or trust that is executed or amended after December 31, 2009, or that manifests an intent that a contrary rule shall apply if the decedent dies on a date on which there is no then-applicable Federal estate or generation-skipping transfer tax.

"(3) The reference to January 1, 2011 in this subsection shall, if the Federal estate and generation-skipping transfer tax becomes effective before that date, refer instead to the first date on which the tax shall become legally effective.

"(b) The personal representative or any affected beneficiary under the will or other instrument may bring a proceeding to determine whether the decedent intended that the references under subsection (a) of this section be construed with respect to the law as it existed after December 31, 2009. The proceeding shall be commenced within 12 months following the death of the testator or grantor, and not thereafter."

Sec. 7103. Applicability date.

Section 7102 shall apply as of January 1, 2010.

SUBTITLE L. RETAIL INCENTIVE ACT AMENDMENT.

Sec. 7111. Short title.

This subtitle may be cited as the "Retail Incentive Amendment Act of 2010".

Sec. 7112. The Retail Incentive Act of 2004, effective September 8, 2004 (D.C. Law 15-185; D.C. Official Code § 2-1217.71 *et seq.*), is amended as follows:

(a) Section 2(8) (D.C. Official Code § 2-1217.71(8)) is amended as follows:

(1) The lead-in text is amended by striking the phrase "shall be limited to" and inserting the phrase "shall meet the requirements of section 4a, shall be limited to restaurants (on a demonstration basis)," in its place.

(2) Subparagraph (A) is amended by striking the phrase "restaurants,".

(b) Section 3(b) (D.C. Official Code § 2-1217.72(b)) is amended by striking the phrase "December 31, 2013" and inserting the phrase "September 30, 2015" in its place.

(c) Section 4 (D.C. Official Code § 2-1217.73(b)) is amended as follows:

(1) Subsection (b)(3) is amended by striking the phrase "4 years from the date that the Mayor establishes the Rules of Operation for the Downtown Retail Priority Area" and inserting the phrase "September 30, 2015" in its place.

(2) Subsection (c) is amended by striking the phrase "December 31, 2013" and inserting the phrase "September 30, 2015" in its place.

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

"Sec. 4a. Downtown retail priority area—demonstration project.

"In the case of the Downtown Retail Priority Area, Retail Development Projects shall include, on a demonstration project basis, one or more restaurants; provided, that the total amount of Bonds

ENROLLED ORIGINAL

available for such demonstration projects shall not be greater than 3% of the aggregate principal amount of Bonds authorized pursuant to section 3(a). Notwithstanding the defined boundaries of the Downtown Retail Priority Area, the Mayor shall use best efforts to ensure that at least one demonstration project is located in Ward 7 or 8. Not later than 3 years from the issuance of Bonds for demonstration projects, the CFO shall report to the Mayor and the Council regarding the economic effects on the District of such projects.”.

Sec. 7113. Applicability.

Section 7112(c) shall apply as of November 21, 2009.

SUBTITLE M. PEW CHARITABLE TRUSTS LIMITED TAX ABATEMENT.

Sec. 7121. Short title.

This subtitle may be cited as the "Pew Charitable Trusts Limited Tax Abatement Act of 2010".

Sec. 7122. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

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

“Sec. 47-4637. The Pew Charitable Trusts -- 30-year limited real property tax abatement.”.

(b) A new section 47-4637 is added to read as follows:

“Sec. 47-4637. The Pew Charitable Trusts – 30-year limited real property tax abatement.

“Forty percent of the annual real property taxes imposed by Chapter 8 of this title on the real property described as Lot 40, Square 377, that is owned by The Pew Charitable Trusts, shall be abated for 30 years; provided, that the real property continues to be owned by The Pew Charitable Trusts during the duration of the abatement period.”.

SUBTITLE N. MEDICAL MARIJUANA TAXATION

Sec. 7131. Short title.

This subtitle may be cited as the "Health Care Expansion Act of 2010".

Sec. 7132. Section 47-2002 of the District of Columbia Official Code is amended as follows:

(a) Paragraph (5) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(b) Paragraph (6) is amended by striking the period and inserting the phrase “; and” in its place.

(c) A new paragraph (7) is added to read as follows:

“(7)(A) The rate of tax shall be 6% of the gross receipts from the sale of or charges for medical marijuana, as defined in the Legalization of Marijuana for Medical Treatment Initiative of 1999, transmitted on December 21, 2009 (D.C. Act 13-138).

“(B) The proceeds of the tax collected under subparagraph (A) of this paragraph shall be deposited in the Healthy DC and Health Care Expansion Fund established by section 15b of the Hospital and Medical Services Corporation Regulatory Act of 1996, effective March 2, 2007 (D.C. Law 16-192; D.C. Official Code § 31-3514.02).”.

SUBTITLE O. AGENCY FISCAL OFFICER REPORTING

Sec. 7141. Short title.

This subtitle may be cited as the "Agency Financial Reporting Act of 2010".

Sec. 7142. Chapter 3 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by striking the phrase "47-355.05. Reporting requirements of the Chief Financial Officer" and inserting the phrase "47-355.05. Reporting requirements of the Chief Financial Officer and Agency Fiscal Officers" in its place.

(b) Section 47-355.05 is amended as follows:

(1) The section title is amended by striking the phrase "Chief Financial Officer" and inserting the phrase "Chief Financial Officer and Agency Fiscal Officers" in its place.

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

"(a-1) Each Agency Financial Officer ("AGO") shall submit quarterly reports to the Chairperson of the Council committee that has purview over the AGO's agency. Each report shall include the agency's actual expenditures, obligations, and commitments, organized by source of funds, and compared to their approved spending plan. The report shall be accompanied by the AGO's analysis of spending patterns and of the steps taken to assure that spending remains within the approved budget."

SUBTITLE P. WITHHOLDING TAX COMPLIANCE REFORM ACT

Sec. 7151. Short title.

This subtitle may be cited as the "Withholding Tax Compliance Reform Act of 2010".

Sec. 7152. Section 47-1812.08(e) of the District of Columbia Official Code is amended as follows:

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

"(1) An employee receiving wages shall on any day be entitled to the withholding exemptions allowed under this chapter, unless the Mayor determines that an alternative withholding method is warranted under paragraphs (9) or (11) of this subsection."

(b) New subparagraphs (9), (10), and (11) are added to read as follows:

"(9) An employer shall base withholding for the employee on zero withholding exemptions if the Mayor notifies an employer that:

"(A) An employee has an unpaid tax liability;

"(B) An employee failed to file a required District of Columbia income tax return; or

"(C) An employee is subject to a tax refund interception request.

"(10) If the conditions of paragraphs (9)(A), (B), and (C) of this subsection no longer apply, the employer may apply to the Mayor to authorize an increase in the number of withholding exemptions. Upon approval, the Mayor may authorize an increase in the number of withholding

ENROLLED ORIGINAL

exemptions to the level at which they would not have resulted in an underpayment of taxpayer's most recent income tax return.

"(11)(A) An exemption certificate shall be invalid if it:

"(i) Does not contain the information required; or

"(ii) Contains false or fraudulent information.

"(B) An exemption certificate shall be valid if it states:

"(i) A number of exemptions if it is less than the number of exemptions to which the individual is entitled under this chapter; or

"(ii) A number of additional exemptions less than or equal to the fraction rounded down to the nearest whole number:

"(I) The numerator of which equals the excess of the total of estimated itemized deductions, alimony payments, allowable child care expenses, qualified retirement contributions, business losses, and employer business expenses over the standard deduction allowance; and

"(II) The denominator of which equals the amount allowed for each exemption under this chapter for the applicable tax year."

SUBTITLE Q. SUSTAINABLE CAPITAL INVESTMENT AND FUND BALANCE RESTORATION ACT

Sec. 7161. Short title.

This subtitle may be cited as the "Sustainable Capital Investment and Fund Balance Restoration Act of 2010".

Sec. 7162. Section 47-392.02 of the District of Columbia Official Code is amended as follows:

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

"(f) *Requirements for a Pay-as-you-go Capital Account* –

"(1) There is established a segregated, nonlapsing account within the Capital Fund to be designated as the Pay-as-you-go Capital Account.

"(2) Beginning in fiscal year 2012, the annual proposed budget and financial plan submitted to the Council and the approved budget and financial plan submitted to the Congress of the United States shall include a Pay-as-you-go Capital Account for the upcoming fiscal year and each subsequent financial plan year.

"(3) The annual amount of local funds deposited in the Pay-as-you-go Capital Account shall be equal to the projected local funds revenue of each year, minus the local funds revenue in the budget and financial plan approved May 26, 2010, multiplied by 25%.

"(4) Funding under this subsection shall not be required if the debt service expenditures on all General Fund of the District of Columbia tax-supported debt equals or is less than 5% of General Fund of the District of Columbia expenditures.

"(5)(A) All funds in the Pay-as-you-go Capital Account shall be used for the purpose of reducing future District borrowing for capital purposes by using the funds in the Pay-as-you-go Capital

Account in lieu of proposed borrowing. Any use of these funds must be accompanied by the certification of the Chief Financial Officer that the funds are available in the Pay-as-you-go Capital Account and will be used to replace proposed District Bonds (as defined in § 47-443(2)(C)) that otherwise would have been issued for those purposes and that the District will not otherwise borrow such amounts for other purposes. Use of funds in the Pay-as-you-go Capital Account will reduce an identical amount in the existing Capital Improvements Program.

“(B) For purposes of certification, including certification pursuant to the subchapter II of Chapter 3 of Title 47, the Chief Financial Officer shall certify that all expenditures from the Pay-as-you-go Capital Account, if treated as if they were expenditures from District Bond proceeds, assuming repayment at a level debt service with interest at the applicable rate obtained by the District in its most recent general obligation or income tax secured revenue bond offering, would not have caused the District to exceed the borrowing limitations contained in Subchapter II of Chapter 3 of Title 47.”.

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

"(j-1) *Fiscal Stabilization Reserve Account* -

"(1) The Chief Financial Officer shall create a segregated nonlapsing account within the cumulative General Fund of the District of Columbia (“General Fund”) balance to be designated the Fiscal Stabilization Reserve Account.

"(2) The Fiscal Stabilization Reserve Account may be used by the Mayor for those purposes permitted for use of the Contingency Reserve Fund (except for cash flow management purposes) specified in § 1-204.50a(b)(4), as certified by the Chief Financial Officer, with approval of the Council by act.

"(3) At full funding, the Fiscal Stabilization Reserve Account shall be equal to 2.34% of the District's General Fund operating expenditures for each fiscal year.”.

(c) New subsections (j-2), (j-3), and (j-4) are added to read as follows:

"(j-2) *Cash Flow Reserve Account* -

"(1) The Chief Financial Officer shall create a segregated nonlapsing account within the cumulative General Fund balance to be designated the Cash Flow Reserve Account.

"(2) The Cash Flow Reserve Account may be used by the Chief Financial Officer to cover cash-flow needs; provided, that any amounts used must be replenished to the Cash Flow Reserve Account in the same fiscal year.

"(3) At full funding, the Cash Flow Reserve Account shall be equal to 8.33% of the General Fund operating budget for each fiscal year.

"(j-3) *Fund Balance Deposit Requirements* - If either of the Fiscal Stabilization Reserve Account or the Cash Flow Reserve Account are below full funding, as specified in, respectively, subsections (j-1) and (j-2) of this section, immediately upon issue of the Comprehensive Annual Financial Report, the Chief Financial Officer shall deposit 50% of the undesignated end-of-year fund balance into each account, or 100% of the end-of-year fund balance into the remaining account that has not reached capacity, to fully fund these accounts to the extent that the undesignated end-of-year fund balance allows.

ENROLLED ORIGINAL

"(j-4) If amounts required for the Emergency Cash Reserve Fund or the Contingency Reserve Fund pursuant to §1-204.50a are reduced, the amount required to be deposited in Fiscal Stabilization Reserve Account shall be increased by a like amount."

SUBTITLE R. HEALTHY SCHOOLS ACT REVENUE.

Sec. 7171. Short title.

This subtitle may be cited as the "Healthy Schools Revenue Act of 2010".

Sec. 7172. Section 47-2001 of the District of Columbia Official Code is amended as follows:

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

"(r-1) "Soft drink" means a non-alcoholic beverage with natural or artificial sweeteners. The term "soft drink" shall not include a beverage that:

"(1) Contains:

"(A) Milk or milk products;

"(B) Soy, rice, or similar milk substitutes;

"(C) Fruit or vegetable juice, unless the beverage is carbonated; or

"(D) Coffee, coffee substitutes, cocoa, or tea; or

"(2) Is prepared for immediate consumption, as defined in subsection (g-1) of this section."

(b) A new subsection (n)(1)(A)(iv) is added to read as follows: "(iv) Sales of soft drinks."

(c) Subsection (n)(2)(E) is amended by striking the phrase "for immediate consumption;" and inserting the phrase "for immediate consumption and soft drinks;" in its place.

SUBTITLE S. REAL PROPERTY ASSESSMENTS IMPROVEMENT ACT.

Sec. 7181. Short title.

This subtitle may be cited as the "Real Property Assessments Improvement Act of 2010".

Sec. 7182. Section 47-821 of the District of Columbia Official Code is amended by adding by adding new subsections (e) and (f) to read as follows:

"(e)(1) The Office of the Inspector General shall 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. The independent audit shall be prepared by an outside firm, such as the International Association of Assessing Officers, that is knowledgeable and experienced in real property appraisal, assessment administration, and real property tax policy, with a demonstrated history of assisting local and state governments in evaluating assessment practices.

"(2) The scope of the audit shall include the following:

"(A) An evaluation of the commercial real property assessment process;

"(B) An evaluation of the organizational structure, workload statistics, performance measures, compensation requirements, staffing levels, training, qualifications, and staff development functions; and

ENROLLED ORIGINAL

“(C) An examination of hiring practices, including whether the human resources rules and regulations to which the Office of the Chief Financial Officer is subject, hinder or enhance the ability of the Office of Tax and Revenue to attract, develop, and retain a well-qualified workforce.

“(3) The independent audit shall include recommendations for improving the commercial real property assessment functions within the Office of Tax and Revenue.

“(4) The Office of the Inspector General shall submit a complete copy of the 1st audit findings, along with all of the recommendations made by the firm which performed the independent audit, to the Council, the Mayor, and the Chief Financial Officer on or before December 1, 2010. Thereafter, the Office of the Inspector General shall arrange for and submit a report meeting the requirements of this section at least once every 3 years, or sooner upon request of the Council or the Mayor.

“(f) The Chief Financial Officer shall submit to the Council, no later than July 1, 2010, an examination of the District's performance for the last 5 years in commercial real property valuation cases appealed by a taxpayer from the Board of Real Property Assessments and Appeals (“BRPAA”) and decided by the Superior Court of the District of Columbia (“Superior Court”) or the District of Columbia Court of Appeals. The information to be provided for each case shall include:

“(1) Initial valuation of the subject property by the Office of Tax and Revenue;

“(2) The BRPAA decision on the taxpayer's appeal;

“(3) Valuation of the subject property presented at trial in Superior Court by the Office of the Attorney General on behalf of the Office of Tax and Revenue;

“(4) Valuation of the property presented by the taxpayer at trial in Superior Court; and

“(5) The final valuation decision ordered by Superior Court or the District of Columbia Court of Appeals.”.

Sec. 7183. The Board of Real Property Assessments and Appeals shall enter in a memorandum of understanding with the Office of the Inspector General to provide the funding for the independent audit with the funds appropriated for reform.

SUBTITLE T. EXTENSION OF RETAIL TIF AUTHORITY

Sec. 7191. Short title.

This subtitle may be cited as the “Extension of Tax Increment Financing Authority Amendment Act of 2010”.

Sec. 7192. (a) Section 3(b) of the Tax Increment Financing Authorization Act of 1998, effective September 11, 1998 (D.C. Law 12-143; D.C. Official Code § 2-1217.02(b)), is amended by striking the phrase "January 1, 2010" and inserting the phrase "January 1, 2014" in its place.

(b) This section shall apply as of January 1, 2010.

ENROLLED ORIGINAL

TITLE VIII. COMMITTEE REPORTS

Sec. 8001. Short title.

This subtitle may be cited as the "Report Authority Act of 2010".

Sec. 8002. The budget allocations, policy recommendations, and performance measure recommendations set forth in the committee report of the Committee of the Whole for the Fiscal Year 2001 Budget Request Act of 2010, passed on 1st and final reading on May 26, 2010 (Enrolled version of Bill 18-728), which includes the reports of all committees, are incorporated into this act.

TITLE VIV. GENERAL PROVISIONS

Sec. 9001. Applicability.

Except as otherwise provided in this act, this act shall apply as of October 1, 2010.

Sec. 9002. Fiscal impact statement.

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

Sec. 9003. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia