

Chairman Vincent C. Gray
at the request of the Mayor

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FISCAL YEAR 2009 BUDGET SUPPORT ACT OF 2008

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46 SUBTITLE E. OTHER POST-EMPLOYMENT BENEFITS

1 **TITLE VIII. EFFECTIVE DATE**

2
3 To establish that The Office of Finance and Resource Management shall not use
4 any intra-district funds to pay late fees on utilities; to use funds for build
5 out or moving expenses; to amend the Office of Property Management
6 Establishment Act of 1998 to establish funds to allow the Office of
7 Property Management to operate commuter benefits programs; to amend
8 the District of Columbia Procurement Practices Act of 1985 to use
9 existing fund to operate and maintain Personal Property Division in the
10 Office of Contracting and Procurement Office; to amend the Jobs for D.C.
11 Residents Amendment Act of 2007 to exempt the District of Columbia
12 Water and Sewer Authority; to require CFO in each agency to maintain
13 accurate schedule of active, authorized and funded Full-Time Equivalent
14 positions; to amend the District of Columbia Unemployment
15 Compensation Act to continue the current administrative assessment
16 through 2011 and to provide for the transfer of a portion of carryover
17 funds to provide employment training assistance for unemployed adults; to
18 amend the Comprehensive Housing Strategy to allow funds to transfer into
19 the General Fund; to allow the Deputy Mayor for Planning and Economic
20 Development the continuation of grant making authority; to adjust the
21 Basic Business License, General License and Contractor license fee; to
22 amend the Home Purchase Assistance Fund Act of 1978 to establish the
23 Department of Housing and Community Development Unified Fund for
24 housing and community development programs; to amend the Abatement
25 and Condemnation of Nuisance Buildings Omnibus Amendment Act of
26 2000 to provide authority to the District of Columbia and the District
27 Department of Housing and Community Development to dispose of
28 abandoned and deteriorated properties in an efficient and expedited
29 manner; to amend the Captive Insurance Company Act of 2004 to adjust
30 premium taxes from risk retention groups, which are association captive
31 insurance companies; to support the activities of the Deputy Mayor for
32 Planning and Economic Development and give grant and loan-making
33 authority; to amend the Neighborhood Investment Act of 2004 to
34 authorize Neighborhood Investment Fund to operate under a previously
35 approved plan; to amend An Act To establish a code of law for the District
36 of Columbia to retroactively authorize the collection of \$5 fee that has
37 expired; to amend the Nuisance Properties Abatement Reform and Real
38 Property Classification Amendment Act of 2008 to have the class apply as
39 of October 1, 2008; to allocate additional revenue for community benefits
40 projects; to enhance support for the Emergency Communication Center by
41 increasing fees; to amend the Homeland Security, Risk Reduction, and
42 Preparedness Amendment Act of 2006 to repeal the commission; to
43 authorize supplemental funding in addition to the Uniform Per Pupil
44 Funding Formula; to clarify that persons employed by Office of the State
45 Superintendent of Education, who are not “excluded employees” are
46 members of the educational service and shall be reappointed

1 noncompetitively; to align childcare funding under Office of the State
2 Superintendent of Education consistent with the Education Reform Act; to
3 amend the Educational Licensure Commission Authority to replace
4 District of Columbia Public Schools with Office of the State
5 Superintendent of Education; to update the yearly residency verification
6 requirement; to establish truancy centers across the District; to amend the
7 Uniform Per Student Funding Formula for Public Schools and Charter
8 Schools to increase the base from \$8,322.00 to \$8,770; to set the facilities
9 allowance for public charter schools at the same level for Fiscal Year
10 2009; to restore independent personnel authority to the Director of Public
11 Education Facilities Modernization that was originally designated in the
12 Public Education Reform Act of 2007; to align the public hearing process
13 for public funding with the budget development process; to amend the
14 Choice in Drug Treatment program on a permanent basis so that grants
15 awarded will not lapse; to establish a fund for addressing the supportive
16 housing needs of homeless; to pay for meals for security officers in the
17 Youth Services Center so they may eat with the youth; to have the Office
18 of Administrative Hearings hear cases in order to expedited child support
19 cases; to amend the Recreation Act of 1994 to streamline the process by
20 which the Department of Parks and Recreation may develop and improve
21 programming for youth; to designate the Department of Parks and
22 Recreation as the agency responsible for administering the “Public Fund
23 for Drug Prevention and Children at Risk; to reduce the youth program
24 from 90 to 95%; transfers the Childhood Lead Poisoning Prevention
25 Program from the Department of Health to District Department of
26 Environment; to amend the District of Columbia Traffic Act, 1925 to sets
27 minimum standards to receive exemption from motor vehicle excise tax at
28 40 mpg and to exempt the tax of a lessor; to amend the Water and Sewer
29 Authority Establishment and Department of Public Works Reorganization
30 Act of 1996 to authorizes District Department of Environment to establish
31 storm water fees; to amend the District of Columbia Traffic Act, 1925 to
32 extend the license duration to 8 years and motor vehicle inspections to 4
33 years on new vehicles; to amend the Department of Transportation
34 Establishment Act of 2002 to recovery costs association with public space
35 damage; to increase the Earned Income Tax Credit from 30 to 40%; to pay
36 debt service with sufficient revenues; to change the real property tax rates
37 and special property tax rates for taxable Class 2 Properties; to pay
38 unforeseen expenditures in excess of appropriated amounts; to establish
39 vesting requirements for the provision of other post-employment benefits
40 to annuitants.

41
42
43 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

44 That this bill may be cited as the “Fiscal Year 2009 Budget Support Act of 2008”.

1 TITLE I. GOVERNMENT DIRECTION AND SUPPORT

2 SUBTITLE A. LATE FEE AVOIDANCE.

3 Sec. 1001. Short title.

4 This subtitle may be cited as the “Late Fee Avoidance Act of 2008”.

5 Sec. 1002. Responsibility for late fees.

6 The Office of Finance and Resource Management and the Office of Property
7 Management shall pay an equal share of any fees incurred by the District of Columbia,
8 after October 1, 2008, as a result of late payment for the consumption of energy
9 commodities, including electricity, natural gas, heating fuel, steam, and water; provided,
10 that none of the Funds used to pay late fees may be Intra-District Funds collected from
11 assessments to District agencies for the payment of projected fixed cost expenses.

12 Sec. 1003. Fiscal impact statement.

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

17 SUBTITLE B. COMMODITIES COST RESERVE FUND.

18 Sec. 1004. Short Title.

19 This subtitle may be cited as the “Commodities Cost Reserve Fund Amendment
20 Act of 2008”.

21 Sec. 1005. Subsection 47-368.04(b) is amended by striking the phrase
22 “consumption-driven commodity costs.” and inserting in its place the phrase
23 “consumption-driven commodity costs and build-out or moving expenses.”.

1 Sec. 1006. Fiscal impact statement.

2 The Council adopts the fiscal impact statement in the committee report as the
3 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
4 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206(c)(3)).

5 SUBTITLE C. PARKING PROGRAM FUND ESTABLISHMENT.

6 Sec. 1007. Short title.

7 This subtitle may be cited as the “Parking Program Fund Establishment
8 Amendment Act of 2008”.

9 Sec. 1008. The Office of Property Management Establishment Act of 1998,
10 effective March 26, 1999 (D.C. Law. 12-175; D.C. Official Code §10-1001 *et seq.*), is
11 amended by adding a new section 1804a to read as follows:

12 “Sec. 1804a. Establishment of Parking Program Fund.

13 “(a) There is established within the General Fund of the District of Columbia a
14 nonlapsing fund to be known as the District of Columbia Employee Parking Program
15 Fund (“Fund”). All funds received by the District government from the operation of the
16 employee parking program shall be deposited into the Fund.

17 “(b) The Fund shall be administered by the Chief Property Management Officer
18 and shall be used, subject to authorization by Congress in an appropriations act, for the
19 maintenance and non-capital improvements of District-owned properties, the
20 administration of the employee parking program and for the establishment and operation
21 of commuter benefits programs for District government employees.

1 “(c) Monies remaining in the Fund at the end of any fiscal year shall not revert to
2 the General Fund, but shall remain in the Fund available for the purposes specified
3 without fiscal year limitation.”.

4 Sec. 1009. Fiscal impact statement.

5 The Council adopts the fiscal impact statement in the committee report as the
6 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
7 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
8 206.02(c)(3)).

9 SUBTITLE D. SURPLUS PERSONAL PROPERTY SALES REVOLVING
10 FUND.

11 Sec. 1010. Short title.

12 This subtitle may be cited as the “Surplus Personal Property Sales Revolving
13 Fund Act of 2008”.

14 Sec. 1011. The District of Columbia Procurement Practices Act of 1985,
15 effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*), is
16 amended as follows:

17 (a) The heading in section 703 (D.C. Official Code § 2-307.03) is amended to
18 read as follows:

19 “Sec. 703. District of Columbia Surplus Personal Property Sales Revolving
20 Fund.”.

21 (b) Section 703(b) (D.C. Official Code § 2-307.03(b)) is amended as follows:

22 “(b) There is established in the Treasury of the District of Columbia a revolving
23 fund designated as the District of Columbia Surplus Personal Property Sales Revolving

1 Fund (“Fund”) that shall be segregated within the General Fund of the District of
2 Columbia.”.

3 (c) Section 703(d) (D.C. Official Code § 2-307.03(d)) is amended as follows:

4 “(d) The Fund shall be continuing and non-lapsing, and shall not revert to the
5 General Fund at the end of any fiscal year or at any time, but shall be continually
6 available to the Chief Procurement Officer for the uses and purposes set forth in
7 subsection (e) of this section.”.

8 (d) Section 703(e) (D.C. Official Code § 2-307.03(e)) is amended as follows:

9 “(e) Subject to authorization by Congress in an appropriations act, the Chief
10 Procurement Officer shall use collected funds to pay the costs of conducting surplus
11 personal property sales and operating and maintaining the Personal Property Division and
12 such activities as may be necessary to improve the procurement function of the District of
13 Columbia”.

14 Section 703(f) (D.C. Official Code § 2-307.03(f)) is amended as follows:

15 “(f) All collected funds shall be deposited into the fund without regard to fiscal
16 year limitation pursuant to an act of Congress, and shall not be transferred or lapse to the
17 fund balance of the General Fund of the District.”.

18 Sec. 1012. Fiscal impact statement.

19 This Council adopts the fiscal impact statement provided in the committee report
20 as the fiscal impact statement required by section 602(c)(3) of the District of Columbia
21 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
22 206.02(c)(3)).

23 SUBTITLE E. WATER AND SEWER AUTHORITY.

1 Sec. 1013. Short title.

2 This subtitle may be cited as the “Water and Sewer Authority Amendment Act of
3 2008”.

4 Sec. 1014. The Jobs for D.C Residents Amendment Act of 2007, effective
5 February 6, 2008 (D.C. Law 17-108; 54 DCR 10993), is amended as follows:

6 (a) Section 101 is amended as follows:

7 (1) Subsection (a) is amended by inserting after the word
8 “instrumentality” the phrase “, except as provided in subsection (g),”.

9 (2) Subsection (c)(2) is amended by inserting after the word
10 “instrumentality” the phrase “, except as provided in subsection (g),”.

11 (3) Subsection (e) is amended by inserting after the phrase
12 “instrumentality head” the phrase “, except as provided in subsection (g),”.

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

14 “(g) The provisions in this section shall not apply to the District of Columbia
15 Water and Sewer Authority.”.

16 (b) Section 213 is repealed.

17 Sec. 1015. Fiscal impact statement.

18 The Council adopts the fiscal impact statement in the committee report as the
19 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
20 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
21 206.02(c)(3)).

22 SUBTITLE F. POSITION CONTROL.

23

24 Sec. 1016. Short title.

1 This subtitle may be cited as the “Position Control Act of 2008”.

2 Sec. 1017. Position control requirements.

3 (a) No later than October 1, 2008, the Chief Financial Officer for each agency
4 shall maintain an accurate schedule of active, authorized, and funded Full-Time
5 Equivalent positions within the agency. Information in the schedule shall be consistent
6 with information in the personnel system of record and with the agency’s appropriated
7 budget authority.

8 (b) The Office of Budget and Planning, in consultation with the Office of the City
9 Administrator, shall develop a standard format for the position schedule required by
10 subsection (a).

11 (c) The Office of the Chief Technology Officer and the Department of Human
12 Resources shall provide technical assistance as may be necessary to achieve the purpose
13 of this act.

14 (d) For the purposes of this section, “personnel system of record” means
15 PeopleSoft or any successor system.

16 Sec. 1018. Fiscal impact statement.

17 The Council adopts the fiscal impact statement in the committee report as the
18 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
19 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
20 206.02(c)(3)).

21 TITLE II. ECONOMIC DEVELOPMENT AND REGULATION

22 SUBTITLE A. UNEMPLOYMENT COMPENSATION IMPROVEMENT.

23

24 Sec. 2001. Short title.

1 This subtitle may be cited as the “Unemployment Compensation Improvement
2 Amendment Act of 2008”.

3 Sec. 2002. The District of Columbia Unemployment Compensation Act,
4 approved August 28, 1935 (49 Stat. 946; D.C. Official Code §§ 51-101-15)¹ is amended
5 as follows:

6 (a) Subsection 3(m) (3) (D.C. Official Code 51-103(m)(3) is amended by striking
7 the date “2008” where it appears and inserting in its place the date “2010”.

8 (b) Section 14 (D.C. Official Code §51-114) is amended by adding a new
9 subsection (d)(3) to read as follows:

10 “(3) Notwithstanding any other provisions of this subchapter, the Director shall
11 review the balance and the projected income and commitments of the Administrative
12 Assessment Account at the end of each calendar quarter, and in the Director’s discretion,
13 may transfer any carryover funds to the Adult Training Account established by § 51-
14 114(e).”.

15 (c) Section 14 (D.C. Official Code §51-114) is further amended by adding a new
16 section (e) to read as follows:

17 “(e) (1) There is created a special fund in the General Revenue Fund of the
18 District of Columbia that shall be separated and distinct from the District Unemployment
19 Fund, to be known as the Adult Training Account.

20 “(2) All funds deposited into the Adult Training Account shall be used
21 exclusively to provide training and retraining and related job readiness services to
22 residents of the District of Columbia ages 18 and above who face barriers to employment
23 due to deficiencies in education, work experience, prior incarceration, work skills, work

1 experience, residence in persistent problem areas or the loss of certain occupations or
2 industries from the economy of the District of Columbia or the Washington Metropolitan
3 Area.”.

4 Sec. 2003. Fiscal impact statement.

5 The Council adopts the fiscal impact statement in the committee report as the
6 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
7 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
8 206.02(c)(3)).

9 SUBTITLE B. COMPREHENSIVE HOUSING STRATEGY FUND.

10 Sec. 2004. Short title.

11 This subtitle may be cited as the “Comprehensive Housing Strategy Fund
12 Amendment Act of 2008”.

13 Sec. 2005. Comprehensive Housing Strategy Fund Amendment.

14 (a) Section 42-2855.01 is amended as follows:

15 Subsection (a) is amended by striking the phrase “An amount equal to” and
16 inserting in its place the phrase “In fiscal years 2007 and 2008, an amount equal to”.

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

18 “(a-1) In fiscal year 2009 and thereafter, all funds collected under § 42-1103(a-4)
19 and § 47-903(a-4) shall be deposited in the General Fund of the District of Columbia.”.

20 (c) A new subsection (d)(e) is inserted to read as follows:

21 “(d) No more than 180 days after September 30, 2008, the Chief Financial Officer
22 shall transfer any remaining unobligated and unexpended monies from the Fund to
23 Housing Production Trust Fund.

24 (e) This section shall expire on March 31, 2009.”.

1 Sec. 2005a. Conforming amendments.

2 (a) Section 47-903 is amended by striking the existing subsection (a-4) and in its
3 place inserting a new subsection to read as follows:

4 “(a-4) Beginning October 1, 2006, except for residential properties transferred for
5 a consideration less than \$400,000, an additional tax of .35% is imposed upon a deed that
6 is subject to the tax under subsection (a)(1) of this section. The funds collected under this
7 subsection shall be deposited in the General Fund of the District of Columbia.”.

8 (b) Section 42-1103 is amended by striking the existing subsection (a-4) and in its
9 place inserting a new subsection to read as follows:

10 “(a-4) Beginning October 1, 2006, except for residential properties transferred for
11 a consideration less than \$400,000, an additional tax of .35% is imposed upon a deed that
12 is subject to the tax under subsection (a)(1) or (3) of this section. The funds collected
13 under this subsection shall be deposited in the General Fund of the District of
14 Columbia.”.

15 Sec. 2006. Fiscal impact statement.

16 The Council adopts the fiscal impact statement in the committee report as the
17 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
18 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
19 206.02(c)(3)).

20 SUBTITLE C. CONTINUATION OF ECONOMIC DEVELOPMENT GRANT
21 AUTHORITY.

22 Sec. 2007. Short title.

1 This subtitle may be cited as the “Continuation of Economic Development Grant
2 Authority Act of 2008”.

3 Sec. 2008. Grantmaking authority.

4 Section 1833 of the Fiscal Year 1999 Budget Support Act of 1998, effective
5 March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 2-1203.02), is amended as
6 follows:

7 (a) Paragraph (8) is amended by striking the phrase “districts; and” and inserting
8 in its place the phrase “districts;”.

9 (b) Paragraph (9) is amended by striking the phrase “City.” and inserting in its
10 place the phrase “City; and”.

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

12 “(10) With appropriated funds, issue grants or provide loans or credit
13 support or enhancement as may be necessary or useful to promote economic
14 development, including neighborhood revitalization activities, community activities and
15 events, and community or social services, in the District of Columbia; provided, that any
16 grant loan or credit support or enhancement issued pursuant to this paragraph shall
17 constitute an agreement making grants-in-aid for the purposes of the Procurement
18 Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code §
19 2-301.01 *et seq.*)”.

20 (d) A new paragraph (11) is added to read as follows:

21 “(11) Of the funds appropriated to the Office of the Deputy Mayor for
22 Planning and Economic Development, \$13.5 million may be distributed in a one-time,

1 nonrecurring grant to the Canal Park Development Association for the construction of
2 Canal Park.”.

3 Sec. 2009. Fiscal impact statement.

4 The Council adopts the fiscal impact statement in the committee report as the
5 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
6 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
7 206.02(c)(3)).

8 TITLE D. BUSINESS LICENSING PROCESSING ADJUSTMENT.

9 Sec. 2010. Short title.

10 This title may be cited as the “Business Licensing Processing Adjustment Act of
11 2008”.

12 Sec. 2011. A new D.C. Official Code §47-2851.03(d) is added to read as follows:

13 “§47-2851.03d. General Business License and General Contractor/Construction
14 Manager License.

15 “(a) A General Business License is required for all businesses operating in the
16 District of Columbia that have a business tax identification number, that meet the
17 definition of business as defined in §47-2851.01 and do not fall under another specified
18 license category under this Chapter. If a business entity is comprised of principals who
19 are required to maintain licenses granted or regulated by a local, state or national
20 certification board or body, such entities and their licensed principals shall be exempt
21 from general business licensure. A biennial fee of \$200 shall be charged for this license.

22 “(b) A General Contractor/Construction Manager License is required for
23 individuals or businesses engaged in general contracting or construction management. A

1 biennial fee of \$500 shall be charge for this license. The Mayor is authorized to
2 establish, by regulation, bond requirements for general contractors and construction
3 managers as a condition for licensure.

4 “(c) The Mayor may adjust, by regulation, the license fees set in subsections (a)
5 and (b) of this section.

6 “(d) Any license issued pursuant to this section shall be issued as a General
7 Business endorsement to a basic business license under the basic business license system
8 as set forth in subchapter I-A of this chapter.”.

9 Sec. 2012. The Basic Business License Application Fees; Renewal Fees, (D.C.
10 Official Code §47-2851.08) is amended as follows:

11 (a) Section 47-2851.08(a)(1) of the District of Columbia Official Code is
12 amended to read as follows:

13 “(1) The Center shall collect a fee of \$70 for each basic business license it
14 issues, plus \$25 for each endorsement added to the basic business license.”.

15 (b) §47-2851.08(b)(1) of the District of Columbia Official Code is amended to
16 read as follows:

17 “(1) The Center shall collect a fee of \$70 on each renewal license it issues plus
18 \$25 for each endorsement.”.

19 Sec. 2013. Fiscal impact statement.

20 The Council adopts the fiscal impact statement in the committee report as the
21 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
22 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-
23 206.02(c)(3)).

1 SUBTITLE E. UNIFIED HOUSING AND COMMUNITY DEVELOPMENT
2 FUND.

3 Sec. 2014. Short title.

4 This subtitle may be cited as the “Unified Housing and Community Development
5 Establishment Fund Act of 2008”.

6 Sec. 2015. The Home Purchase Assistance Fund Act of 1978, effective
7 September 12, 1978 (D.C. Law 2-103; D.C. Code § 42-2601 *et seq.*) is amended as
8 follows:

9 (a) Section 2-103(2) (D.C. Code § 42-2601) is amended by striking the phrase
10 “reserved as a restricted fund balance and used to provide authorization to expand for
11 subsequent years to the direction of the Mayor” and inserting the phrase, “deposited into
12 the Department of Housing and Community Development Unified Fund.”.

13 (b) Section 2-103(3) (D.C. Code § 42-2602) is amended by striking the phrase “to
14 the credit of the fund” and inserting the phrase “to the credit of the Department of
15 Housing and Community Development Unified Fund” in its place.

16 Sec. 2016. The Housing Production Trust Fund Act of 1988, effective March 16,
17 1989 (D.C. Law 7-202; D.C. Code §42-2801 *et seq.*) is amended as follows:

18 (a) Section 7-202(3) (D.C. Code § 42-2802(c)(9)) which reads “Lease payments
19 from loans received under the Land Acquisitions for Housing Development Opportunities
20 Program” is hereby repealed.

21 Sec. 2017. District Department of Housing and Community Development
22 Unified Fund.

1 (a) There is established, as a nonlapsing fund, the “Department of Housing and
2 Community Development Unified Fund (“Unified Fund”).” All funds deposited into the
3 Unified Fund shall not revert to the unrestricted fund balance of the General Fund of the
4 District of Columbia at the end of a fiscal year, or at any other time, but shall continually
5 be available for the uses and purposes set forth in subsection (c) of this section without
6 regard to fiscal year limitation.

7 (b) The Unified Fund shall be used to pay for any purpose authorized under
8 subsection (c) of this section, including project delivery costs, provided that not more
9 than 20% of the funds deposited into the Unified Fund be used that purpose.

10 (c) The Unified Fund shall utilize approved programs for the following purposes:

11 (1) to provide financial assistance to low and moderate income residents
12 of the District;

13 (2) to enable low and moderate income residents to
14 purchase decent, safe, and sanitary homes within the District, for the purpose of obtaining
15 safe and affordable housing;

16 (3) to enable low and moderate income residents to make a
17 down payment toward the purchase of a home within the District;

18 (4) to enable low and moderate income residents to make a
19 share payment or other payment to a housing cooperative or condo association to secure
20 occupancy rights to a home within the District as his or her principal place of residence;

21 (5) to provide financial assistance to developers to acquire vacant land or
22 land improved with buildings resulting in the rehabilitation of existing residential and

1 commercial structures, conversion of existing structures to residential use, or construction
2 of new residential or mixed use structures on vacant land;

3 (6) to provide funds for the design and installation or renovation of site
4 improvements to be located on the property to be developed or rehabilitated as housing;

5 (7) to provide funds for private for-profit and not-for-profit developers to
6 facilitate the development of affordable housing;

7 (8) to provide local fund support for assorted property maintenance
8 facilities;

9 (9) to provide funds for DHCD to reclaim those properties that have
10 received notice of foreclosure in cases where DHCD has subordinated liens;

11 (10) to provide affordable financing to correct basic housing defects and
12 ensure long term livability;

13 (11) to encourage property owners to rehabilitate and occupy their
14 abandoned and deteriorated residential property;

15 (12) to acquire, dispose of, and rehabilitate vacant and deteriorated
16 properties when owners fail to maintain them;

17 (13) to facilitate the development of affordable housing; and

18 (14) for other purposes at the discretion of the Director, in furtherance of
19 the Department of Housing and Community Development's mission.

20 (d) The following funds shall be deposited into the Unified Fund, beginning on
21 October 1, 2008:

22 (1) All revenue derived from the collection of repayments made under the
23 Home Purchase Assistance Program (HPAP) pursuant to Title 14, Chapter 25 of the D.C.

1 Municipal Regulations (DCMR), created under the authority of D.C. Law 2-103 (D.C.
2 Code § 42-2601 *et seq.*);

3 (2) All revenue derived from lease payments from loans and other
4 proceeds received under the Land Acquisitions for Housing Development Opportunities
5 Program (LAHDO) established under the authority of the District of Columbia
6 Community Development Act of 1975, D.C. Law 1-39 (D.C. Official Code § 6-1001 *et*
7 *seq.*); and

8 (3) All revenue derived from repayments and other proceeds from the
9 Rehabilitation Repayment account, Low Income Housing Tax Credit Fee Collection,
10 Home Again Revolving Fund, Portal Sites, or other DHCD programs created by
11 regulation at the discretion of the Director.

12 (e) No revenue from a federal funding source or income derived from a federal
13 funding source will be deposited into the Unified Fund.

14 (f) In determining allocation of resources from the Unified Fund, DHCD will
15 redistribute funds according to need, as determined by DHCD's annual action plan,
16 budget projections, and performance goals towards creating affordable housing and
17 community development.

18 (g) Beginning on October 1, 2008, DHCD shall submit to the Council a report
19 that details the activities, budget, expenditures, and variances, at the program level, of all
20 programs, activities, and projects undertaken by the Unified Fund from all available
21 funding sources. The report shall be submitted on an annual basis.

22 Sec. 2018. Fiscal impact statement.

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

5 SUBTITLE F. EXPEDITED PROCESS FOR AFFORDABLE HOUSING AND
6 COMMUNITY DEVELOPMENT.

7 Sec. 2019. Short title.

8 This subtitle may be cited as the “Expedited Process for Affordable Housing and
9 Community Development Amendment Act of 2008.”

10 Sec. 2020. Section 433(a) of the Abatement and Condemnation of Nuisance
11 Buildings Omnibus Amendment Act of 2000, effective April 19, 2002 (D.C. Law 14-114;
12 D.C. Official Code § 42-3171.03(a)), is amended by striking the phrase “acquired under
13 section 432”, and inserting the phrase “no matter how acquired” in its place.

14 Sec. 2021. Fiscal impact statement.

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

19 SUBTITLE G. CAPTIVE INSURANCE COMPANY.

20 Sec. 2022. Short title.

21 This title may be cited as the "Captive Insurance Company Adjustment
22 Amendment Act of 2008".

1 Sec. 2023. Section 13 of the Captive Insurance Company Act of 2004, effective
2 March 17, 2005 (D.C. Law 15-262; D.C. Official Code § 31-3931.12), is amended as
3 follows:

4 (a) Paragraph (a) is amended by striking the phrase “Except as otherwise
5 provided in this section, a captive insurer” and inserting the phrase “Except as otherwise
6 provided in this section, each captive insurer, except those captive insurers organized as
7 risk retention groups, as defined in section 2(12) of the Risk Retention Act of 1993,
8 effective October 21, 1993 (D.C. Law 10-46; D.C. Official Code 31-4101(12)),” in its
9 place.

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

11 “(a-1) Each captive insurer organized as a risk retention group, as defined in
12 section 2(12) of the Risk Retention Act of 1993, effective October 21, 1993 (D.C.
13 Law 10-46; D.C. Official Code 31-4101(12)), shall pay to the District, not later than
14 March 2 of each year, a tax rate of:

15 “(1) Thirty-eight hundredths of one percent (.38%) on the first \$20 million of its
16 total net direct premiums;

17 “(2) Twenty-five hundredths of one percent (.25%) on the next \$20 million of its
18 total net direct premiums; and

19 “(3) Eighteen hundredths of one percent (.18%) of each additional dollar of its
20 total net direct premium.”.

1 (c) Paragraph (d) is amended by striking the phrase “subsections (a) and (b)” and
2 inserting the phrase “subsections (a-1) and (b)” in its place, and by striking the amount
3 “\$10,000” and inserting the amount “\$15,000” in its place.

4 (d) Paragraph (l) is repealed.

5 Sec. 2024. Fiscal impact statement

6 The Council adopts the fiscal impact statement in the committee report as the
7 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
8 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
9 206.02(c)(3)).

10 SUBTITLE H. ECONOMIC DEVELOPMENT SUPPORT FUND.

11

12 Sec. 2025. Short title.

13 This title may be cited as the “Economic Development Support Fund Act of
14 2008”.

15 Sec. 2026. The National Capital Revitalization Corporation and Anacostia
16 Waterfront Corporation Reorganization Act of 2008, signed by the Mayor on February 5,
17 2008 (D.C. Act 17-289) (“NCRC-AWC Reorganization Act”) is amended as follows:

18 (a) Section 301 is amended as follows:

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

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

21 (i) Subparagraph (E) is amended by striking the word
22 “and” at the end.

23 (ii) Subparagraph (F) is amended by striking the period at
24 the end and inserting a semicolon in its place.

1 (iii) New subparagraphs (G), (H), (I), and (J) are added to
2 read as follows:

3 “(G) All payments, including lease payments, received by the
4 District pursuant to the disposition or lease of the old convention center site (legally
5 described as Lot 848 in Square 374 less that portion of Lot 848 known as U.S.
6 Reservation 174), including all payments received by the District pursuant to the
7 Amended and Restated Development Agreement and Land Disposition Agreement by
8 and between the District of Columbia and OCC Master Developer, LLC, dated December
9 14, 2007 (“LDA”), as such LDA may be amended or restated from time to time, any
10 addendum to the LDA, or any successor document to the LDA;

11 “(H-1) All payments, including payments in lieu of taxes, received
12 by the District pursuant to the disposition of the former District-owned property at 500 C
13 Street, N.W., with the current addresses of 555, 565 and 575 Pennsylvania Avenue, N.W.
14 (“Newseum Site”), pursuant to the Negotiated Sale of District-Owned Property at 500 C
15 Street, N.W. to the Freedom Forum, Inc. Approval Resolution of 2000, effective
16 November 8, 2000 (Res. 13-693; 47 DCR 9302), and the portion of the sum of the annual
17 sales tax revenue collected from general admissions to the Newseum, retail sales, and
18 food and beverage sales (including restaurant, food court and catering) on the Newseum
19 Site that is in excess of \$1 million; and

20 “(I) All payments received by the District pursuant to the
21 disposition or short-term lease of property that is under the management of the Office of
22 the Deputy Mayor for Planning and Economic Development.”.

1 (B) Paragraph (2) is amended to read as follows: “The Chief Financial
2 Officer may establish segregated subaccounts within the Fund for financial, accounting,
3 or operational purposes and for any other purpose the Chief Financial Officer deems
4 necessary or useful.”

5 (C) Add new paragraphs (2A):

6 “(2A) There shall be established within the Account a subaccount,
7 denominated the DC USA Parking Garage Subaccount, into which shall be deposited all
8 income of the District from the DC USA parking garage, excluding the sales and use
9 taxes collected from the parking and storing of vehicles at the DC USA parking garage.
10 The funds within the DC USA Parking Garage Subaccount shall be used to pay the
11 ownership, operating, maintenance, and capital costs of the DC USA parking garage and
12 the debt service of, and any other costs associated with, the bonds issued pursuant to the
13 Tax Increment Revenue Bonds DC-USA Project Emergency Approval Resolution of
14 2004, effective July 13, 2004 (Res. 15-653; 51 DCR 8080).”.

15 Sec. 2027. Fiscal impact statement.

16 The Council adopts the fiscal impact statement in the committee report as the
17 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
18 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-
19 206.02(c)(3)).

20 SUBTITLE I. NEIGHBORHOOD INVESTMENT FUND.

21

22 Sec. 2028. Short title.

23 This title may be cited as the "Neighborhood Investment Fund Act of 2008".

1 Sec. 2029. Section 2 of the Neighborhood Investment Act of 2004, effective
2 March 30, 2004 (D.C. Law 15-131; D.C. Official Code 6-1071 *et seq.*) is amended as
3 follows:

4 (a) Subsection (c) is amended by striking the phrase “shall contain specific
5 references to the amount to be spent each year by” and inserting the phrase “descriptions
6 of the projects planned to be implemented under the program by:”.

7 (e) Subsection (e) is amended by adding the sentence “Pending approval of an
8 implementation plan under this subsection, the program may operate, and expenditures
9 may be made, in a manner consistent with the previously approved implementation
10 plan.”.

11 Sec. 2030. Fiscal impact statement.

12 The Council adopts the fiscal impact statement in the committee report as the
13 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
14 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-
15 206.02(c)(3)).

16 SUBTITLE J. RECORDER OF DEEDS RECORDATION SURCHARGE.

17 Sec. 2031. Short title.

18 This title may be cited as the "Recorder of Deeds Recordation Surcharge
19 Amendment Act of 2008".

20 Sec. 2032. Section 552a(c) of An Act To establish a code of law for the District
21 of Columbia, effective April 12, 1997 (D.C. Law 11-257; D.C. Official Code § 42-1211),
22 is repealed.
23

1 Sec. 2033. Applicability: The changes made by this section shall take effect as
2 though enacted April 11, 2007.

3 Sec. 2034. Fiscal impact statement.

4 The Council adopts the fiscal impact statement in the committee report as the
5 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
6 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-
7 206.02(c)(3)).

8 SUBTITLE K. NUISANCE PROPERTIES ABATEMENT.

9 Sec. 2035. Short Title.

10 This subtitle may be cited as the “Nuisance Properties Abatement Act
11 Implementation Act of 2008”.

12 Sec. 2036. Applicability.

13 Section 4 of the Nuisance Properties Abatement Reform and Real Property
14 Classification Amendment Act of 2008, approved on first reading March 4, 2008
15 (engrossed version of Bill 17-86), shall apply as of October 1, 2008.

16 Sec. 2037. Fiscal impact statement.

17 The Council adopts the fiscal impact statement in the committee report as the
18 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
19 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-
20 206.02(c)(3)).

21 SUBTITLE L. COMMUNITY BENEFITS.

22 Sec. 2038. Short title.

1 This subtitle may be cited as the “Community Benefit Fund Amendment Act of
2 2008”.

3 Sec. 2039. Title II of the Ballpark Omnibus Financing and Revenue Act of 2004,
4 effective April 8, 2005 (D.C. Law 15-320; D.C. Official Code § 10-1602.01 *et seq.*), is
5 amended as follows:

6 (a) Subsection 202(b) is amended as follows:

7 (1) The existing paragraph (1) is redesignated as paragraph (1-a).

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

9 “(1) In fiscal year 2009, \$2,230,000 in available funds shall be allocated to
10 the Deputy Mayor for Planning and Economic Development for the following purposes:

11 “(A) \$100,000 shall support a grant to the Avalon Theatre;

12 “(B) \$200,000 shall support a grant to the Cherry Blossom
13 Festival;

14 “(C) \$398,000 shall support a study to explore the feasibility of a
15 D.C. Children’s Museum;

16 “(D) \$200,000 shall support a grant to Fields of Dreams;

17 “(E) \$500,000 shall support a grant to the Greater Washington
18 Sports Alliance;

19 “(F) \$500,000 shall support a grant to the Lincoln Theater;

20 “(G) \$232,000 shall support a grant to Keely’s Boxing and Youth
21 Center; and

22 “(H) \$100,000 shall support a market analysis and planning study
23 of the Takoma Theatre.”.

1 (b) Section 204 is amended to read as follows:

2 “Sec. 204. Procedures.

3 “The Mayor, through the annual budget process, may make a request for an
4 appropriation for expenditures from the Community Benefit Fund.”.

5 Sec. 2040. Fiscal impact statement.

6 The Council adopts the fiscal impact statement in the committee report as the
7 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
8 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code
9 § 1-206.02(c)(3)).

10 TITLE III. PUBLIC SAFETY AND JUSTICE

11 SUBTITLE A. EMERGENCY COMMUNICATIONS FUNDING.

12 Sec. 3001. Short title.

13 This subtitle may be cited as the “Emergency Communications Funding
14 Amendment Act of 2008”.

15 Sec. 3002. Section 604(a)(1) of the Emergency and Non-Emergency Number
16 Telephone Calling Systems Fund Act of 2000, effective October 19, 2000 (D.C. Law 13-
17 172; D.C. Official Code § 34-1803(a)(1)) is amended to read as follows:

18 “(a)(1) There is imposed upon all local exchange carriers, including wireline and
19 wireless carriers and any other persons providing a service or technology that connects
20 users who dial or enter the digits 9-1-1 to the District’s public safety answering points, a
21 tax calculated as follows:

22 “(A) For wireline local exchange service:

23 “(i) \$0.99 per exchange access line in the District of Columbia;

1 “(ii) \$0.99 per Centrex line in the District of Columbia; and
2 “(iii) \$0.99 per private branch exchange ("PBX") station in the
3 District of Columbia;

4 “(B) For wireless telephone exchange service, \$0.99 for each telephone
5 number that has a District of Columbia billing address; and.

6 “(C) For any other service or technology, a fee of \$ 0.99 for each customer
7 who provides a District of Columbia billing address.”.

8 Sec. 3003. Fiscal impact statement.

9 The Council adopts the fiscal impact statement in the committee report as the
10 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
11 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code
12 § 1-206.02(c)(3)).

13 SUBTITLE B. DISTRICT OF COLUMBIA HOMELAND SECURITY
14 COMMISSION.

15 Sec. 3004. Short title.

16 This subtitle may be cited as the “District of Columbia Homeland Security
17 Commission Amendment Act of 2008”.

18 Sec. 3005. Title II of the Homeland Security, Risk Reduction, and Preparedness
19 Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-262; D.C. Official
20 Code § 7-2271.01 *et seq.* (2007 Supp.)), is repealed.

21 Sec. 3006. Fiscal impact statement.

22 The Council adopts the fiscal impact statement in the committee report as the
23 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home

1 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code
2 § 1-206.02(c)(3)).

3 TITLE IV. PUBLIC EDUCATION SYSTEM.

4 SUBTITLE A. SUPPLEMENTAL EDUCATIONAL PAYMENTS.

5 Sec. 4001. Short title.

6 This subtitle may be cited as “The Supplemental Education Payments
7 Amendment Act of 2008”.

8 Sec.4002. Section 2401 (b) (3) (B) of the District of Columbia School Reform Act
9 of 1995, approved April 26, 1996 (Pub. L. 104-134; D.C. Official Code § 38-1804.01 (b)
10 (3) (B)) is amended to read as follows:

11 “(B) Payment. -- Notwithstanding paragraph (2) of this subsection, the State
12 Superintendent of Education, in consultation with the Chief Financial Officer, may adjust
13 the amount of the annual payment under paragraph (1) of this subsection to increase the
14 amount of such payment if a District of Columbia public school or a public charter school
15 serves a high number of students: (i) With special needs; (ii) Who do not meet minimum
16 literacy standards; or (iii) To whom the school provides room and board in a residential
17 setting.”.

18 Sec. 4003. Fiscal impact statement.

19 The Council adopts the fiscal impact statement in the committee report as the
20 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
21 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
22 206.02(c)(3)).

23 SUBTITLE B. EDUCATION SERVICE.
24

1 Sec. 4004. Short title.

2 This subtitle may be cited as “The Education Service Amendment Act of 2008”.

3 Sec. 4005. The District of Columbia Government Comprehensive Merit
4 Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §
5 1-601.01 *et seq.*), is amended as follows:

6 (a) Section 801A is amended as follows:

7 (1) Subparagraph (A)(ii)(III) (D.C. Official Code § 1-
8 608.1a(b)(2)(A)(ii)(III)) is amended by striking the existing language and inserting in its
9 place “All Education Service employees within the Office of the State Superintendent of
10 Education.”.

11 (2) Subparagraph (B) (D.C. Official Code § 1-608.1a (b)(2)(B)(i)) is
12 amended as follows:

13 (A) Sub-subparagraph (i) is amended by adding the following
14 sentence at the end of the paragraph:

15 “A person employed by the Office of the State Superintendent of
16 Education (“OSSE”) as of the effective date of the FY 2009 Budget Support Act of 2008,
17 who is not an Excluded Employee, shall be reappointed noncompetitively to the
18 Educational Service, in accordance with subparagraph (A) of this paragraph.”.

19 (B) Sub-subparagraph (ii) is amended by inserting “or, in the
20 case of employees employed by the OSSE before the effective date of the FY 2009
21 Budget Support Act of 2008, within 30 days of the effective date of that Act,” following
22 the phrase “Emergency Act,” and before the term “the Mayor”.

1 (b) Section 1111 (a-1) (D.C. Official Code § 1-611.11 (a-1)(3) is amended by
2 striking the phrase “transferred from the District of Columbia Public Schools to” and
3 inserting in its place the word “of ”; and

4 Sec. 4006. Fiscal impact statement.

5 The Council adopts the fiscal impact statement in the committee report as the
6 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
7 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
8 206.02(c)(3)).

9 SUBTITLE C. CHILDCARE FUNDING SUPPORT.

10

11

Sec. 4007. Short title.

12

This act may be cited as the “The Childcare Funding Support Amendment Act of
13 2008”.

14

Sec. 4008. Section 2 (4) of the Day Care Policy Act of 1979, effective September
15 19, 1979 (D.C. Law 3-16; D.C. Official Code § 4-401 (4)) is amended to read as follows:
16 “(4) The term “Department” means the Executive Office of the Mayor or the Mayor’s
17 designee.”.

18

SUBTITLE D. CREDENTIAL CERTIFICATION AUTHORITY.

19

Sec. 4009. Short title.

20

This act may be cited as the “The State Education Office Establishment Act of
21 2000 Amendment Act of 2008”.

22

Sec. 4010. Section 3 (b) of the State Education Office Establishment Act of 2000,
23 effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602 (b)) is
24 amended to add a new paragraph (17) to read as follows:

1 “(17) Have the authority to collect and dedicate fees for state academic credential
2 certifications and General Educational Development testing as well as for any other state-
3 level education function as established by the Superintendent by regulation. Such fees
4 shall be deposited in a nonlapsing fund.”.

5 Sec. 4011. Fiscal impact statement.

6 The Council adopts the fiscal impact statement in the committee report as the
7 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
8 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
9 206.02(c)(3)).

10 SUBTITLE E. EDUCATIONAL LICENSURE COMMISSION AUTHORITY.

11 Sec. 4012. Short title.

12 This act may be cited as the “The Education Licensure Commission Act of 1976
13 Amendment Act of 2008.”.

14 Sec. 4013. Section 201 of The Education Licensure Commission Act of 1976,
15 effective April 6, 1977 (D. C. Law 1-104; D.C. Official Code § 38-1302) is amended as
16 follows:

17 (a) Section 201 (D.C. Official Code §38-1302) is amended by adding a new
18 paragraph on (14) to read as follows:

19 “(14) “Facility” means a physical plant located in the District, including suitable
20 housing, classrooms, laboratories and library resources wherever required by the nature
21 of the program or the student body.”.

22 (b) Section 201(4)(A) (D.C. Official Code §38-1302(4)(A)) is amended to read as
23 follows:

1 “(4)(A) Any entity or person organized or chartered in the District that operates,
2 keeps, or maintains any facility in the District through which educational instruction is
3 offered.”.

4 (c) Section 201(4)(B) (D.C. Official Code §38-1302(4)(B)) is amended to read as
5 follows:

6 “(4)(B) Any branch, extension or facility of an entity that operates, keeps, or
7 maintains any facility in the District through which educational instruction is offered, but
8 organized or chartered outside of the District, that furnishes or offers to furnish in the
9 District instruction or educational services leading toward a postsecondary degree,
10 diploma, or certificate.”.

11 Sec. 4014. Section 9(a)(2) of the Education Licensure Commission Act of 1976,
12 as added by the Educational Institution Licensure Commission Amendments Act of 1988,
13 effective March 16, 1989 (D.C. Law 7-217; D.C. Official Code § 38-1309 (a) (2)) is
14 amended to read as follows:

15 “(a)(2) The institution is either organized or chartered in the District of Columbia
16 and operates, keeps, or maintains any facility in the District through which educational
17 instruction is offered, or organized or chartered outside the District of Columbia and is
18 registered as a foreign corporation pursuant to §29-101.99, or §29-301.64 and operates,
19 keeps, or maintains any facility in the District through which educational instruction is
20 offered, or is otherwise properly authorized to do business in the District of Columbia
21 and operates, keeps, or maintains any facility in the District through which educational
22 instruction is offered.”.

23 Sec. 4015. Fiscal impact statement.

1 The Council adopts the fiscal impact statement in the committee report as the
2 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
3 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
4 206.02(c)(3)).

5 SUBTITLE F. RESIDENCY VERIFICATION.

6 Sec. 4016. This Act may be cited as the “Residency Verification Amendment Act
7 of 2008”.

8 Sec. 4017. Section 9 of the District of Columbia Nonresident Tuition Act of
9 1960, as added by the Truth in Student Residency in Public and Public Charter Schools
10 Act of 2004, effective December 7, 2007 (D.C. Law 15-205; D.C. Official Code §§ 38-
11 306), is amended to read as follows:

12 Proof of residency.

13 All students enrolled in District of Columbia public schools and public charter
14 schools funded by the District of Columbia, or a student for whom educational services
15 are paid by the District of Columbia must provide proof of residency in the District or
16 pay tuition pursuant to section 2 of this act. A determination of residency status shall be
17 made annually for each such student. The methods used to determine residency status
18 shall be consistent across District of Columbia public schools and public charter schools
19 and shall be crafted to facilitate rather than hinder school enrollment of eligible
20 students.”.

21 Sec. 4018. Section 11 of the District of Columbia Nonresident Tuition Act of
22 1960, as added by the Truth in Student Residency in Public and Public Charter Schools

1 Act of 2004, effective December 7, 2007 (D.C. Law 15-205; D.C. Official Code §§ 38-
2 308), is amended to read as follows:

3 “Establishment of residency.

4 (a) The residency status of each student enrolling in a DCPS school or
5 public charter school funded by the District of Columbia, or a student for whom
6 educational services are paid by the District of Columbia shall be established by October
7 5, or within 10 days of the time of initial enrollment, whichever occurs later, within the
8 school year for which the student is being enrolled. Residency status shall be re-
9 established annually. Residency status shall be established through the use of satisfactory
10 documentation as set forth in sections 12 and 13 of this act. The State Education Office,
11 pursuant to section 5(b)(3) of the State Education Office Establishment Act of 2001,
12 effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2604 (b)(3), shall
13 establish such rules and procedures to carry out residency verification as it deems
14 appropriate and as are consistent with this chapter.

15 (b) For a student whose primary caregiver is not a parent, custodian or
16 guardian, establishment of residency shall also include documentation that the District
17 resident seeking to enroll the student is his or her primary caregiver, as set forth in
18 section 13 of this act and procedures established pursuant to section 14 of this act.”.

19 Sec. 4019. Fiscal impact statement.

20 The Council adopts the fiscal impact statement in the committee report as the
21 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
22 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
23 206.02(c)(3)).

1 SUBTITLE G. TRUANCY CENTERS.

2
3 Sec. 4020. Short title.

4 This act may be cited as the “The Truancy Centers Amendment Act of 2008”.

5 Sec. 4021. Section 6 of Article II of An Act To provide for compulsory school
6 attendance, for the taking of a school census in the District of Columbia, and for other
7 purposes, as added by the Public School and Public Charter School Student Truancy
8 Center Establishment Amendment Act of 1994, effective August 25, 1994 (D.C. Law 10-
9 159; D.C. Official Code § 38-251) is amended as follows:

10 (a) Section 6(a)(1) (D.C. Official Code § 38-251(a)(1)) is amended to read as
11 follows: “(a)(1) The Office of the State Superintendent of Education, after consultation
12 with DCPS, the Public Charter School Board, Child and Family Services and the
13 Metropolitan Police Department, shall establish truancy centers in the District of
14 Columbia for the delivery of truant public school and public charter school students by
15 the Metropolitan Police Department.”.

16 (b) Section 6(b) (D.C. Official Code §38-251(b)) is amended to add new
17 paragraph 2 to read as follows:

18 “(2) A law enforcement officer shall take to the nearest truancy center any
19 child who the law enforcement officer has reasonable grounds to believe, based on the
20 child's age and other factors, is truant from a public or public charter school on a day and
21 during the hours when the public or public charter school is in session.”.

22 Sec. 4022. Fiscal impact statement.

23 The Council adopts the fiscal impact statement in the committee report as the
24 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home

1 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
2 206.02(c)(3)).

3 SUBTITLE H. UNIFORM PER STUDENT FUNDING FORMULA.

4
5 Sec. 4023. Short title.

6 This subtitle may be cited as the “Uniform Per Student Funding Formula for
7 Public Schools and Public Charter Schools Amendment Act of 2008.”

8 Sec. 4024. The Uniform Per Student Funding Formula for Public Schools and
9 Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C.
10 Official Code §38-2901 *et seq.*), is amended as follows:

11 (a) Section 104 (D.C. Official Code § 38-2903) is amended by striking the phrase
12 “\$8,322.00 per student for fiscal year 2008” and inserting the phrase “\$8,770 per student
13 for FY 2009” in its place.

14 (b) Section 105(a) (D.C. Official Code § 38-2904(a)) is amended to read as
15 follows:

16 “Sec. 105. Weightings applied to counts of students enrolled at certain grade
17 levels. The student counts at certain grade levels and in certain programs shall be
18 weighted to provide an amount per student differing from the basic foundation level in
19 accordance with the following schedule:

20	“Grade Level	Weighting	Per Pupil
21			Allocation in FY 2009
22	“Pre-School	1.34	\$11,752
23	“Pre-Kindergarten	1.30	\$11,401
24	“Kindergarten	1.30	\$11,401
25	“Grades 1-3	1.00	\$8,770
26	“Grades 4-5	1.00	\$8,770
27	“Ungraded ES	1.00	\$8,770
28	“Grades 6-8	1.03	\$9,033
29	“Ungraded MS/JHS	1.03	\$9,033

1	“Grades 9-12	1.16	\$10,173
2	“Ungraded SHS	1.16	\$10,173
3	“Alternative Program	1.17	\$10,261
4	“Special ed schools	1.17	\$10,261
5	“Adult	0.75	\$ 6,577 .”.

6
7 (c) Section 106(c) (D.C. Official Code § 38-2905(c)) is amended to read as

8 follows:

9 “(c) These supplemental allocations shall be calculated by applying weightings to

10 the foundation level as follows:

11 “Special Needs Add-ons:

12

Level/Program	Definition	Weighting	Per Pupil Supplemental FY 2009
Level 1: Special Education	Eight hours or less per week of specialized services	0.52	\$4560
Level 2: Special Education	More than 8 hours and less than or equal to 16 hours per school week of specialized services	0.79	\$6,928
Level 3: Special Education	More than 16 hours and less than or equal to 24 hours per school week of specialized services	1.36	\$11,927
Level 4: Special Education	More than 24 hours per week which may include instruction in a selfcontained (dedicated) special education school other than residential placement	2.37	\$20,785
LEP/NEP	Limited and non-English proficient students	0.40	\$3,508
Summer	An accelerated	0.17	\$1,491

instructional program in the summer for students who do not meet literacy standards pursuant to promotion policies of the District of Columbia Public Schools and public charter schools

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	\$14,909
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“Residential Add-ons:

Level/Program	Definition	Weighting	Per Pupil Supplemental FY 2009
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	\$3,280
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	\$11,927
Level 3: Special Education - Residential	Additional funding to support the after-hours level 3 special education	2.941	\$25,793

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

Level 4: Special Education - Residential	Additional funding to support the after-hours level 4 special instructional needs of limited and non-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	2.924	\$25,643
Level 5: Special Education - Residential	Residential placement	9.40	\$82,438
LEP/NEP - Residential	Additional funding to support the after-hours Limited and non-English proficiency needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.68	\$5,964

- 1
- 2 Special Education Add-ons for Students with Extended School Year Indicated in Their
- 3 Individualized Education Programs (IEPs):

Level/Program	Definition	Weight	Per Pupil Supplemental FY 2009
Special Education Level 1 ESY	Additional funding to support the summer school/program need for	0.064	\$561

	students who require extended school year (ESY) services in their IEPs		
Special Education Level 2 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.231	\$2,027
Special Education Level 3 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.500	\$4,385
Special Education Level 4 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.497	\$4,359
Special Education Level 5 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	1.598	\$14,014

1
2 (d) Section 109(b) and (c) (D.C. Official Code § 38-2908(a - c)) are amended to
3 read as follows:

4 “(a) By amending § 38-2908(a) to read as follows: “The fiscal year facility
5 allowance for Public Charter Schools shall be determined as follows: DCPS approved
6 capital budget shall be divided by the previous school year ("SY") DCPS total pupil
7 count, as defined in § 38-2906, to determine the DCPS per pupil facility cost, except that
8 this methodology shall remain effective until FY 2008.

1 “(b) For FY 2009 and succeeding fiscal years, the per pupil facility allowance for
2 Public Charter Schools shall not exceed the FY 2008 amount or \$3,109. The facility
3 allowance shall then be multiplied by the number of students estimated to be attending
4 each Public Charter School to determine the actual facility allowance payments to be
5 received by each Public Charter School.

6 “(c) The fiscal year 2008 facility allowance for Public Charter Schools shall be
7 determined as follows: DCPS approved capital budget shall be divided by the previous
8 school year ("SY") DCPS total pupil count, as defined in § 38-2906, to determine the
9 DCPS per pupil facility cost, except that this methodology shall remain effective until
10 September 30, 2008.”.

11 Sec. 4025. Fiscal impact statement.

12 The Council adopts the fiscal impact statement in the committee report as the
13 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
14 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
15 206.02(c)(3)).

16 SUBTITLE I. OFFICE OF PUBLIC EDUCATION FACILITIES
17 MODERNIZATION PERSONNEL.

18 Sec. 4026. Short title.

19 This subtitle may be cited as the “Office of Public Education Facilities
20 Modernization Personnel Amendment Act of 2008”.

21 Sec. 4027. The Public Education Reform Amendment Act of 2007, effective June
22 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-451 et seq.), is amended as follows:

1 (a) Section 702 (D.C. Official Code § 38-451) is amended to add a new
2 subsection (d) that reads: “Notwithstanding any other provision of law, the District of
3 Columbia Comprehensive Merit Personnel Act, Chapter 6 of Title 1, shall not apply to
4 employees of the Office of Public Education Facilities Modernization, except that titles V
5 and XVII of the District of Columbia Comprehensive Merit Personnel Act shall apply.
6 The Director of the Office of Public Education Facilities Modernization shall be the
7 personnel authority for the Office of Public Education Facilities Modernization and shall
8 have the authority to promulgate personnel rules and regulations, except that the Director
9 of the Office of Public Education Facilities Modernization shall not have the authority to
10 promulgate regulations pursuant to titles V and XVII of the District of Columbia
11 Comprehensive Merit Personnel Act.”

12 (b) Until the Office of Public Education Facilities Modernization
13 establishes a personnel system and promulgates personnel rules and regulations, the
14 District of Columbia Government Comprehensive Merit Personnel Act of 1978, and its
15 implementing rules and regulations, including the District Personnel Manual, shall
16 continue to apply to the Office and its employees.”

17 Sec. 4028. The District of Columbia Government Comprehensive Merit
18 Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §
19 1-601.01 et seq.), is amended as follows:

20 (a) Section 801A (D.C. Official Code § 1-608.01a) is amended as
21 follows:

22 (1) Subsection (b)(2)(A)(ii)(II) is repealed.

1 (2) Subsection (b)(2)(B)(i) is amended by striking the phrase “the
2 Office of the State Superintendent for Education, and the Office of Public Education
3 Facilities Modernization as of the effective date” and by inserting the phrase “the Office
4 of the State Superintendent for Education as of the effective date” in its place.

5 (3) Subsection (b)(2)(C)(i) is amended by striking the phrase “the
6 Office of the State Superintendent for Education, or the Office of Public Education
7 Facilities Modernization who is not” and by inserting the phrase “or the Office of the
8 State Superintendent for Education who is not” in its place.

9 (b) Subsection (a-1)(2) of Section 1111(a-1) (D.C. Official Code § 1-
10 611.11(a-1)) is repealed.

11 (c) Section 1709(b) (D.C. Official Code § 1-617.09(b)(7)) is amended by
12 striking the phrase “the Office of the State Superintendent for Education, and the Office
13 of Public Education Facilities Modernization” and inserting the phrase “and the Office of
14 the State Superintendent of Education” in its place.

15 Sec. 4029. Fiscal impact statement.

16 The Council adopts the fiscal impact statement in the committee report as the
17 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
18 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
19 206.02(c)(3)).

20 SUBTITLE J. PUBLIC EDUCATION REFORM HEARING.

21 Sec. 4030. Short Title.

22 This subtitle may be cited as the “Public School Support Amendment Act of
23 2008”.

1 Sec. 4031.

2 (a) Section 3 of the District of Columbia Public School Support Initiative of 1986,
3 effective February 17, 1988, (D.C. Law 7-68; D.C. Official Code § 38-917), is repealed.

4 (b) Sec. 104 of the Public Education Reform Amendment Act of 2007, effective
5 June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-173) is amended by adding a
6 new subsection (e) to read as follows:

7 “(e) The public shall be afforded the opportunity to formally provide input
8 and comment on the levels of funding for the District of Columbia Public Schools in a
9 manner consistent with that of all cabinet level agencies. Prior to the adoption of the
10 annual budget for the District of Columbia, the Council of the District of Columbia shall
11 hold a public hearing to solicit public input, testimony and exhibits on the levels of
12 funding proposed in the agency budget chapter for the District of Columbia Public
13 Schools.”.

14 Sec. 4032. Fiscal impact statement.

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

18 TITLE V. HUMAN SUPPORT SERVICE.

19 SUBTITLE A. CHOICE IN DRUG TREATMENT.

20 Sec. 5001. Short title.

21 This subtitle may be cited as “Choice in Drug Treatment Amendment Act of
22 2008”.

23 Sec. 5002. The Choice in Drug Treatment Act of 2000, effective July 18, 2000

1 (D.C. Law 13-146; D.C. Official Code § 7-3001 *et seq.*), is amended as follows:

2 (a) New section 4a is added to read as follows:

3 “Sec. 4a. Establishment of the Access to Recovery Voucher program.

4 “(a) There is established the Access to Recovery Voucher Program (“ATR”),
5 which shall be administered by APRA. The purpose of ATR shall be to provide District
6 residents with access to culturally sensitive substance abuse treatment and recovery
7 support services for the duration of the 3-year federal Access to Recovery grant awarded
8 to APRA and to serve as an addition and complement to the Choice in Drug Treatment
9 Program, established by section 4.

10 “(b) The duty of APRA to administer ATR shall include:

11 “(1) Community outreach and education;

12 “(2) Collaborating with federal and local agencies in regard to individuals
13 returning to the community after being incarcerated who require substance abuse
14 treatment or recovery support services; and

15 “(3) Ensuring that ATR achieves the projected target of serving over
16 11,000 individuals.”.

17 (b) Section 5 (D.C. Official Code § 7-3004) is amended as follows:

18 (1) Subsection (a) is amended by striking the phrase “The Fund shall be
19 comprised” and inserting the phrase “Except as provided for in subsection (a-1) of this
20 section, the Fund shall be comprised” in its place.

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

22 “(a-1) There is established within the Fund a segregated account to be
23 known as the ATR Account, into which shall be deposited the federal grant funds

1 awarded to APRA for ATR, to be expended solely for the purposes of ATR, in
2 accordance with federal requirements and regulations promulgated to implement this
3 act.”.

4 (3) Subsection (b) is amended by striking the phrase “The Fund shall be
5 used only for” and inserting the phrase “Except as provided in subsection (a-1) of this
6 section, the Fund shall be used only for” in its place.

7 (c) Section 16(a) (D.C. Official Code § 7-3015(a)) is amended as follows:

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

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

10 “(2)(A) Except as provided in subparagraph (B) of this paragraph, all rules
11 promulgated pursuant to paragraph (1) of this subsection shall apply to the provisions of
12 the Choice in Drug Treatment Amendment Act of 2008.

13 “(B) The Mayor, pursuant to Title 1 of the District of Columbia
14 Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official
15 Code § 2-501 *et seq.*), may issue rules to apply specifically to the provisions of the
16 Choice in Drug Treatment Amendment Act of 2008. Any such rules shall be submitted
17 to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal
18 holidays, and days of Council recess. If the Council does not approve or disapprove the
19 proposed rules, in whole or in part, by resolution within this 45-day review period, the
20 proposed rules shall be deemed approved.”.

21 Sec. 5003. Fiscal impact statement.

22 The Council adopts the fiscal impact statement in the committee report as the
23 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home

1 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
2 206.02(c)(3)).

3 SUBTITLE B. HOUSING FIRST AND HOMELESS SERVICES REFORM.

4 Sec. 5004. Short title.

5 This subtitle may be cited as the “Housing First and Homeless Services Reform
6 Amendment Act of 2008”.

7 Sec. 5005. The Homeless Services Reform Act of 2005, effective October 22,
8 2005 (D.C. Law 16-035; D.C. Official Code § 4-751.01 et seq.) is amended as follows:

9 (a) Section 4(b)(2)(I) is amended by striking the phrase “District of Columbia
10 Public Schools” and inserting in its place the phrase “Office of the State Superintendent
11 of Education”.

12 (b) Section 30 is amended as follows:

13 (1) The existing text shall be designated as subsection (a).

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

15 “Pursuant to D.C. Official Code §§ 6-203(17) and 6-225, the Mayor or his
16 designee shall have the authority to enter into an agreement with the District of Columbia
17 Housing Authority to allocate available unexpended funds to meet the purposes of this
18 Act and D.C. Official Code §§ 6-226 and 6-227.”.

19 (c) Section 7 is amended as follows:

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

21 “(1) There is established a Housing First Fund (“Fund”) which shall be
22 used to provide vulnerable families and individuals who are homeless with supportive
23 services and housing assistance. This Fund will enable the District to embrace a

1 “housing first” approach to addressing homelessness by immediately aligning resources
2 essential to simultaneously meet the service and housing needs of individuals and
3 families who are homeless. This Fund shall be administered by the Department of Human
4 Services.

5 “(2) The Fund shall be comprised of monies appropriated into the Fund,
6 grants, and revenue generated from the disposition or long term lease of certain real
7 property assets as designated by the Mayor. All interest generated by the Fund shall be
8 retained in the Fund. All funds deposited into the Fund shall not revert back to the
9 General Fund at the end of the fiscal year, but shall be continually available for the uses
10 and purposes set forth in § 4-753.01(b)(4).”.

11 Sec. 5006. Fiscal impact statement.

12 The Council adopts the Fiscal impact statement in the committee report as the
13 fiscal impact statement required by section 602 of the District of Columbia Home
14 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
15 206.02(c)(3).

16 SUBTITLE C. ONSITE MEAL EXPENSES.

17 Sec. 5007. Short title.

18 This subtitle may be cited as the “On-site Meal Expenses Amendment Act of
19 2008.”

20 Sec. 5008. Section 105 of the Department of Youth Rehabilitation Services
21 Establishment Act of 2004, effective April 12, 2005 (D.C. Law 15-335; D.C. Official
22 Code §2-1515.05) is amended to add a new subsection (k) to read as follows:

1 “(k) The Department may expend funds from its operating budget, as deemed
2 necessary, to create, manage, operate, and implement programs and policies which
3 further its objective to provide rehabilitative care and services to detained and committed
4 youth in its care and custody, including spending appropriated funds for on-site employee
5 meals .”.

6 Sec. 5009. Fiscal impact statement.

7 The Council adopts the fiscal impact statement in the committee report as the
8 fiscal impact statement required by section 602 (c)(3) of the District of Columbia Home
9 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-
10 206.02(c)(3)).

11 SUBTITLE E. CHILD SUPPORT EXPEDITED PROCESSES.

12 Sec. 5010. Short title.

13 This act may be cited as the “Child Support Expedited Processes Amendment Act
14 of 2008”.

15 Sec. 5011. Section 27c(c) of the District of Columbia Child Support Enforcement
16 Amendment Act of 1985, effective April 3, 2001 (D.C. Law 13-269; D.C. Official Code
17 § 46-226.03(c)), is amended by striking the phrase “respectively, except that judicial
18 review shall be in the Superior Court.” and inserting the word “respectively.” in its place.

19 Sec. 5012. Fiscal impact statement.

20 The Council adopts the fiscal impact statement in the committee report as the
21 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
22 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
23 206.02(c)(3)).

1 SUBTITLE F. RECREATION ASSISTANCE.

2
3 Sec. 5013. Short title.

4 This subtitle may be cited at the “Recreation Assistance Amendment Act of
5 2008”.

6 Sec. 5014. The Recreation Act of 1994, effective March 23, 1995 (D.C. Law 10-
7 246; D.C. Official Code § 10-301 *et seq.*) is amended as follows:

8 (a) Section 4(d) is amended by striking the phrase “procedures with
9 recommendations from the Recreation Assistance Board established by § 10- 306.” and
10 inserting in its place “procedures”.

11 (b) Section 7 is repealed.

12 Sec. 5015. Fiscal impact statement.

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

16 SUBTITLE F. SUPPORT FOR AT-RISK YOUTH.

17
18 Sec. 5016. Short title.

19 This subtitle may be cited as the “Support for At-Risk Youth Act of 2008”.

20
21 Sec. 5017. (a) Section 47-4002 is amended as follows:

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

23 “The fund shall receive all monies that are generated by the tax-check off system
24 established in §47-1812.11b. The fund shall be administered by the Department of Parks
25 and Recreation and shall be used to support purposes consistent with the stated purpose

1 of the fund. The Department shall submit an annual financial report to the Mayor and
2 Council of the District of Columbia no later than March 1st of each year.”.

3 (2) Subsections (c) – (h) are amended by striking the phrase “The Fund”
4 wherever it appears and inserting the phrase “The Department” in its place.

5 (b) Sections 47-4003 - 4004 are repealed.

6 Sec. 5018. Fiscal impact statement.

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

10 **SUBTITLE G. OVERHEAD REDUCTION.**

11 Sec. 5019. Short title.

12 This subtitle may be cited as the “Youth Programs Overhead Reduction Act of
13 2008”.

14 Sec. 5020. Overhead reduction.

15 Subsection 2403(a) of the Service Improvement and Fiscal Year 2000 Budget
16 Support Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D.C. Official Code §
17 2-1553(a)) is amended by striking the phrase “at least 90%” and inserting in its place the
18 phrase “at least 95%”.

19 Sec. 5021. Fiscal impact statement.

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

23 **TITLE VI. PUBLIC WORKS**

1 SUBTITLE A. ENVIRONMENTAL HEALTH PROTECTION.

2 Sec. 6001. Short title.

3 This subtitle may be cited as the “Transfer of the Lead Poison Prevention
4 Program to the District Department of the Environment Amendment Act of 2008.”

5 Sec. 6002. Section 103(b)(1)(B)(ii)(II) of the District Department of the
6 Environment Establishment Act of 2005, effective February 15, 2006, (D.C. Law 16-51;
7 D.C. Official Code § 8-151.03(b)(1)(B)(ii)(II) (2006 Supp.)) is amended by inserting the
8 phrase “lead poison prevention program” immediately after the word “activities”.

9 Sec. 6003. Section 707 of the Housing Regulations of the District of Columbia,
10 issued August 11, 1955 (C.O. 55-1503; 14 DCMR Chapter 7, is amended as follows:

11 (a) Subsection 707.4, (14 DCMR § 707.4), is amended by striking the word “The”
12 at the beginning of the introductory sentence and inserting the phrase “Except as
13 provided in subsection 707.8 the”.

14 (b) Subsection 707.7 (14 DCMR §707.7) is amended as follows:

15 (1) The first sentence is amended to read as follows:

16 “Any owner who is served with an order pursuant to this section or subsection
17 707.8 shall comply with the order within fifteen (15) days of its service upon him or her
18 or shall obtain an extension of the fifteen (15)-day period from the Director of the agency
19 responsible for issuance of the order.”;

20 (2) In the second sentence by striking the phrase “agency responsible for
21 enforcement of housing regulations” and inserting “respective agency”.

22 (c) Subsection 707.8 (14 DCMR § 707.8) is amended as follows:

1 (1) In the first sentence by striking the phrase “the agency responsible for the
2 enforcement of the health regulations,” and inserting the phrase “the District Department
3 of the Environment.” and

4 (2) By inserting the following sentence:

5 “In cases where there is reason to believe that a lead hazard exists, the Director of
6 the Department of the Environment shall issue orders as necessary instead of the agency
7 responsible for enforcement of housing regulations.”.

8 (d) Subsection 707.13 (14 DCMR §707.13) is amended by striking the phrase
9 “agency responsible for enforcement of the housing regulations” and inserting “District
10 Department of the Environment”.

11 (e) Subsection 707.14 (14 DCMR § 707.14) is amended by striking the phrase
12 “agency responsible for enforcement of the housing regulations” with “District
13 Department of the Environment.”.

14 Sec. 6004. The Mayor may issue rules as necessary to make future updates.

15 Sec. 6005. Fiscal impact statement.

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

20 SUBTITLE B. DEPARTMENT OF MOTOR VEHICLES INCENTIVE
21 EXEMPTION FOR LEASED VEHICLES AND LOW EMISSION VEHICLES.

22 Sec. 6005. Short title.

1 This subtitle may be sited as the “Department of Motor Vehicles Incentive
2 Exemption for Leased Vehicles and Low Emission Vehicles Amendment Act of 2008”.

3 Sec. 6006. Section 6(j)(3) of the District of Columbia Traffic Act, 1925, effective
4 March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.03) is amended as follows:

5 (a) Subparagraph (F) is amended to read as follows:

6 “(F) Rental or leased motor vehicles or trailers; provided that the rental or
7 leasing of such vehicles is subject to the gross receipts tax described in Section 125(3)(C)
8 of the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 115, ch. 146,
9 title I, § 125 (3)(C)).”.

10 (b) Subparagraph (J) is amended to read as follows:

11 “(J) Motor vehicles, excluding motorcycles and motorized bicycles, with
12 an estimated average miles per gallon (“MPG”) for city driving at or above 40 MPG, as
13 determined in accordance with 40 CFR 600.001-08 et seq., and published in the Fuel
14 Economy Guide by the US Environmental Protection Agency and the US Department of
15 Energy or other alternative fueled vehicles as determined by the District of Columbia of
16 the Department of Motor Vehicles through rulemaking.”.

17 (c) Subparagraph (O) is repealed.

18 Sec. 6007. Section 3(b)(1) of the District of Columbia Revenue Act of 1937,
19 approved August 17, 1937 (50 Stat. 680; D.C. Official Code § 50-1501.03(b)(1)) is
20 amended by striking the phrase “A new clean fuel or electric vehicle titled before January
21 1, 2006 determined by the United States Internal Revenue Service to be eligible for a
22 federal tax deduction or credit pursuant to sections 30 and 179A of the Internal Revenue
23 Code of 1986, approved Oct. 24, 1992 (100 Stat. 3019; 26 U.S.C. §§ 30 and 179A); and a

1 new fuel cell, lean burn technology, hybrid, or alternative fuel motor vehicle titled on or
2 after January 1, 2006; provided, that the owner presents proof, to the satisfaction of the
3 Mayor, that the purchase of the vehicle entitles the owner to a federal tax credit pursuant
4 to the Energy Policy Act of 2005, approved Aug. 8, 2005 (119 Stat. 594; scattered
5 sections of the United States Code)” and inserting the phrase “A new motor vehicle, other
6 than a motorcycle and motorized bicycle, with an estimated average miles per gallon
7 (“MPG”) for city driving at or above 40 MPG, as determined in accordance with 40 CFR
8 600.001-08 et seq., and published in the Fuel Economy Guide by the US Environmental
9 Protection Agency and the US Department of Energy” in its place.

10 Sec. 6008. Fiscal impact statement.

11 The Council adopts the fiscal impact statement in the committee report as the
12 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
13 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
14 206.02(c)(3)).

15 SUBTITLE C. STORMWATER MANAGEMENT AND POLLUTION
16 CONTROL.

17 Sec. 6009. Short title.

18 This subtitle may be cited as the “Stormwater Management and Pollution Control
19 Amendment Act of 2008”.

20 Sec. 6010. Section 216(d) of the Water and Sewer Authority Establishment and
21 Department of Public Works Reorganization Act of 1996, effective April 18, 1996, (D.C.
22 Law 11-111) as amended by the Storm Water Permit Compliance Amendment Act of

1 2000, effective June 6, 2001 (D.C. Law 13-311) (D.C. Official Code § 34.2202.16(d)) is
2 amended by adding the new subsection (d-3) to read as follows:

3 “(d-3) As of October 1, 2008, the Authority shall collect a storm water charge
4 established by the Director, District Department of the Environment, in lieu of the charge
5 prescribed in subsection (d-1), which charge the Director shall establish by rule and may
6 from time to time amend. A landlord shall not pass a storm water charge to a tenant
7 which is more than the storm water charge prescribed by the Director.”.

8 Sec. 6011. Fiscal impact statement.

9 The Council adopts the fiscal impact statement in the committee report as the
10 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
11 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
12 206.02(c)(3)).

13 SUBTITLE D. DEPARTMENT OF MOTOR VEHICLE LICENSE AND NEW
14 VEHICLE INSPECTION EXTENSION.

15 Sec. 6012. Short title.

16
17 This may be cited as the “Department of Motor Vehicles Driver License, Special
18 Identification Card and Vehicle Inspection Amendment Act of 2008”.

19 Sec. 6013. Section 7 (a) (1) of The District of Columbia Traffic Act, 1925,
20 approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-1401.01 (a) (1)) is
21 amended to read as follows:

22 “(a) (1) The Mayor is authorized to issue a new or renewed motor vehicle
23 operator’s permit, valid for a period not to exceed 8 years plus any time period prior to
24 the expiration date of a previous license not to exceed 2 months, to any individual 17

1 years of age or older subject to the following conditions and any other conditions the
2 Mayor may prescribe to protect the public:”.

3 Sec. 6014. Section 1 of An Act to provide for annual inspection of all motor
4 vehicles in the District of Columbia, approved February 18, 1938 (52 Stat. 78; D.C.
5 Official Code § 50-1101(a)) is amended by striking the phrase “a 2-year period” and
6 inserting the phrase “up to a 4-year period” in its place.

7 Sec. 6015. Title 18 of the District of Columbia Municipal Regulations is
8 amended as follows:

9 (a) Subsection 103.8 (c) is amended by striking the number “39” and inserting
10 the number “44” in its place.

11 (b) Subsection 112.7 is amended by striking the phrase “five (5)” and inserting
12 the phrase “eight (8)” in its place.

13 (c) Subsection 601.8 is amended by striking the number “25” wherever it appears
14 and inserting the number “35” in its place.

15 Sec. 6016. Fiscal impact statement.

16 The Council adopts the fiscal impact statement in the committee report as the
17 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
18 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
19 206.02(c)(3)).

20 SUBTITLE E. DAMAGE PUBLIC PROPERTY RECOVERY COST.

21

22 Sec. 6017. Short title.

23 This may be cited as the “Department of Transportation Establishment
24 Amendment Act of 2008”.

1 Sec. 6018. Section 9c of the Department of Transportation Establishment Act of
2 2002, effective September 18, 2007, (D.C. Law 15-21; D.C. Official Code § 50-921.11.)
3 is amended as follows:

4 “(c)(8) All revenue derived from the recovery of costs associated with the repair
5 and replacement of damaged District Department of Transportation assets that are located
6 in the public space.”.

7 Sec. 6019. Fiscal impact statement.

8 The Council adopts the fiscal impact statement in the committee report as the
9 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
10 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
11 206.02(c)(3)).

12 TITLE VII. FINANCE AND REVENUE

13

14 SUBTITLE A. INCREASE TO THE EARNED INCOME TAX CREDIT.

15

Sec. 7001. Short Title.

16

This subtitle may be cited as the “Earned Income Tax Credit Amendment Act of
17 2008”.

18

Sec. 7002. Section 47-1806.04(f)(1) of the District of Columbia Official Code is

19

amended by striking the phrase “35%” and inserting the phrase “40%” in its place.

20

Sec. 7003. Fiscal impact statement.

21

The Council adopts the fiscal impact statement in the committee report as the

22

fiscal impact statement required by section 602(c)(3) of the District of Columbia Home

23

Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-

24

206.02(c)(3)).

1 SUBTITLE B. DEBT SERVICE SUPPORT.

2 Sec. 7004. Short title.

3 This subtitle may be cited as the “Dedicated Tax and Other Type Revenue Debt
4 Service Support Act of 2008”.

5 Sec. 7005. Debt service support.

6 “Excluding funds expressly exempted by the Chief Financial Officer, revenues
7 dedicated by law to specific funds, shall, whenever a portion of those funds is budgeted
8 to pay debt service, first be deposited into the General Fund to pay such debt service.
9 After sufficient revenues have been deposited for debt service, any additional revenues
10 shall then be deposited into the specific funds. Any unexpended revenues so deposited
11 for debt service shall revert to the specific funds at the end of the fiscal year.”

12 Sec. 7006. Fiscal impact statement.

13 The Council adopts the fiscal impact statement in the committee report as the
14 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
15 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
16 206.02(c)(3)).

17 SUBTITLE C. COMMERCIAL REAL PROPERTY TAX RELIEF AND
18 BUDGET PRIORITIES.

19 Sec. 7007. Short title.

20 This subtitle may be cited as the “Commercial Real Property Tax Relief and
21 Budget Priorities Amendment Act of 2008”.

22 Sec. 7008. Commercial real property tax relief.

23 Chapter 9 of Title 47 is amended as follows:

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

2 (1) Paragraph (b-8)(2) is amended by striking the phrase “2006, and each
3 tax year thereafter,” and inserting in its place the phrase “2006,”.

4 (2) Subsection (b-9) is amended by striking the existing text (as amended
5 by subsection 3(a) of the Small Business Commercial Property Tax Relief Act of 2008
6 (enrolled version of D.C. Act 17-272)) and inserting in its place a new subsection (b-9) to
7 read as follows:

8 “(b-9) Notwithstanding the provisions of subsection (a) of this section, the sum of
9 the real property tax rates and special property tax rates for taxable Class 2 Properties in
10 the District of Columbia for the tax year beginning October 1, 2008, and each tax year
11 thereafter, shall be:

12 “(1) \$1.70 for each \$100 of assessed value for Subclass 2A Property; and

13 “(2) \$1.84 for each \$100 of assessed value for all other Class 2 Property.”.

14 (3) A new subsection (d-1) is inserted to read as follows:

15 “(d-1)(1) If the Mayor determines that additional commercial real property tax
16 relief is warranted in fiscal years after 2009, and that it will not interfere with the
17 requirement in § 1-206.03(c) to present a balanced budget, the Mayor may propose
18 additional commercial real property tax relief phased in over the two subsequent years.
19 Such a proposal may reduce the Class 2 rate by 2 cents in the first year and an additional
20 2 cents in the following year, in addition to a reduction in the Subclass 2A rate of 15
21 cents in the first year and 15 cents in the following year.

22 “(2) This subsection shall expire on September 30, 2013.”.

1 (4) Subsection (d) is amended by striking the phrase “and (5).” and
2 inserting in its place the phrase “and (5), and the term ‘Subclass 2A’ shall have the same
3 meaning as the term has in § 47-813(c-6)(3)(F).”.

4 (b) Section 47-813 is amended by inserting a new subparagraph (c-6)(3)(F) to
5 read as follows:

6 “(F) For the tax year beginning October 1, 2008, and ending
7 September 30, 2009, and for each subsequent tax year, there is established a Subclass 2A,
8 which shall be comprised of all Class 2 properties meeting the following conditions:

9 “(i) The assessed value of the property on January 1, 2008,
10 was less than \$3,000,000; and

11 “(ii) The assessed value of the property in the applicable
12 tax year is less than \$3,000,000.”.

13 Sec. 7009. Conforming amendment.

14 Paragraph (b)(2) of section 4 of the Nuisance Properties Abatement Reform and
15 Real Property Classification Amendment Act of 2008, approved on first reading March 4,
16 2008 (engrossed version of Bill 17-86), is amended after page 15, line 20, by inserting
17 new text to read as follows:

18 “(H) For the tax year beginning October 1, 2008, and ending
19 September 30, 2009, and for each subsequent tax year, there is established a Subclass 2A,
20 which shall be comprised of all Class 2 properties meeting the following conditions:

21 “(i) The assessed value of the property on January 1, 2008,
22 was less than \$3,000,000; and

1 Sec. 7011. The one-time additional payment to the Chief Financial Officer shall
2 be allocated as follows:

3 (1) \$40,000 shall support a grant to Camp Imagine;

4 (2) \$250,000 shall support a grant to the Capital Breast Care Center;

5 (3) \$250,000 shall support a grant to the Capital Fringe Festival;

6 (4) \$30,000 shall support a grant to CHAMPS;

7 (5) \$300,000 shall support a grant to City Dance;

8 (6) \$25,000 shall support a grant to a community garden at 13th Street and
9 Kentucky Avenue SE;

10 (7) \$150,000 shall support a grant to Cool Capital Challenge;

11 (8) \$500,000 shall support a grant to Cultural Tourism DC;

12 (9) \$250,000 shall support a grant to the DC Central Kitchen;

13 (10) \$1,000,000 shall support a grant to the DC Economic Partnership;

14 (11) \$500,000 shall support a grant to DC Vote;

15 (12) \$100,000 shall support a grant to the DC Youth Orchestra;

16 (13) \$500,000 shall support a grant to the Duke Ellington Jazz Festival;

17 (14) \$500,000 shall support a grant to the Earth Conservation Corps;

18 (15) \$250,000 shall support a grant to the East of the River Family Strengthening
19 Collaborative;

20 (16) \$200,000 shall support a grant to Food and Friends;

21 (17) \$10,000,000 shall support a grant to Ford's Theatre;

22 (18) \$250,000 shall support a grant to the Fort Dupont Ice Arena;

23 (19) \$50,000 shall support a grant to the Friends of Book Hill Park;

- 1 (20) \$10,000 shall support a grant to the Friends of Hillcrest Recreation Center;
- 2 (21) \$50,000 shall support a grant to the Friends of Kennedy Playground;
- 3 (22) \$50,000 shall support a grant to the High Tea Society;
- 4 (23) \$75,000 shall support a grant to the Higher Achievement Program;
- 5 (24) \$500,000 shall support a grant to the Historical Society of Washington;
- 6 (25) \$500,000 shall support a grant to the Hoop Dreams Scholarship Fund;
- 7 (26) \$250,000 shall support a grant to the Marshall Heights Community
- 8 Development Organization;
- 9 (27) \$25,000 shall support a grant to My Buddy Notes;
- 10 (28) \$300,000 shall support a grant to the National Building Museum;
- 11 (29) \$200,000 shall support a grant to the Kids Set Sail program of the National
- 12 Maritime Heritage Foundation;
- 13 (30) \$50,000 shall support a grant to the Northeast Performing Arts Group;
- 14 (31) \$1,000,000 shall support a grant to the Peaceoholics;
- 15 (32) \$100,000 shall support a grant to Positive Choices;
- 16 (33) \$65,000 shall support a grant to Set Point, Inc.
- 17 (34) \$1,500,000 shall support a grant to Southeastern University;
- 18 (35) \$2,000,000 shall support a grant to THEARC;
- 19 (36) \$1,000,000 shall fund an Intra-District transfer to the Deputy Mayor for
- 20 Planning and Economic Development to support the Ward 4 BID Demonstration Project
- 21 and capital improvement grants to businesses on Georgia Avenue or Kennedy Street,
- 22 NW.
- 23 (37) \$100,000 shall support a grant to the Ward 7 Arts Collaborative;

- 1 (38) \$100,000 shall support a grant to the Ward 7 Business and Professional
2 Association;
- 3 (39) \$60,000 shall support a grant to the Ward 7 Education Initiative;
- 4 (40) \$100,000 shall support a grant to the Ward 7 Nonprofit Consortium;
- 5 (41) \$100,000 shall support a grant to the Ward 8 Tennis & Education Council;
- 6 (42) \$200,000 shall support a grant to the Washington Area Women in Trades;
- 7 (43) \$1,000,000 shall support a grant to the Washington Ballet;
- 8 (44) \$50,000 shall support a grant to the Washington East Foundation; and
- 9 (45) \$100,000 shall be retained by the Office of the Chief Financial Officer to
10 cover administrative expenses.

11 Sec. 7013. Fiscal impact statement.

12 The Council adopts the fiscal impact statement in the committee report as the
13 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
14 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
15 206.02(c)(3)).

16 SUBTITLE D. BUDGET RESERVE.

17 Sec. 7014. Short title.

18 This subtitle may be cited as the “Budget Reserve Act of 2008”.

19 Sec. 7015. Budget reserve.

20 (a) For fiscal year 2009 and subsequent fiscal years, the budget of the District
21 government for the fiscal year shall contain a budget reserve.

1 (b)(1) The budget reserve shall be a segregated, nonlapsing account of the
2 General Fund. Any unexpended balance in the budget reserve at the end of the fiscal
3 year shall remain in the budget reserve.

4 (2) Any unspent balance remaining in the cumulative cash reserve at the
5 end of fiscal year 2008 shall not revert to the General Fund balance but shall be deposited
6 in the budget reserve established in this section.

7 (c)(1) Funds in the budget reserve may be allocated to District agencies to pay
8 unforeseen expenditures in excess of appropriated amounts only when so requested by
9 the Mayor, certified by the Chief Financial Officer, and approved by the Council
10 according to the procedures established in Subchapter IV of Chapter 3 of Title 47.

11 (2) Pursuant to the authority granted in section 803 of the Financial
12 Services and General Government Appropriations Act, 2008, approved December 26,
13 2007 (P.L. 110-161; 121 Stat. 1844), and extended by subsequent appropriation acts,
14 funds in the budget reserve may be made available to directly pay the costs of settlements
15 and judgments pursuant to § 2-402.

16 Sec. 7016. Fiscal impact statement.

17 The Council adopts the fiscal impact statement in the committee report as the
18 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
19 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
20 206.02(c)(3)).

21 SUBTITLE E.. OTHER POST-EMPLOYMENT BENEFITS.

22 Sec. 7017. Short title.

1 This subtitle may be cited as the “Other Post-Employment Benefits Eligibility Act
2 of 2008”.

3 Sec. 7018. Section 2109 of the Annuitants’ Health and Life Insurance Employer
4 Contribution Act of 1979, effective October 1, 1987 (D.C. Law 7-27; D.C. Code § 1-
5 621.09), is amended by adding a new subsection (e) to read as follows:

6 “(e) Notwithstanding the other provisions of this act, the Mayor may issue rules
7 that establish vesting requirements for the provision of other post-employment benefits to
8 annuitants.”.

9 Sec. 7019. Fiscal impact statement.

10 The Council adopts the fiscal impact statement in the committee report as the
11 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
12 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
13 206.02(c)(3)).

14 TITLE VIII. EFFECTIVE DATE.

15 Sec. 8001. This act shall take effect following approval by the Mayor (or in the
16 event of veto by the Mayor, action by the Council to override the veto), a 30-day period
17 of Congressional review as provided in 602(c)(1) of the District of Columbia Home Rule
18 Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)),
19 and publication in the District of Columbia Register.