

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend, on a temporary basis, the District of Columbia Appropriations Act, 1955, to direct that lease income from certain former school buildings shall be deposited into the District of Columbia Leasing Fees Working Fund; to amend An Act To establish a code of law for the District of Columbia establish and revise fees and charges for services rendered by the Surveyor; to amend the Construction Codes Approval and Amendments Act of 1986 to authorize the Mayor to establish and revise fees and additional charges regarding the Construction Codes, building permits, and certificates of occupancy, without submission of the proposed rules to the Council for its prior review and approval; to amend the District of Columbia Business Corporation Act, to provide that the Mayor may establish and revise the fees and additional charges; to amend the District of Columbia Nonprofit Corporation Act to require the Mayor to establish certain fees and charges and to authorize the Mayor to revise those fees and charges; to amend the District of Columbia Cooperative Association Act to require the Mayor to submit proposed rules the Council; to amend the Limited Liability Company Act of 1940 to authorize the Mayor to establish and revise certain fees and charges; to amend the Uniform Partnership Act of 1996 to authorize the Mayor to establish and revise fees and charges and to submit the proposed rules to the Council; to amend the Uniform Limited Partnership Act of 1987 to authorize the Mayor to establish fees and additional charges; to amend section 47-2851.04 to authorize the Mayor to adjust, by rule, certain fees; Title 17 of the District of Columbia to establish the rate of certain fees and surcharges for the filing of corporation and other entity documents; to amend the Housing Production Trust Fund Act of 1988 to modify the limit on the percentage of funds in the Housing Production Trust Fund that may be used for administrative costs; to authorize the Mayor to issue grants in furtherance of the Mayor's planning authority; to amend the Department of Transportation Establishment Act of 2002 to modify the amount of funds that will be transferred from the District Department of Transportation Unified Fund to the General Fund; to transfer certain special purpose account balances and revenue to local funds; to modify the allocations of funding to certain existing and new capital projects; to amend the Anacostia River Clean Up and Protection Act of 2009 to clarify the permissible uses of the Anacostia River Clean Up and Protection Fund; to amend the District Department of the Environment

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Establishment Act of 2005 to clarify the permissible uses of the Storm Water Permit Compliance Enterprise Fund; to amend the Medicaid Benefits Protection Act of 1994 consistent with the requirements of the Deficit Reduction Act of 2005 to require health insurers that are legally responsible for the payment of a claim for a health care item or service to provide, as a condition of doing business in the District, information about individuals who were eligible for or received medical assistance and to amend the requirements for health insurers to reimburse the District for medical assistance it provided; to impose an assessment on hospitals, to establish a nonlapsing account into which the assessments shall be deposited, and to establish the authorized uses of funds in the account; to amend the District of Columbia Municipal Regulations to increase the fee associated with the filing of pharmaceutical marketing cost reports; to require that no fiscal year 2010 funds may be expended on any indefinite-delivery indefinite-quantity option contract for construction services that has task orders over \$1 million that has not been submitted to and approved by the Council; to amend section 16-1059 of the District of Columbia Official Code to extend the sunset date for the Domestic Violence Fatality Review Board; to allow the University of the District of Columbia to have exclusive use of the closed Patricia R. Harris Educational Center School building; to provide that \$4.6 million from the Department of employment Services to remain available to fund a request for proposals related to adult job training; to clarify that the district of Columbia Public Library is authorized to issue grants and execute contracts pursuant to the Reserve for African-American Civil War Records Act of 2009; to amend the District of Columbia Campaign Finance Reform and Conflict of Interest Act of 1974 to establish a nonlapsing fund for the purpose of administration and enforcement of Title V of the act; and to provide that of the capital funds allocate for a specified streetcar project, \$34.5 million shall be subject to Council approval of a comprehensive plan on the financing, operations, and capital facilities of the project.

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

### TITLE I. WASHINGTON CENTER ON AGING LEASE INCOME

#### Sec. 101. Short title.

This title may be cited as the "Washington Center on Aging Lease Income Temporary Amendment Act of 2010".

Sec. 102. Section 5(a) of the District of Columbia Appropriations Act, 1955, approved July 1, 1954 (68 Stat. 393; D.C. Official Code § 10-701(a)), is amended by striking the phrase "Fund." and inserting the phrase "Fund; provided, that the income received from the lease of the Washington Center for Aging Service building and property, located at 2601 18th Street, N.E., shall be deposited in, and credited to the unrestricted fund balance of, the General Fund of the

District of Columbia." in its place.

TITLE II. LICENSING, PERMITTING, AND CORPORATE FILINGS

Sec. 201. Short title.

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

Sec. 202. Section 1593 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1426; D.C. Official Code § 1-1329), is amended as follows:

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

"(a)(1) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may establish and revise the fees and additional charges for services rendered by the Surveyor of the District of Columbia. The fees shall be established by the Mayor in such amounts as, in the Mayor's judgment, will be commensurate with the cost to the District of Columbia for providing the services rendered by the Office of the Surveyor. The schedule of fees established by the Mayor shall be available for inspection in the Office of the Surveyor.

"(2) The proposed rules issued pursuant to paragraph (1) of this subsection shall be submitted to the Council for a 90-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 90-day review period, the proposed rules shall be deemed disapproved."

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

Sec. 203. Section 6a of the Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1405.01), is amended by adding a new subsection (e) to read as follows:

"(e) To the extent not authorized by paragraph 7 of the General Expenses titles of An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirteenth, nineteen hundred and ten, and for other purposes, approved March 3, 1909 (35 Stat. 689; D.C. Official Code § 6-661.01), and notwithstanding section 10(a), the Mayor, from time to time, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may establish and revise fees and additional charges regarding the Construction Codes, building permits, and certificates of occupancy, without submission of the proposed rules to the Council for its prior review and approval."

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Sec. 204. Section 121 of the District of Columbia Business Corporation Act, approved June 8, 1954 (68 Stat. 228; D.C. Official Code § 29-101.121), is amended as follows:

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

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

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

"(2) License fees; and

"(3) Miscellaneous fees and charges."

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

"(b)(1) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may establish and revise the fees and additional charges described in subsection (a) of this section.

"(2) The proposed rules issued pursuant to paragraph (1) of this subsection shall be submitted to the Council for a 90-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 90-day review period, the proposed rules shall be deemed disapproved."

Sec. 205. Section 92 of the District of Columbia Nonprofit Corporation Act, approved August 6, 1962 (76 Stat. 300; D.C. Official Code § 29-301.92), is amended to read as follows:

"Sec. 92. Fees and charges.

"(a) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall establish, and may revise, the following fees and charges:

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

"(2) License fees; and

"(3) Miscellaneous fees and charges.

"(b) The proposed rules issued pursuant to subsection (a) of this section shall be submitted to the Council for a 90-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 90-day review period, the proposed rules shall be deemed disapproved."

Sec. 206. Section 44(a) of the District of Columbia Cooperative Association Act, approved June 19, 1940 (54 Stat. 490; D.C. Official Code § 29-944(a)), is amended by striking the phrase "of \$10." and inserting the phrase "in an amount established by the Mayor by rule. The proposed rules issued pursuant to this subsection shall be submitted to the Council for a 90-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by

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resolution within this 90-day review period, the proposed rules shall be deemed disapproved.” in its place.

Sec. 207. Section 64 of the Limited Liability Company Act of 1940, effective July 23, 1994 (D.C. Law 10-138; D.C. Official Code § 29-1063), is amended to read as follows:

"Sec. 64. Fees and charges.

"(a) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may establish and revise the following fees and charges:

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

"(2) License fees; and

"(3) Miscellaneous fees and charges.

"(b) The proposed rules issued pursuant to subsection (a) of this section shall be submitted to the Council for a 90-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 90-day review period, the proposed rules shall be deemed disapproved.”.

Sec. 208. The Uniform Partnership Act of 1996, effective April 9, 1997 (D.C. Law 11-234; D.C. Official Code § 33-101.01 *et seq.*), is amended as follows:

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

"(f)(1) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may establish and revise fees and charges for the filing of documents and issuance of certificates and other documents, providing certified copies of statements, recording statements, and for taking other actions under this act.

“(2) The proposed rules issued pursuant to paragraph (1) of this subsection shall be submitted to the Council for a 90-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 90-day review period, the proposed rules shall be deemed disapproved.”.

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

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

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

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

"(b)(1) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may establish and revise fees and charges for the filing of documents and issuance of certificates

and other documents, providing certified copies of statements, recording statements, and for taking other actions under this act.

“(2) The proposed rules issued pursuant to paragraph (1) of this subsection shall be submitted to the Council for a 90-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 90-day review period, the proposed rules shall be deemed disapproved.”.

Sec. 209. Section 1102(b) of the Uniform Limited Partnership Act of 1987, effective December 10, 1987 (D.C. Law 7-49; D.C. Official Code § 33-211.02(b)), is amended to read as follows:

"(b) The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may establish fees and additional charges as necessary for the implementation of this act.”.

Sec. 210. Section 47-2851.04(c)(1) of the District of Columbia Official Code is amended as follows:

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

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

“(B) The Director, pursuant to subchapter I of Chapter 5 of Title 2, may revise such fees as are established by this subchapter. The proposed rules issued pursuant to this subparagraph shall be submitted to the Council for a 90-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 90-day review period, the proposed rules shall be deemed disapproved.”.

Sec. 211. Title 17 of the District of Columbia Municipal Regulations is amended as follows:

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

"CHAPTER 6 DCRA CORPORATIONS DIVISION SCHEDULE OF FEES

"Sec.

"600 General Provisions

"601 Corporations Filing Fees

"602 Nonprofit Corporations Filing Fees

"603 Limited Liability Company Filing Fees

"604 General Partnership Filing Fees

"605 Limited Liability Partnership Filing Fees

"606 Limited Partnership Filing Fees

"607 Cooperative Association Filing Fees

"608 Trade Name Filing Fees

**"600 GENERAL PROVISIONS**

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

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

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

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

"600.3 Beginning on June 1, 2010, the Director shall charge an additional fee of ten percent (10%) on the total cost of any filing or document that is submitted to, or requested from, the Corporations Division to cover the costs of enhanced technological capabilities of the Corporations Division. The additional fee required by this subsection shall expire on October 1, 2013.

**"601 CORPORATIONS FILING FEES**

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

"(a) Filing articles of incorporation:

"(1) For a corporation with authorized capital up to 100,000 shares: \$185;

"(2) For a corporation with authorized capital of more than 100,000 shares and up to 500,000 shares: \$500;

"(3) For a corporation with authorized capital of more than 500,000 shares and up to 1,000,000 shares: \$1,000; and

"(4) For a corporation with authorized capital of more than 1,000,000 shares: \$1,500;

"(b) Amendment to articles of incorporation or restated articles of incorporation: \$185; provided, that if the amendment will increase the number of shares, the fee shall be as follows:

"(1) For a corporation with authorized shares of capital up to 100,000 shares: \$185;

"(2) For a corporation with authorized capital of more than 100,000 shares and up to 500,000 shares: \$500;

"(3) For a corporation with authorized capital of more than 500,000 shares and up to 1,000,000 shares: \$1,000; and

"(4) For a corporation with authorized capital of more than 1,000,000 shares: \$1,500;

"(c) Filing articles of merger or consolidation: \$150;

"(d) Filing articles of domestication: \$185;

"(e) Filing a statement of intent to dissolve: \$35;

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- "(f) Filing articles of reincorporation: \$185;
  - "(g) Filing articles of dissolution: \$75;
  - "(h) Filing a statement of change of address of registered office or change of registered agent, or both: \$35;
  - "(i) Filing a statement of the establishment of a series of shares: \$35;
  - "(j) Filing an application of a foreign corporation for a certificate of authority to transact business in the District and issuing a certificate of authority: \$200;
  - "(k) Filing an application for reservation of a corporate name or for a renewal of reservation: \$35;
  - "(l) Filing a notice of transfer of a reserved corporate name: \$35;
  - "(m) Filing an application of a foreign corporation for an amended certificate of authority to transact business in the District and issuing an amended certificate of authority: \$150;
  - "(n) Filing a copy of articles of merger of a foreign corporation holding a certificate of authority to transact business in the District: \$150;
  - "(o) Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal: \$35;
  - "(p) Filing an application for reinstatement of a domestic or foreign corporation and issuing a certificate of reinstatement: \$250;
  - "(q) Furnishing a certified copy of any document, instrument, report, or paper relating to a corporation: \$35;
  - "(r) Filing by a registered agent of a corporation of a statement of change of address of the registered agent: \$35, plus \$15 for each corporation, domestic or foreign, listed in the statement;
  - "(s) Furnishing a certificate as to the status of a corporation, domestic or foreign: \$15;
  - "(t) Furnishing a certificate as to the existence or nonexistence of facts or filings relating to corporations, domestic or foreign: \$30;
  - "(u) Filing 2-year report for foreign and domestic corporations: \$250;
  - "(v) Filing 2-year report for foreign and domestic corporations after deadline:
    - "(1) Foreign corporation late fee: \$75; and
    - "(2) Domestic corporation late fee: \$35, plus interest that shall accrue on the 2-year report fee at the rate of 5% per month until the report fee is paid;
  - "(w) Filing service of process: \$15; and
  - "(x) Filing articles of dissolution by incorporators: \$75.
- "602 NONPROFIT CORPORATIONS FILING FEES**
- "602.1 The Director shall charge the following fees pursuant to section 92 of the District of Columbia Nonprofit Corporation Act, approved August 6, 1962 (76 Stat. 300; D.C. Official Code § 29-301.92):
- "(a) Filing articles of incorporation and issuing certificates of incorporation: \$70;
  - "(b) Filing articles of amendment and issuing a certificate of amendment: \$65;
  - "(c) Filing articles of merger or consolidation and issuing a certificate of merger or



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consolidation: \$65;

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

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

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

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

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

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

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

"(k) Filing a copy of an amendment to the articles of incorporation of a foreign corporation holding a certificate of authority to conduct affairs in the District: \$65;

"(l) Filing a copy of articles of merger of a foreign corporation holding a certificate of authority to conduct affairs in the District: \$65;

"(m) Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal: \$65;

"(n) Filing an application for reinstatement of a domestic or foreign corporation and issuing a certificate of reinstatement: \$70;

"(o) Filing any other statement or report, excluding a 2-year report: \$30;

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

"(q) Furnishing a certificate as to the existence or nonexistence of a fact relating to a corporation, except a certificate of good standing: \$30;

"(r) Filing a 2-year report of domestic or foreign corporation: \$75;

"(s) Furnishing a certificate of good standing: \$30;

"(t) Filing an amended report: \$75;

"(u) Filing a 2-year report of domestic or foreign corporation after deadline: \$40;

"(v) Filing an election of trustees: \$3;

"(w) Filing an amendment to articles of incorporation of an Old Act Corporation: \$3;

"(x) Furnishing a certified copy of any document, instrument, or paper relating to an Old Act Corporation or a corporation incorporated pursuant to act of Congress: \$5; and

"(y) Furnishing a certificate of good standing to an Old Act Corporation or a corporation incorporated pursuant to an act of Congress: \$1.

### "603 LIMITED LIABILITY COMPANY FILING FEES

"603.1 The Director shall charge the following fees pursuant to section 64 of the Limited Liability Company Act of 1994, effective July 23, 1994 (D.C. Law 10-138; D.C. Official Code § 29-1063):

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- "(a) Filing an application for registration as a foreign limited liability company: \$200;
  - "(b) Filing articles of organization: \$150;
  - "(c) Filing articles of merger: \$150;
  - "(d) Filing articles of amendment: \$150;
  - "(e) Filing articles of correction: \$150;
  - "(f) Filing articles of dissolution: \$150;
  - "(g) Filing articles of cancellation: \$150;
  - "(h) Filing a certificate of correction referred to in section 57 of the Limited Liability Company Act of 1994, effective July 23, 1994 (D.C. Law 10-138; D.C. Official Code § 29-1056): \$150;
  - "(i) Filing a copy of the document effecting a merger referred to in section 63 of the Limited Liability Company Act of 1994, effective July 23, 1994 (D.C. Law 10-138; D.C. Official Code § 29-1062): \$150;
  - "(j) Filing a petition for reinstatement: \$150;
  - "(k) Filing a statement of change of registered agent: \$35;
  - "(l) Filing a statement of change of address of the registered office: \$35;
  - "(m) Filing an application to reserve or to renew the reservation of a name for use by a domestic or foreign limited liability company: \$35;
  - "(n) Filing a notice of transfer of a name reserved for use by a domestic or foreign limited liability company: \$35;
  - "(o) Filing a statement of fictitious name by a foreign limited liability company: \$35;
  - "(p) Furnishing a certified copy of any document filed under the Limited Liability Company Act of 1940, effective July 23, 1994 (D.C. Law 10-138; D.C. Official Code § 29-1001 *et seq.*): \$35;
  - "(q) Filing a 2-year report for foreign and domestic limited liability companies: \$150;
  - "(r) Filing a 2-year report for foreign and domestic limited liability company after deadline: \$75; and
  - "(s) Filing restated articles of organization (domestic): \$150.
- "604 GENERAL PARTNERSHIP FILING FEES
- "604.1 The Director shall charge the following fees pursuant to the Uniform Partnership Act of 1996, effective April 9, 1997 (D.C. Law 11-234; D.C. Official Code § 33-101.01 *et seq.*):
- "(a) Filing a partnership authority form: \$150;
  - "(b) Filing a partnership disassociation form: \$150;
  - "(c) Filing a partnership cancellation form: \$150;
  - "(d) Furnishing a certificate of good standing: \$25; and
  - "(e) Filing a partnership conversion form: \$150.
- "605 LIMITED LIABILITY PARTNERSHIP FILING FEES
- "605.1 The Director shall charge the following fees pursuant to section 1004 of the Uniform Partnership Act of 1996, effective April 9, 1997 (D.C. Law 11-234; D.C. Official Code § 33-110.04):

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- "(a) Filing an application of registration (domestic and foreign): \$150;
- "(b) Filing a 2-year report (foreign and domestic): \$200;
- "(c) Filing an application of cancellation (foreign): \$150;
- "(d) Filing an application of dissolution (domestic): \$150;
- "(e) Filing an application to change registered agent: \$25;
- "(f) Filing an application for certificate of amended authority: \$150;
- "(g) Filing an application for certificate of amendment: \$150;
- "(h) Filing an application for reservation of name: \$35;
- "(i) Furnishing certified copies of documents: \$25;
- "(j) Furnishing a certificate of good standing: \$25;
- "(k) Furnishing a certificate of no record: \$25;
- "(l) Filing a 2-year report after deadline: \$25.

### "606 LIMITED PARTNERSHIP FILING FEES

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

- "(a) Furnishing a certificate of good standing: \$18;
- "(b) Furnishing a certified copy of a limited partnership filing: \$20;
- "(c) Filing a change of registered agent: \$25;
- "(d) Filing a transfer of reserved name of the limited partnership: \$25;
- "(e) Filing an application of authority (foreign): \$70;
- "(f) Filing an application of certificate of limited partnership (domestic): \$70;
- "(g) Filing articles of amendment (domestic): \$70;
- "(h) Filing an application for amended authority (foreign): \$70;
- "(i) Filing articles of merger: \$70;
- "(j) Filing articles of cancellation (domestic): \$70; and
- "(k) Filing an application for withdrawal (foreign): \$70.

### "607 COOPERATIVE ASSOCIATION FILING FEES

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

- "(a) Filing articles of incorporation (domestic): \$6;
- "(b) Filing an application for authority (foreign): \$6;
- "(c) Filing an application for withdrawal: \$6;
- "(d) Filing articles of dissolution: \$6;
- "(e) Furnishing a certificate of good standing: \$1;
- "(f) Filing an annual report (domestic and foreign): \$0.50;
- "(g) Filing articles of amendment (domestic): \$6; and
- "(h) Filing an application for amended authority (foreign): \$6.

### "608 TRADE NAME FILING FEES

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

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

- "(b) Filing a trade name renewal: \$50;
- "(c) Filing a trade name amendment application: \$25;
- "(d) Furnishing a trade name certificate copy: \$25; and
- "(e) Filing a trade name cancellation: \$25.

"699 DEFINITIONS

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

"Old Act Corporation - a corporation that:

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

"(1) Sections 574 through 586 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1280; D.C. Official Code § 29-601 *et seq.*);

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

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

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

(b) Chapter 35 is amended as follows:

- (1) Section 3502 is repealed.
- (2) Section 3503 is repealed.

(c) Chapter 89 is amended as follows:

- (1) Section 8911 is repealed.
- (2) Section 8912 is repealed.

TITLE III. HOUSING PRODUCTION TRUST FUND ADMINISTRATIVE COSTS

Sec. 301. Short title.

This title may be cited as the "Housing Production Trust Fund Temporary Amendment Act of 2010".

Sec. 302. Section 3(b)(10) of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2802(b)(10)), is amended to read as follows:

“(10) Beginning on October 1, 2009, funds for the administration of the Fund deposited into the fund pursuant to subsection (c) of this section:

- “(A) Not to exceed 10% in fiscal year 2009 or earlier;
- “(B) Not to exceed 15% in fiscal year 2010;
- “(C) Not to exceed 15% in fiscal year 2011; and

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“(B) Not to exceed 10% in fiscal year 2012 or later; and”.

### TITLE IV. GRANT-MAKING AUTHORITY FOR PLANNING

Sec. 401. Short title.

This title may be cited as the "Planning Grant-making Authority Temporary Act of 2010".

Sec. 402. Grants for planning and planning implementation purposes.

The Mayor may issue grants to individuals and organizations in furtherance of the Mayor's planning mission under section 423 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 792; D.C. Official Code § 1-204.23), subject to appropriations and the provisions of D.C. Official Code § 47-368.06 from:

- (1) Local revenue;
- (2) Dedicated tax revenue;
- (3) Special purpose revenue; and
- (4) Capital funds.

Sec. 403. Rules.

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

### TITLE V. DISTRICT DEPARTMENT OF TRANSPORTATION UNIFIED FUND

Sec. 501. Short title.

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

Sec. 502. Section 9c(c)(2) of the Department of Transportation Establishment Act of 2002, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 50-921.11(c)(2)), is amended by striking the phrase “100% of the sales and use taxes collected by the District for parking and storing; provided, that any such revenues in excess of \$30 million shall be deposited into the Highway Trust Fund.” and inserting the phrase “all revenue derived from the sales and use taxes collected by the District for parking and storing; provided, that of the first \$30 million collected each year, \$12.7 million in fiscal year 2009, \$12.2 million in fiscal year 2010, and \$10.2 million in all subsequent fiscal years shall remain in the General Fund of the District of Columbia and that any revenue in excess of \$30 million shall be deposited into the Highway Trust Fund.” in its place.

**ENROLLED ORIGINAL****TITLE VI. SPECIAL PURPOSE FUND TRANSFERS**

Sec. 601. Short title.

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

Sec. 602. (a) Notwithstanding any provision of law limiting the use of funds in the accounts listed in the following chart, the Chief Financial Officer shall transfer from the certified fund balances in those accounts to the unrestricted fund balance of the General Fund of the District of Columbia and recognize as fiscal year 2010 revenue the dollar amounts specified in the chart:

<b>AGENCY NAME (AGENCY CODE)</b>		
<b>FUND DETAIL</b>	<b>FUND DETAIL NAME</b>	<b>DOLLAR AMOUNT</b>
<b>District Department of Real Estate Services (AM0)</b>		
1459	Rent	4,537,055
<b>Office of the Chief Financial Officer (AT0)</b>		
0606	Recorder of Deeds Surcharge	1,000,000

(b) Notwithstanding any provision of law limiting the use of funds in the accounts listed in the following chart, the Chief Financial Officer shall transfer from the certified revenues deposited in those accounts to the unrestricted fund balance of the General Fund of the District of Columbia and recognize as fiscal year 2010 revenue the dollar amounts specified in the chart:

<b>AGENCY NAME (AGENCY CODE)</b>		
<b>FUND DETAIL</b>	<b>FUND DETAIL TITLE</b>	<b>FY2010</b>
<b>Office of the Tenant Advocate (CQ0)</b>		
6005	Condominium Conversion	793,000
<b>Department of Consumer and Regulatory Affairs (CR0)</b>		
6006	Nuisance Abatement	1,206,775
6008	Real Estate Guaranty and Education Fund	53,655
6010	OPLA - Special Account	180,388
6013	Basic Business License Fund	475,866
6025	Construction/Zoning Compliance Management Fund	41,955
<b>Office of Cable Television (CT0)</b>		
0600	Cable Franchise Fees	851,096
<b>Office of the Deputy Mayor for Planning and Economic Development (EB0)</b>		
0609	Industrial Revenue Bond Program	442,803

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0632	Economic Development Special Account	199,000
<b>Motor Vehicle Theft Prevention Commission (FW0)</b>		
0601	Insurance Violation Fines	775,000
<b>Department of Health (HC0)</b>		
0605	SHPDA Fees	43,165
0606	Vital Records Revenue	25,725
0633	Radiation Protection	31,006
0638	Animal Control Dog License Fees	12,558
0643	Board of Medicine	131,775
0649	Health Facility Fee	11,661
0655	SHPDA Admission Fee	21,000
<b>Alcohol Beverage Regulation Administration (LQ0)</b>		
6017	ABC-Import and Class License Fees	231,951
<b>District Department of the Environment (KG0)</b>		
0600	General Enforcement Fines and Fees	20,000
0634	Soil Erosion/Sediment Control	937,957
0645	Pesticide Product Registration	323,000
0662	Renewable Energy Development Fund	19,280
0663	Brownfield Revitalization	131,849
0665	Adjudication Hearings (Water Quality)	64,578
0666	Wells Fund	4,181
0674	Hazardous Generator Fees	84,000
6101	Stripperwell	41,040
6201	Economy II	20,000
6700	Sustainable Energy Trust Fund	905,527
6800	Energy Assistance Trust Fund	311,949
6202	Residential Aid Discount (RAD)	5,000
6203	Residential Essential Services (RES)	9,500
6204	WASA Utility Discount Program	21,000
0607	Underground Storage Tank Fines and Fees	73,630
0646	Storm Water Fees	56,181
<b>Department of Motor Vehicles (KV0)</b>		
6000	General O-Type Revenue Sources	318,326
6258	Motor Vehicle Inspection Station	723,660

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<b>Department of Mental Health (RM0)</b>		
0640	DMH Medicare and Third Party Reimbursement	109,864
<b>Department of Insurance, Securities, and Banking (SR0)</b>		
2100	HMO Assessment	22,695
2200	Insurance Assessment	222,922
2300	Securities Broker/Dealer Licenses	117,792
2800	Captive Insurance	67,062
2900	Banking Trust Fund	115,847

(c) Notwithstanding any provision of law limiting the use of funds in the accounts listed in the following chart, the Chief Financial Officer shall transfer from either the certified fund balances of those accounts or the certified revenues deposited in those accounts to the unrestricted fund balance of the General Fund of the District of Columbia and recognize as revenue in fiscal year 2010 the dollar amounts specified in the chart:

<b>Fund Name</b>	<b>FY10</b>
Baseball Fund	11,689,000
NIF Fund	1,413,727
Office on Aging Client Reserve Account	8,710,856

**TITLE VII. CAPITAL BUDGET REALIGNMENTS**

Sec. 701. Short title.

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

Sec. 702. Realignment of capital project funding.

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

<b>Agency</b>	<b>Project #</b>	<b>Project Name</b>	<b>FY 2010 Decrease (\$)</b>	<b>FY 2011 Appropriation (\$)</b>
EB0	EB402C	Pennsylvania Avenue, SE, Properties	3,400,000.00	3,400,000.00
FB0	LB637C	Engine 15	2,508,459.43	2,508,459.43
FB0	LC337C	Engine 21	479,096.89	479,096.89
FB0	LC437C	Engine 22	3,000,000.00	5,100,000.00
FB0	LC837C	Engine 26	2,051,000.00	2,051,000.00



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FB0	LE337C	Engine 5	479,096.89	479,096.89
FB0	LE737C	Engine 27	1,533,743.00	1,533,743.00
FB0	LE937C	Special Operations Facility	238,912.00	857,189.64
FB0	LI237C	Integrated Management Information System	860,639.00	860,639.00
CE0	MCL03C	Martin Luther King Jr. Memorial Library	901,351.60	901,351.60
TO0	EQ101C	Master Lease Wireless	1,865,215.00	1,865,215.00
TO0	N2101C	Mainframe Relocation	723,372.00	723,372.00

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

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

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		Pool/Anacostia Gateway	
TO0	N1601B	DC WAN	\$ 27,088.02
TO0	N1704C	IT Infrastructure Implementation	\$ 182,000
TO0	N1707C	Infrastructure Support Systems	\$ 457,000
TO0	N1710C	Data Center Consolidation	\$ 657,912
TO0	N1801C	Shared Facility Upgrade	\$ 646,039
TO0	N2701C	Applications Maintenance Transition Project	\$ 100,000
TO0	N3699C	SMP Pool (Paygo Budget 0301)	\$ 486,000
GM0	YY133C	Selective Additions and New Construction	\$2,000,000
HC0	HC501C	Community Clinics Construction	\$4,350,132.58
TO0	N1702C	DC Cable Net	\$253,961.34
EB0	EDS	Unallocated Great Streets	\$4,000,000
RM0	HX501C	St Elizabeths Hospital (allotment)	\$12,500,000
AM0	N1415C	Public Safety Hdqts (authority only)	\$12,5000,000

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

<b>Agency</b>	<b>Project #</b>	<b>Project Name</b>	<b>FY10 Addition Amount (\$)</b>
HA0	QI937C	Rosedale Recreation Center	2,042,343.81
KA0	CA302C	Repair/Maintain Curbs/Sidewalks/ Alleys	700,000
KA0	CE301C	Pavement Marking and Traffic Calming	300,000
KA0	SA306C	Streetcars	\$963,101.00
KA0	SA306C	Streetcars	500,000
KA0	SA306C	Streetcars	\$12,500,000
KE0	SA202C	MetroBus (to support the Circulator in East Washington)	\$399,345.41
RL0	RL201C	Performance-Based Contracts	124,000
RM0	HX403C	Mental Health Housing Initiatives	1,000,000
HA0	NEW	Georgetown Park	\$600,000
RL0	RL202C	Performance Based Contracts (Faces.Net)	\$65,000
FBO	NEW	Engine Company 28	\$1,900,000

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HA0	QS339C	Edgewood Recreation	\$1,000,000
HA0	QJ901C	Boys & Girls Clubs	\$3,143,000.00
GM0	NR637C	Woodson Senior High School	\$ 4,139,000.00
GM0	NEW	Autism Suites	\$337,088.28
GM0	NEW	Ward 8 School Playgrounds	\$850,000.00
GM0	YY230C	Stabilization	\$650,262.00
GM0	NEW	Murch Demountables	400,000.00
FA0	CTV10C	MPD Tactical Village Training Facility	\$ 3,200,000.00
EB0	EB404C	Lincoln Theater	\$500,000
GM0	NEW	Middle School IT/Arts & Sciences Initiative	\$3,573,345.61
FA0	CTV10C	MPD Tactical Village Training Facility	\$ 2,000,000.00
GM0	NEW	Pre-K Classroom Conversions	\$750,285.54
GM0	NEW	Noyes & Hearst Demountables	\$900,000.00
KT0	NEW	Paygo swap to Street Sweeping	\$ 486,000.00
GM0	NEW	DC Schools Kitchen, (planning and Design)	\$ 3,598,000.00
HCO	HC301C	MMIS Completion	\$1,985,000
HA0	QB338C	Roper-Deanwood	\$ 300,000.00
GMO	NF937C	Complete Modernization	\$300,000
GM0	WT337C	Modernization – Whittier ES	\$2,000,000
EBO		Bruce Monroe ES Interim	\$1,500,000
GM0		Middle Schools IT/Arts and Sciences Initiative	\$600,000
HA0	QI237C	Marvin Gaye Park/Rec.	\$1,200,000
HA0	QS339C	Edgewood Recreation Center	\$1,000,000
CE0	FGR37C	Francis Gregory Neighborhood Library	\$3,400,000
HA0	QB338	Roper Deanwood Recreation	\$4,300,000
HT0	MPM01C	Administrative Service Organization (Medicaid billing system)	\$2,200,000

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

(1) Retain Appropriated Fund 0300 budget allotment and associated budget authority of \$12.5 million currently accounted for in the Fund to transfer this subsidy in fiscal

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year 2010 to the Washington Metropolitan Area Transit Authority ("Authority") as a match for federal funds appropriated by the Congress of the United States pursuant to section 601 of the Passenger Rail Investment and Improvement Act of 2008, approved October 16, 2008 (122 Stat. 4848; Pub. L. No. 110-432), to be used for capital improvements undertaken by the Authority.

(2) Exchange Appropriated Fund 0300 budget allotment and associated budget authority of \$13 million currently accounted for in the Fund with an equal amount of Appropriated Fund 0301 budget in various projects identified by the Chief Financial Officer, as shown in the committee report of the Committee of Whole for the Fiscal Year 2010 Revised Budget Request Act of 2010, passed on 1<sup>st</sup> and final reading on May 26, 2010 (Enrolled version of Bill 18-727)(“Budget Request Act Report”), to transfer up to this amount as a Paygo capital subsidy in fiscal year 2010 to the Authority to be used as operating budget resources by the Authority;

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

KA0	EDS00C	Great Streets: General Planning	600,000.00
KA0	EDS02C	Great Streets: H Street NE/Benning Road	1,200,000.00
KA0	EDS03C	Great Streets: Nannie Helen Burroughs Avenue SE	400,000.00
KA0	EDS06C	Great Streets: M. L. King Jr. Avenue SE/S Capitol Street	800,000.00

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

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

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

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

(D) Redirect an allotment in the amount of \$12.5 million from Saint Elizabeths Hospital (RM0 project HX501C) and an additional redirection of associated budget

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authority in the amount of \$12.5 million from the Public Safety Headquarters (Daly Building) project (AM0 project N1415C) as accounted for in subsection (b) of this section.

(5) Exchange Appropriated Fund 0300 budget allotment and associated budget authority of \$770,000 currently accounted for in the Fund with an equal amount of Appropriated Fund 0301 budget in various projects identified by the Chief Financial Officer to redirect this Paygo budget allotment and associated budget authority in fiscal year 2010 to the capital projects in the following chart, which shall be increased by the dollar amounts set forth in the chart from the funding sources and for the project phases designated in the chart:

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

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

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

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

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

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

(7) Exchange Appropriated Fund 0300 budget allotment and associated budget authority of \$20 million currently accounted for in the Fund with an equal amount of Appropriated Fund 0301 budget in various projects identified by the Chief Financial Officer as shown in the Budget Request Act Report. The resulting Paygo budget allotment and associated budget authority in the amount of \$20 million shall be transferred to local funds and recognized as revenue for the fiscal year in which the Paygo funds are budgeted.

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

<b>Agency</b>	<b>Project #</b>	<b>Project Title</b>	<b>Amount</b>
CRO	EB301C	Property Inspection	\$160.00
EBO	AW606	Diamond Teague Close-out	\$185,975.83
EBO	EBO016C	Park Morton Redevelopment	\$39,453.11
EBO	EB405C	Downtown Flood Barricade	118,000
GAO/ GMO	MG137C	Addison Annex Close-Out	\$786,966.98
GAO	NA137C	Adams ES Close-Out	\$205,274.55
GAO	NB437C	Birney ES Close-Out	\$112,816.79
GAO	NK537C	Luke Moore HS Close-Out	\$52.81
GAO	NL937C	Phelps HS Close Out	\$545,784.03
GAO	NM337C	Randle Highlands Close-Out	\$198,849.13
GAO	NO337C	Sousa MS Close-Out	\$54,375.18
GAO	NP637C	Thomson ES Close-Out	\$2,084.19
	NQ937C	Wheatley ES Modernization Close-Out	\$114,097.37

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GAO			
GAO	SG305C	Modernization	\$36,779.35
GAO	NX237C	School Without Walls Close-Out	\$4,920.05
GMO	GM304C	Electrical Upgrades	\$31,530
GMO	GM308C	Professional Fees	\$35,433.53
GMO	ND137C	Complete Modernization/Renov.	\$29.18
GMO	NX237C	Modernization/Renovation	\$4,920.05
HAO	QH138C	New Recreation Center	\$7,309
KAO	SR318C	Potomac Park Levee Improvement	\$2,463.10
KEO	SA301C	Metrorail Rehab	\$740,000
RMO	HY501C	DCGH Campus	\$16,144.16

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

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

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

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

Sec. 703. Rescission of Budget Authority for Capital Projects.

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

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

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

(2) Add the following phrases:

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

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

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

(D) "HA0 RR021C, entitled "Mitchell Park" in the Department of Parks and Recreation in the amount of \$38,000";

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

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

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

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

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

**Sec. 704. Appropriation of Budget Authority for Capital Projects.**

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

**Sec. 705. Charles Young site library.**

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

**Sec. 706. Middle School Intelligent Technology, Arts and Science Initiative.**

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

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



project is as provided for in this act.

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

(i) Stuart Hobson Middle School Intelligent Technology and Arts and Science Demonstration at \$1.277 million, \$500,000 of general obligation funding, which is included in the current FY2010 spending plan, and \$770,000 of Pay-As-You Go funds provided in this Act;

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

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

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

#### **TITLE VIII. ANACOSTIA RIVER CLEAN UP AND PROTECTION CLARIFICATION**

Sec. 801. Short title.

This title may be cited as the “Anacostia River Clean Up and Protection Clarification Temporary Amendment Act of 2010”.

Sec. 802. Section 6(c) of the Anacostia River Clean Up and Protection Act of 2009, effective September 23, 2009 (D.C. Law 18-55; D.C. Official Code § 8-102.05(c)), is amended to read as follows:

“(c)(1) The Fund shall not be used to supplant funds appropriated as part of an approved annual budget for Anacostia River cleaning activities.

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

#### **TITLE IX. STORM WATER PERMIT COMPLIANCE FUND CLARIFICATION**

Sec. 901. Short title.

This title may be cited as the “Storm Water Permit Compliance Fund Clarification Temporary Amendment Act of 2010”.

Sec. 902. Section 152(e) of the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.01(e)), is amended to read as follows:

“(e) Monies shall not be disbursed from the Enterprise Fund for costs associated with:

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

“(2) Stormwater management activities otherwise required by law or regulation, unless specifically permitted by the Director.”.

TITLE X. MEDICAID BENEFITS PROTECTION

Sec. 1001. Short title.

This title may be cited as the “Medicaid Benefits Protection Temporary Amendment Act of 2010”.

Sec. 1002. Section 2 of the Medicaid Benefits Protection Act of 1994, effective March 14, 1995 (D.C. Law 10-202; D.C. Official Code § 1-307.41), is amended to read as follows:

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

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

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

“(2) An insurer shall:

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

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

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

“(i) The District submits the claim within the 3-year period beginning on the date of which the item or service was furnished; and

“(ii) The District commences an action to enforce its right with respect to the claim within 6 years of submitting the claim; and

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

“(i) Each individual’s:

“(I) Name;

“(II) Address; and

“(III) Plan identification number; and

“(ii) Any other information prescribed by the Mayor.”.

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

“(f) For the purposes of this section, the term “insurer” includes a self-insured plan, a group health plan, as defined in section 607(1) of the Employee Retirement Income Security Act

of 1974, approved April 7, 1986 (100 Stat. 231; 29 U.S.C. 1167(1)), a service benefit plan, a managed care organization, a pharmacy benefit manager, or other party that is, by statute, contract, or agreement, legally responsible for payment of a claim for all or part of a health care item or service.”.

#### TITLE XI. HOSPITAL REVENUE ASSESSMENT

##### Sec. 1101. Short title.

This title may be cited as the “Hospital Assessment Temporary Act of 2010”.

##### Sec. 1102. Definitions.

For the purposes of this act, the term:

(1) "Hospital" has the same meaning as set forth in section 2(a)(1) of the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code § 44-501(a)(1)), but excludes St. Elizabeths Hospital and any hospital operated by the federal government.

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

##### Sec. 1103. Hospital Fund.

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

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

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

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

##### Sec. 1104. Assessments on hospitals.

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

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

(2) For fiscal years 2011 through 2014, \$1,500 per licensed bed, which shall be paid based on a schedule determined by the Mayor and which shall be deposited in the Hospital Fund, established by section 1103 to be used for the purpose of this fund.

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

Sec. 1105. Interest and penalties.

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

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

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

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

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

Sec. 1106. Appeals.

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

(b) The Office of Administrative Hearings shall conduct a hearing on the appeal filed under subsection (a) of this section subject to the provisions of Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), governing adjudication of contested cases, and pursuant to the rules of the Office of Administrative Hearings.

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

## ENROLLED ORIGINAL

Sec. 1107. Federal determinations; suspension and termination of assessment.

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

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

Sec. 1108. Rules.

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

### TITLE XII. PHARMACEUTICAL MARKETING COSTS REPORT

Sec. 1201. Short title.

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

Sec. 1202. Section 1800.6 of Title 22 of the District of Columbia Municipal Regulations (22 DCMR § 1800.6) is amended by striking the phrase "two thousand five hundred dollars (\$2,500)" and inserting the phrase "five thousand dollars (\$5,000)" in its place.

### TITLE XIII. IDIQ CONTRACTS

Sec. 1301. Short title.

This title may be cited as the "Unauthorized Option Contract Prohibition Temporary Act of 2010".

Sec. 1302. No fiscal year 2010 funds may be expended on any indefinite-delivery indefinite-quantity option contract for construction services that has task orders over \$1 million that has not been submitted to and approved by the Council.

### TITLE XIV. DOMESTIC VIOLENCE FATALITY REVIEW BOARD

Sec. 1401. Short title.

This title may be cited as the "Domestic Violence Fatality Review Board Sunset Temporary Act of 2010".

## ENROLLED ORIGINAL

Sec. 1402. Section 16-1059 of the District of Columbia Official Code is amended by striking the number "7" and inserting the number "10" in its place.

Sec. 1403. Section 2(b) of the Domestic Violence Fatality Review Board Emergency Act of 2010, effective April 5, 2010 (D.C. Act 18-366; 57 DCR 3168), is repealed.

### TITLE XV. UNIVERSITY OF THE DISTRICT OF COLUMBIA EXPANSION

Sec. 1501. Short title.

This title may be cited as the "University of the District of Columbia Expansion Temporary Act of 2010".

Sec. 1502. The University of the District of Columbia shall have exclusive use of the closed Patricia R. Harris Educational Center School building and site located at 4600 Livingston Road, S.E., in Ward 8, to expand upon its collegiate mission and Workforce Development and Lifelong Learning Program by continuing to provide Vocational Education and Community College of the District of Columbia courses.

### TITLE XVI. ADULT JOB TRAINING.

Sec. 1601. Short title.

This title may be cited as the "Adult Job Training Fund Temporary Act of 2010".

Sec. 1602. (a) Local funds in the amount of \$4.6 million from within the Department of Employment Services from fiscal year 2010 shall be nonlapsing and remain available until expended from the purposes of funding an industry/sector specific adult job training Request for Proposals.

(b) Of the \$4.6 million, at least \$2.225 million shall go to an organization or school that:

(1) Has at least 3 years of experience in providing adult job training;

(2) Provides adult job training in:

(A) Culinary arts;

(B) Information technology; and

(C) Nursing;

(3) Has an adult student placement rate of over 90 %;

(4) Has a plan in place to use funds immediately; and

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

(c) Of the remaining funds that are unencumbered, up to \$2 million shall be used to enter into a memorandum of understanding with the University of the District of Columbia for the purpose of adult job training and workforce development.

## ENROLLED ORIGINAL

### TITLE XVII. DCPL AUTHORITY.

Sec. 1701. Short title.

This title may be cited as the “African-American Civil War Museum Clarification Temporary Act of 2010”.

Sec. 1702. The District of Columbia Public Library is authorized to issue grants and execute contracts pursuant to its authority granted in the Reserve for African-American Civil War Records Act of 2009, effective March 3, 2010 (D.C. Law 18-111; 57 DCR 181).

### TITLE XVIII. LOBBYIST FEE FUND.

Sec. 1801. Short title.

This title may be cited as the “Lobbyist Administration and Enforcement Fund Establishment Temporary Amendment Act of 2010”.

Sec. 1802. Section 502(c) of the District of Columbia Campaign Finance Reform and Conflict of Interest Act of 1974, approved August 14, 1974 (88 Stat. 462; D.C. Official Code § 1-1105.02(c)), is amended to read as follows:

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

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

### TITLE XIX. STREETCAR PROJECT

Sec. 1901. Short title.

This title may be cited as the “Streetcar Project Plan Approval Temporary Act of 2010”.

Sec. 1902. Of the capital funds allocated for the Streetcar Project (SA-306), \$34.5 million shall be subject to the approval by the Council of the District of Columbia of a comprehensive plan for financing, operations, and capital facilities of the streetcar project.

**TITLE XX. GENERAL PROVISIONS**

**Sec. 2001. Fiscal impact statement.**

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

**Sec. 2002. Effective date.**

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

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

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia