

# ENROLLMENT(S)

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# COUNCIL OF THE DISTRICT OF COLUMBIA

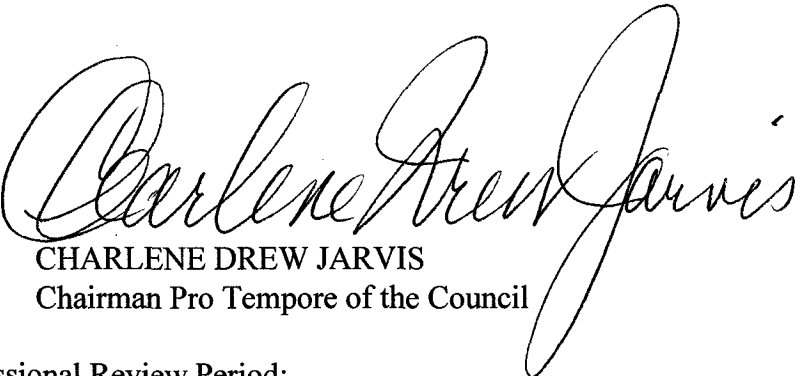
## NOTICE

### D.C. LAW 11-226

#### **"Fiscal Year 1997 Budget Support Temporary Amendment Act of 1996".**

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 11-896, on first and second readings, October 1, 1996 and November 7, 1996, respectively. Following the signature of the Mayor on November 27, 1996, pursuant to Section 404(e) of "the Act", and was assigned Act No. 11-453, and published in the January 10, 1997, edition of the D.C. Register (Vol. 44 page 124) and transmitted to Congress on January 23, 1997 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 11-226, effective April 9, 1997.



CHARLENE DREW JARVIS  
Chairman Pro Tempore of the Council

Dates Counted During the 30-day Congressional Review Period:

Feb. 3,4,5,6,7,10,11,12,13,24,25,26,27,28  
Mar. 3,4,5,6,10,11,12,13,14,17,18,19,20,21  
Apr. 7,8

ENROLLED ORIGINAL

AN ACT

D.C. ACT 11-453

*Codification  
District of  
Columbia  
Code  
1997 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 27, 1996

To amend, on a temporary basis, the District of Columbia Real Property Tax Revision Act of 1974 to provide that real property assessments shall be made on a biennial basis; to amend the District of Columbia Income and Franchise Tax Act of 1947 to extend from 3 years to 10 years the enforcement period for the payment of income and franchise taxes; to amend An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three and for other purposes to make promoters of special events liable for the payment of the special events license fee; to amend An Act To authorize the Commissioners of the District of Columbia to remove dangerous or unsafe buildings and parts thereof, and for other purposes to provide that property be sold at the annual real property tax sale when assessments remain unpaid; to amend the Litter Control Administration Act of 1985 to provide that property be sold at the annual real property tax sale when penalties remain unpaid; to amend the District of Columbia Public Works Act of 1954 to provide that property be sold at the annual real property tax sale when water and sewer assessments remain unpaid; to amend An Act Relating to the levying and collecting of taxes and assessments, and for other purposes to provide that property be sold at the annual real property tax sale when special assessments remain unpaid; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to reduce and freeze the Compensation for Members of the Board of Education, to authorize employee contributions to the defined contribution plan, and to reduce the amount of the contribution of the District to the defined contribution plan for employees hired after September 30, 1987, from 7% to 5%; to amend the District of Columbia Public Assistance Act of 1982 to provide for a reduction in AFDC/GPA benefits; to amend the Advisory Neighborhood Commissions Act of 1975 to eliminate the requirement for biennial audits of Advisory Neighborhood Commissions by the District of Columbia Auditor; to amend the Human Rights Act of 1977 to establish a mandatory mediation process prior to the formal investigation of a complaint by the Office of Human Rights; to amend the Rental Housing Act of 1985 to require as a condition for continued eligibility that tenant assistance program recipients apply for Section 8 or public housing assistance; to amend the District of Columbia Taxicab Commission

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Establishment Act of 1985 to reduce the Commission from 13 to 9 members, to abolish the Adjudicatory Panel, to create a Panel on Consumer and Industry Concerns, and to eliminate the position of Chief, Office of Taxicabs; to amend the Taxicab Passenger Vehicle for Hire Impoundment Act of 1992 to remove from the Taxicab Commission the authority to boot, tow, or impound public vehicles for hire, to transfer to the Department of Public Works the authority to grant hearings on impounded public vehicles for hire, and to transfer from the Office of Taxicabs to the Department of Public Works the authority to release impounded public vehicles for hire; to amend An Act Making appropriations to provide for the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes to provide for the registration of motor vehicles for hire by the Department of Public Works; to amend the District of Columbia Traffic Adjudication Act of 1978 to authorize the Department of Public Works Bureau of Adjudication to adjudicate violations of the taxi regulations and to eliminate the admit with explanation response; to authorize the Metropolitan Police Department to enforce and issue citations relating to taxicab requirements; to amend the District of Columbia Traffic Act of 1925 to restrict the use of residential parking permits within ANC 2A and 2E; to authorize the Mayor to issue permits and charge rent for the occupation and use of public space, public rights of way, and public structures; to require the Board of Education to submit a report to the Council on the status of negotiations on a compromise with Locals 639 and 730 concerning the awarding of pay raises in amounts that have been booked as expenditures and escrowed; and to amend the District of Columbia Procurement Practices Act of 1985 to require that all Request for Proposals for public schools include a clause giving the schools the option to accept contracted services or to receive funds representing their proportionate share of the costs of the contracted services; to require the University of the District of Columbia to submit a report to the Council Committee on Education and Libraries, the Chief Financial Officer, and the District of Columbia Financial Responsibility and Management Assistance Authority a deficit avoidance plan; and to authorize the use of automated traffic enforcement systems in the District of Columbia to detect moving violations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 1997 Budget Support Temporary Amendment Act of 1996".

**TITLE I. - REVENUE**

Sec. 101. Section 421(b) of the District of Columbia Real Property Tax Revision Act of 1974, approved September 3, 1974 (88 Stat. 1053; D.C. Code § 47-820(b)), is amended by striking the first sentence and inserting a new sentence in its place to read as follows:

**Note, Section  
47-820**

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"All real property shall be assessed no less frequently than once every 2 years."

Sec. 102. Section 10 of Title XII of the District of Columbia Income and Franchise Act of 1947, approved July 16, 1947 (61 Stat. 331; D.C. Code § 47-1812.10), is amended as follows:

**Note, Section 47-812.10**

(1) Subsection (a)(1) is amended by striking the phrase "3 years" and inserting the phrase "10 years" in its place;

(2) Subsection (a)(2) is amended by striking the phrase "3 years" and inserting the phrase "10 years" in its place;

(3) Subsection (a)(3) is amended by striking the phrase "5 years" and inserting the phrase "12 years" in its place; and

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

(A) By striking the phrase "3 years" and inserting the phrase "10 years" in its place; and

(B) By striking the phrase "3-year period" and inserting the phrase "10-year period" in its place.

Sec. 103. Paragraph 26(a) of section 7 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes, approved July 1, 1902 (47 Stat. 554; D.C. Code § 47-2826(a)), is amended by striking the phrase "Owners or managers" and inserting the phrase "Owners, managers, or promoters" in its place.

**Note, Section 47-2826**

**TITLE II - ELIMINATION OF MULTIPLE TAX SALES**

Sec. 201. Section 6(a) of An Act To authorize the Commissioners of the District of Columbia to remove dangerous or unsafe buildings and parts thereof, and for other purposes, approved March 1, 1899 (30 Stat. 923; D.C. Code § 5-606(a)), is amended by inserting the phrase "conducted pursuant to section 1 of An Act In relation to taxes and tax sales in the District of Columbia, approved February 28, 1898 (30 Stat. 250; D.C. Code § 47-1301)," after the phrase "at the next ensuing annual tax sale".

**Note, Section 5-606**

Sec. 202. Section 8(f)(3) of the Litter Control Administration Act of 1985, effective March 25, 1986 (D.C. Law 6-100; D.C. Code § 6-2907(f)(3)), is amended by inserting the phrase "conducted pursuant to section 1 of An Act In relation to taxes and tax sales in the District of Columbia, approved February 28, 1898 (30 Stat. 250; D.C. Code § 47-1301)," after the phrase "at the next tax sale".

**Note, Section 6-2907**

Sec. 203. Section 104(a) of the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 102; D.C. Code § 43-1529(a)), is amended by inserting the

**Note, Section 43-1529**

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phrase "conducted pursuant to section 1 of An Act In relation to taxes and tax sales in the District of Columbia, approved February 28, 1898 (30 Stat. 250; D.C. Code § 47-1301)," after the phrase "at the next tax sale".

Sec. 204. An Act Relating to the levying and collecting of taxes and assessments, and for other purposes, approved June 25, 1938 (52 Stat. 1198; D.C. Code § 47-1201 *et seq.*), is amended as follows:

(a) Section 3(b)(1) (D.C. Code § 47-1203(b)(1)) is amended by inserting the phrase "conducted pursuant to section 1 of An Act In relation to taxes and tax sales in the District of Columbia, approved February 28, 1898 (30 Stat. 250; D.C. Code § 47-1301)," after the phrase "at the next ensuing annual tax sale".

Note, Section  
47-1203

(b) Section 4 (D.C. Code § 47-1204) is amended by inserting the phrase "conducted pursuant to section 1 of An Act In relation to taxes and tax sales in the District of Columbia, approved February 28, 1898 (30 Stat. 250; D.C. Code § 47-1301)," after the phrase "at the next ensuing annual tax sale".

Note, Section  
47-1204

(c) Section 5(a) (D.C. Code § 47-1205(a)) is amended by inserting the phrase "conducted pursuant to section 1 of An Act In relation to taxes and tax sales in the District of Columbia, approved February 28, 1898 (30 Stat. 250; D.C. Code § 47-1301)," after the phrase "at the next ensuing annual tax sale".

Note, Section  
47-1205

**TITLE III - REDUCTION IN BENEFITS**

Sec. 301. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code §1-601.1 *et seq.*), is amended as follows:

(a) Section 1110 (D.C. Code §1-612.10) is amended to read as follows:

Note, Section  
1-612.10

"Notwithstanding any other provisions of law, each member of the District of Columbia Board of Education shall receive a salary of not more than \$15,000 annually; except the President of the Board of Education shall receive not more than \$16,000 annually. These sums shall not increase unless by an act of the Council."

(b) Section 2609 (D.C. Code § 1-627.9) is amended as follows:

Note, Section  
1-627.9

(1) By adding a new subsection (b-1) to read as follows:

"(b-1) Each employee participating in the defined contribution plan may voluntarily contribute a portion of his or her salary to the defined contribution plan under section 2605(3)."; and

(2) Subsection (c) is amended by striking the figure "7%" and inserting the figure "5%" in its place."

Sec. 302. Section 552 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code § 3-205.52), is amended as follows:

Note, Section  
3-205.52

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

"(c) The standards of assistance are set forth in the following table and include basic costs of food, clothing, shelter, household and personal items, certain transportation costs, and life insurance when paid by the Mayor.

**"STANDARDS OF ASSISTANCE**

Family Size	Standard of Assistance	Payment Level
1	\$ 450.00	\$ 251.00
2	560.00	312.00
3	712.00	398.00
4	870.00	486.00
5	1,002.00	561.00
6	1,178.00	660.00
7	1,352.00	757.00
8	1,494.00	837.00
9	1,642.00	919.00
10	1,786.00	1,000.00
11	1,884.00	1,055.00
12	2,024.00	1,134.00
13	2,116.00	1,185.00
14	2,232.00	1,249.00
15	2,316.00	1,297.00
16	2,432.00	1,362.00
17	2,668.00	1,495.00
18	2,730.00	1,529.00
19	2,786.00	1,560.00".

(b) Subsection (d) is amended by striking the phrase "beginning May 31, 1996" and inserting the phrase "after September 30, 1996" in its place.

**TITLE IV - PROGRAMMATIC CHANGES**

Sec. 401. Section 16(d) of the Advisory Neighborhood Commissions Act of 1975, effective October 10, 1975 (D.C. Law 1-21; D.C. Code § 1-264(d)), is amended to read as follows:

Note, Section 1-264

"(d) The District of Columbia Auditor shall audit the financial accounts of selected Commissions and maintain a database of financial information of each Commission for historical and expenditure trend analysis. The Auditor shall produce and submit to the Council a consolidated annual report of the financial activity of all the Commissions. The Auditor may

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audit the financial accounts of a Commission, at the discretion of the Auditor, upon the request by a member of the Council or a Commissioner of the Commission for which an audit is requested."

Sec. 402. Section 306 of Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Code § 1-2546), is amended by adding a new subsection (d) to read as follows:

**Note, Section  
1-2546**

"(d) A mediation program shall be established and all complaints filed after October 1, 1996, shall be mediated before the Office commences a full investigation. During the mediation process, the parties shall discuss the issues of the complaint in an effort to reach an agreement that satisfies the interests of all concerned. The Office shall grant the parties up to 45 days within which to mediate a complaint. If an agreement is reached during the mediation process, the terms of the agreement shall control the resolution of the complaint. If an agreement is not reached, the Office shall proceed with an investigation of the complaint."

Sec. 403. Section 307 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Code § 45-2537), is amended by adding a new subsection (c) to read as follows:

**Note, Section  
45-2537**

"(c)(1) Notwithstanding any other provision of this act, after September 30, 1996, all tenants receiving tenancy assistance shall avail themselves of all opportunities to receive Section 8 or public housing assistance in lieu of tenant assistance.

"(2) A tenant who fails to observe the mandates of paragraph (1) of this subsection shall be deemed ineligible for tenant assistance and assistance will be terminated pursuant to subsection (b) of this section."

**TITLE V - TAXICAB, TRAFFIC ADJUDICATION, AND PARKING REFORM**

Sec. 501. The District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Code § 40-1701 *et seq.*), is amended as follows:

(a) Section 6 ( D.C. Code § 40-1705) is amended as follows:

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

**Note, Section  
40-1705**

"(a) The Commission shall consist of 9 members. Five of the members, who shall be public members, shall be appointed by the Mayor with the advice and consent of the Council, and shall be drawn from the public at large. Three of the members, who shall be industry members, shall be appointed by the Mayor with the advice and consent of the Council, and shall have experience in taxicab industry operations in the District. The remaining member of the Commission shall be appointed by the Mayor with advice and consent of the Council and shall serve as chairperson of the Commission. The chairperson shall have experience in the field of



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transportation administration or regulation. A nominee for member or chairperson shall be considered confirmed by the Council on the 90th day after the Mayor submits the nominee for Council consideration unless the Council confirms the nomination earlier or unless, within that time, the Council disapproves the nomination by resolution. The Mayor shall designate a public member to serve as chairperson when the office of the chairperson is vacant and until a successor has been appointed."

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

"(b) All members of the Commission, except for the chairperson who shall serve at the pleasure of the Mayor, shall be appointed for terms of 5 years."

(b) Section 7(c) ( D.C. Code § 40-1706(c)) is amended to read as follows:

"(c) There shall be a Panel on Consumer and Industry Concerns which shall consist of the chairperson, 2 public members, and 2 industry members."

**Note, Section  
40-1706**

(c) Section 8(b) (D.C. Code § 40-1707(b)) is amended as follows:

**Note, Section  
40-1707**

(1) Paragraph (1)(J) is amended by striking the phrase " Panel on Adjudication" and inserting the phrase "Panel on Consumer and Industry Concerns" in its place.

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

(A) The lead-in language is amended by striking the word "Adjudication" and inserting the phrase "Consumer and Industry Concerns" in its place.

(B) Subparagraphs (E) and (G) are repealed.

(d) Section 10 ( D.C. Code § 40-1709) is amended by striking the word "Adjudication" wherever it appears and inserting the phrase "Consumer and Industry Concerns" in its place.

**Note, Section  
40-1709**

(e) Section 10a (D.C. Code § 40-1709.1) is repealed.

**Note, Section  
40-1709.1**

(f) Section 13 (D.C. Code § 40-1712) is amended as follows:

**Note, Section  
40-1712**

(1) Subsection (a) is amended by striking the phrase "which shall be headed by a Chief who shall be a career service employee, and who shall be hired by and who shall be under the direction of the chairperson as relates to taxi regulation".

(2) Subsection (c) is amended by striking the phrase ", administration, and enforcement" and inserting the phrase "and administration" in its place.

(3) Subsections (d), (e)(1), (e)(4), and (e)(6) are repealed.

(4) Subsection (h)(2) is amended by striking the phrase "Panel on Adjudication" and inserting the phrase "Panel on Consumer and Industry Concerns" in its place.

Sec. 502. Section 2 of the Taxicab Passenger Vehicle for Hire Impoundment Act of 1992, effective March 3, 1993 ( D.C. Law 9-199; D.C. Code § 40-1721), is amended as follows:

**Note, Section  
40-1721**

(a) Subsection (a) is amended by striking the phrase "the Office of Taxicabs, any Hack Inspector,".

(b) Subsection (a)(3) is amended by striking the phrase "made by the Commission" and inserting the phrase "made by the Department of Public Works, Bureau of Traffic Adjudication" in its place.

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(c) Subsection (b) is amended by striking the phrase "Chief of the Office of Taxicabs" and inserting the phrase "Department of Public Works" in its place.

(d) Subsection (e) is amended by striking the word "Commission" and inserting the word "Mayor" in its place.

(e) Subsection (q)(3) is amended by striking the phrase "by the Office of Taxicabs or".

(f) Subsection (s) is amended as follows:

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

"(s) The Metropolitan Police Department or law enforcement personnel, or any authorized agent acting pursuant to subsection (a)(6) of this section may:".

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

"(2) Tow the vehicle by a tow crane operator to an official District of Columbia inspection station for inspection. After inspection or reinspection, if the vehicle is determined not to be operable or no owner or operator is available to arrange transportation of the vehicle to another location, the Mayor may impound the vehicle pursuant to this section and have a tow crane operator tow the vehicle to any other secured place designated by the Mayor.".

Sec. 503. Paragraph 31 of section 7 of An Act Making appropriations to provide for the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes, approved July 1, 1902 (32 Stat. 626; D.C. Code § 47-2829), is amended as follows:

Note, Section  
47-2829

(a) Subsection (c) is amended by striking the sentence "Annual licenses issued under this subsection shall date from April 1st of each year, but may be issued on or after March 1st of such year." and inserting the sentence "Annual licenses required by this subsection shall be issued by the Department of Public Works." in its place.

(b) Subsection (d) is amended by striking the sentence, "Licenses issued under this subsection shall date from April 1st of each year, but may be issued on or after March 1st of each year." and inserting the sentence "Annual licenses required by this subsection shall be issued by the Department of Public Works." in its place.

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

"(h) Except as otherwise provided in subsections (c) and (d) of this section, owners of motor vehicles for hire used for any purpose, including, but not limited to, owners of ambulances for hire, and owners of passenger vehicles which, when used for hire, are used exclusively for funeral purposes, and owners of passenger vehicles used exclusively for contract livery service for which the rate is fixed solely by the hour, and owners of passenger vehicles for hire used for sightseeing purposes shall pay a license tax of \$25 or an amount set by the Mayor, but not to exceed \$100, for each vehicle having a seating capacity of 12 or less passengers exclusive of the driver used in the conduct of their business. Licenses requested by this section shall be issued by the Department of Public Works.".

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Sec. 504. The District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Code § 40-601 *et seq.* ), is amended as follows:

(a) Section 104(b) ( D.C. Code § 40-604(b)) is amended as follows:

**Note, Section  
40-604**

(1) Paragraph (4)(B) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(2) Paragraph (5)(B) is amended by striking the period and inserting the phrase "; and" in its place.

(3) A new paragraph (6) is added to read as follows:

"(6) To adjudicate notices of civil infractions issued to taxicab operators or owners pursuant to 31 DCMR 825 including the power to:

"(A) Preside over a hearing in a contested matter;

"(B) Compel the attendance of a witness by subpoena, administer an oath, take testimony of a witness under oath, and dismiss, rehear, or continue a case; and

"(C) Issue a proposed decision including the imposition of a fine for a civil infraction set forth in 31 DCMR 825."

(b) Section 205 ( D.C. Code § 40-615) is amended as follows:

**Note, Section  
40-615**

(1) Subsections (a) and (b) are amended to read as follows:

"(a) In answer to a Notice of Infraction, a person to whom the notice was issued may:

"(1) Admit, by payment of the civil fine, commission of the infraction; or

"(2) Deny commission of the infraction.

"(b) Failure to answer within the time prescribed in subsection (d) of this section shall be deemed an admission to the commission of the infraction."

(2) Subsection (c) is amended by inserting two new sentences at the beginning to read as follows: "Any person appearing before a hearing examiner who refuses to enter an answer shall be deemed to have denied the infraction. Payment of fine for the infraction shall be deemed a finding of liability."

(c) Section 305(a) (D.C. Code § 40-625(a)) is amended to read as follows:

**Note, Section  
40-625**

"(a)(1) In answer to a notice of infraction, a person to whom it was issued may:

"(A) Admit, by payment of the civil fine, the commission of the infraction; or

"(B) Deny liability for the infraction.

"(2) No other response shall constitute an answer for purposes of this title, except that a person who fails to answer within the time prescribed in subsection (d) of this section shall be deemed to have admitted the infraction. Any person appearing before a hearing examiner who refuses to enter an answer shall be deemed to have denied the infraction; provided, that payment of the amount of the civil infraction shall be deemed a finding of liability."

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Sec. 505. The Metropolitan Police Department shall enforce and issue citations relating to taxicab requirements including notices of civil infractions issued pursuant to 31 DCMR 825. The Metropolitan Police Department shall provide to the Taxicab Commission, on an annual basis, a report on the number of citations issued to vehicles for hire.

**Note, Section  
40-1721**

Sec. 506. Beginning on October 1, 1996, section 8(e) of the District of Columbia Traffic Act of 1925, approved March 3, 1925 (43 Stat. 1123; D.C. Code § 40-303(e), shall not apply to full-time students who reside within the boundaries of Advisory Neighborhood Commissions 2A and 2E.

**Note, Section  
40-303**

**TITLE VI. RENTAL OF PUBLIC STRUCTURES IN PUBLIC SPACE**

Sec. 601. Definitions.

**Note,  
New Section  
7-1071**

For the purposes of this title, the term:

(1) "Conduit" means any pipe or other hollow protective sleeve through which cable may be inserted.

(2) "Private structure" means all privately-owned fixtures on public space or in the public rights of way.

(3) "Public rights of way" means the surface, the air space above the surface (including air space immediately adjacent to a private structure located on public space or in a public right of way), and the area below the surface of any public street, bridge, tunnel, highway, lane, path, alley, sidewalk, or boulevard.

(4) "Public space" means all the publicly-owned property between the property lines on a street, park, or other public property as such property lines are shown on the records of the District, and includes any roadway, tree space, sidewalk, or parking between such property lines.

(5) "Public structure" means all publicly-owned fixtures on the public space and in the public rights of way.

Sec. 602. Applicability.

Sections 603, 604, and 605 of this title shall not apply to:

**Note,  
New Section  
7-1072**

(1) The rental of:

(A) Public space for use as a sidewalk cafe, enclosed flower or fruit stand, or for other retail purposes pursuant to sections 103 through 202 of the District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1156; D.C. Code §§ 7-1001 through 7-1005);

(B) Space for a vault pursuant to sections 302 through 401 of the District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1158; D.C. Code §§ 7-1007 through 7-1016); or

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(C) Airspace for buildings, walkways, or other structures designed to be occupied by people on a regular basis, pursuant to sections 2 through 14 of the District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1166; D.C. Code §§ 7-1031 through 7-1043); or

(2) The occupation or use of public space or public streets by a vendor pursuant to a license to vend which has been issued to the vendor pursuant to paragraph 36 of section 7 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes, approved July 1, 1902 (32 Stat. 627; D.C. Code § 47-2834).

Sec. 603. Permits for the occupation of public space, public rights of way, and public structures.

(a) The Mayor may issue permits to occupy or otherwise use public rights of way, public space, and public structures pursuant to this title for any purpose, including the use of the foregoing for conduits, including conduits which occupy public space, or a public right of way on the date that this title becomes effective.

(b) The Mayor may issue permits to occupy public space, public rights of way, and public structures pursuant to this act without regard to whether the permittee owns the property abutting the public space, public right of way, or public structure which is the subject of the permit. The permits shall be subject to the terms and conditions set forth in any agreement entered into by the Mayor and the permittee to carry out the purposes of this title, and to any regulations promulgated pursuant to this title.

(c) The Mayor may revoke any permit issued pursuant to this title at any time. In the event the Mayor requires any permittee to vacate all or any part of any public space, public right of way, or public structure for which a permit charge has been paid, the Mayor shall refund as much of the prepaid charge as may represent that portion of the permit which has been revoked.

(d) Public space, public rights of way, and public structures which are the subject of a permit issued pursuant to this title may be leased or subleased only with the express consent of the Mayor.

(e) Upon the expiration or revocation of any permit issued pursuant to this title, the Mayor may require, at the expense of the permittee, the immediate removal of any apparatus, structure, or device affixed or erected in public space or on a public right of way, or on a public structure, and the restoration of the public space, public right of way, or public structure to its condition prior to the issuance of the permit. If the permittee does not comply with the requirements of this section, the Mayor may remove any of the permittee's property and the cost of such removal shall be borne by the permittee.

Note,  
New Section  
7-1073

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**Sec. 604. Rulemaking.**

The Mayor shall issue regulations to implement this title. These regulations shall:

(1) Provide for a nonrefundable application fee to be paid by any party applying for a permit pursuant to this title. The fee shall be set in an amount to recoup some or all of the costs to the District of Columbia for reviewing the application;

(2) Provide for the payment of a nondiscriminatory, fair, and equitable charge for any permit issued in accordance with this title. The Mayor may allow a permittee to pay a fixed charge for a set period of time, pay an amount based upon the amount of the public right of way or public space used or occupied, pay an amount based upon a revenue sharing formula, or provide in-kind services to the District in lieu of a monetary payment, or the Mayor may require a permittee to pay a combination of these items. The regulations may also provide for interest to be charged on late payments of any charges imposed pursuant to this title;

(3) Generally establish categories of use and the extent to which public space, public rights of way, and public structures may be used; and

(4) Establish and regulate the process through which any modification or damage to the public space, public rights of way, or public structure may be compensated. The regulations shall include provisions governing the appropriate bonding and insurance requirements which must be satisfied by any party who receives a permit issued pursuant to this title, and shall provide for any permittee to provide comprehensive indemnification to the District for any costs or damages which it incurs as a result of actions taken by the permittee in connection with the exercise of any rights or privileges granted in any permit issued pursuant to this title.

**Note,  
New Section  
7-1074**

**Sec. 605. Inspection and audit of books and records.**

The Mayor shall require a permittee to maintain specific books, records, and accounts. All books, records, and accounts of any permittee may be inspected by the Mayor, and may be inspected and audited by the District of Columbia Inspector General in order to determine whether the permittee has paid or will pay all amounts properly owed under any permit issued pursuant to this title.

**Note,  
New Section  
7-1075**

**Sec. 606. Surcharge authorization.**

Each public utility company regulated by the Public Service Commission shall recover from its utility customers all lease payments which it pays to the District of Columbia pursuant to this title through a surcharge mechanism applied to each unit of sale and the surcharge amount shall be separately stated on each customer's monthly billing statement.

**Note,  
New Section  
7-1076**

**ENROLLED ORIGINAL**

**TITLE VII - BOARD OF EDUCATION REPORTING AND PROCUREMENT**

Sec. 701. Within 30 days of July 25, 1996, the Board of Education shall submit a report to the Council on the following:

- (1) The status of any negotiations on a compromise with Locals 639 and 730 to permit the awarding of pay raises in amounts equivalent to all funds (intended for employee pay raises) that have been booked as expenditures and escrowed;
- (2) The actual amount of pay raise costs for Teamsters employees booked in each year since Fiscal Year 1990; and
- (3) The actual amount of funds that have been escrowed and are currently available for disbursement should a compromise be reached.

Sec. 702. The District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code § 1-1181.1 *et seq.*), is amended by adding a new section 307a to read as follows:

Note,  
New Section  
1-1183.7a

"Sec. 307a. Mandatory clause for all Request for Proposals for Public Schools.

"Any Request for Proposals for services to be provided to the District public schools shall contain a provision advising potential bidders that public schools have the right to choose between accepting the services contracted for or receiving a proportionate share of what would be the school's individual costs for the services as an increase to the local school's allotment of appropriations."

**TITLE VIII - UNIVERSITY OF THE DISTRICT OF COLUMBIA REPORTING**

Sec. 801. The University of the District of Columbia shall, not less than 30 days after the District of Columbia Financial Responsibility and Management Assistance Authority ("Authority") takes final action on the District's Fiscal Year 1997 Budget Request Act, submit a report to the Council Committee on Education and Libraries, the Chief Financial Officer, and the Authority, a deficit avoidance plan identifying at least \$7,302,000 to \$8,313,000 in spending reductions.

**TITLE IX AUTOMATED TRAFFIC ENFORCEMENT**

Sec. 901. For the purposes of this title, the term "automated traffic enforcement system" means equipment that takes a film or digital camera-based photograph which is linked with a violation detection system that synchronizes the taking of a photograph with occurrence of the infraction.

Note,  
New Section  
40-751

Sec. 902. (a) The Mayor is authorized to use an automated traffic enforcement system to detect moving infractions. Violations detected by an automated traffic enforcement system are moving violations. Proof of an infraction may be evidenced by an information obtained through the use of an automated traffic enforcement system.

Note,  
New Section  
40-752

**ENROLLED ORIGINAL**

(b) Recorded images taken by an automated traffic enforcement system are prima facie evidence of an infraction and may be submitted without authentication.

Sec. 903. (a) The owner of a vehicle issued a notice of infraction shall be liable for payment of the fine assessed for the infraction, unless the owner can furnish evidence that the vehicle was at the time of the infraction in the custody, care, or control of another person. In these instances, the registered owner of the vehicle shall provide evidence in a sworn affidavit, under penalty of perjury, setting forth the name and address of the person who leased, rented, or otherwise had care, custody, or control of the vehicle.

Note,  
New Section  
40-753

(b) When a violation is detected by an automated traffic enforcement system, the Mayor shall mail a summons and a notice of infraction to the name and address of the registered owner of the vehicle on file with the Bureau of Motor Vehicle Services or the appropriate state motor vehicle agency. The notice shall include the date, time, and location of the violation, the type of violation detected, the license plate number, and state of issuance of the vehicle detected, and a copy of the photo or digitized image of the violation.

(c) An owner or operator who receives a citation may request a hearing which shall be adjudicated pursuant to the Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Code § 40-602 *et seq.*).

(d) The owner of a vehicle shall not be presumed liable for violations in the vehicle recorded by an automated traffic enforcement system when yielding the right of way to an emergency vehicle, when the vehicle or tags have been reported stolen prior to the citation, when part of a funeral procession, or at the direction of a law enforcement officer.

Sec. 904. The Mayor may enter an agreement with a private entity to obtain relevant records regarding registration information or to perform the tasks associated with the use of an automated traffic enforcement system, including, but not limited to, the operation, maintenance, administration, or mailing of notices of violations.

Note,  
New Section  
40-754

**TITLE X - APPLICABILITY**

Sec. 1001. Titles I, II, III, V, and VI shall apply after September 30, 1996.

Note,  
New Section  
7-1071

**TITLE XI. FISCAL IMPACT STATEMENT**

The adoption of this Bill is estimated to generate cost savings and cost avoidance in Fiscal Year 1997, as indicated in the following Table and based on the Mayor's estimates. Those items that are not included in this table are cost avoidance items which conform with the approved Fiscal Year 1997 Budget.



ENROLLED ORIGINAL

*Budget Support Measure*

*FY 1997 Savings*

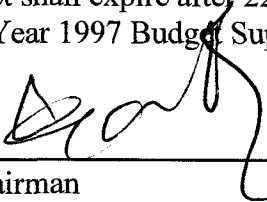
Hold promoters liable for special events tax	\$ 2,000,000
Reduce salaries to members of Board of Education	\$ 500,000
Reduce District's contribution to retirement plan for post- 1987 employees	\$ 3,500,000
Reduce public assistance benefits by 4%	\$ 4,350,000
Eliminate admit with explanation response from the Notice of Infraction	\$ 600,000
Rental of Public Structures in Public Space ("rights-of-way")	\$ 11,000,000
Automated Traffic Enforcement	\$ 3,000,000

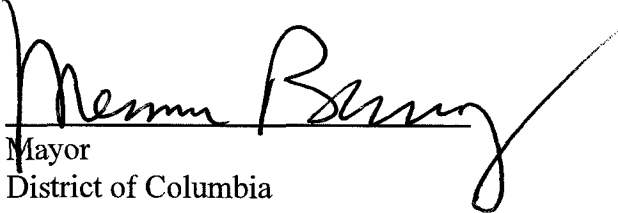
TITLE XII - EFFECTIVE DATE

Sec. 1201. (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), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

**ENROLLED ORIGINAL**

(b) This act shall expire after 225 days of its having taken effect, or upon the effective date of the Fiscal Year 1997 Budget Support Amendment Act of 1996, whichever occurs first.

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia

APPROVED: November 27, 1996



COUNCIL OF THE DISTRICT OF COLUMBIA  
COUNCIL PERIOD ELEVEN  
RECORD OF OFFICIAL COUNCIL VOTE

Docket No. B11-896

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 10-1-96

VOICE VOTE

APPROVED

RECORDED VOTE ON REQUEST

LIGHTFOOT AND THOMAS

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Quynh (me)  
Secretary to the Council

November 14, 1996  
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 11-7-96

VOICE VOTE

APPROVED, BRAZIL VOTED NO

RECORDED VOTE ON REQUEST

RAY AND THOMAS

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X-indicates no

AB-Absent

NV-Present not voting

CERTIFICATION RECORD

Quynh (me)  
Secretary to the Council

November 14, 1996  
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date