

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-301

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 22, 2008

To approve, on an emergency basis, Contract No. POBY-2006-C-0016 with Nutrition, Inc., to provide nutritional meals to elderly citizens of the District of Columbia and to authorize payment for the goods and services received and to be received under that contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. POBY-2006-C-0016 Approval and Payment Authorization Emergency Act of 2008".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), Contract No. POBY-2006-C-0016 with Nutrition, Inc., to provide nutritional meals to elderly citizens of the District of Columbia is approved in the additional amount of \$4.4 million for the 2-year base term and payment is authorized for goods and services received and to be received under that contract.

Sec. 3. Fiscal impact statement.

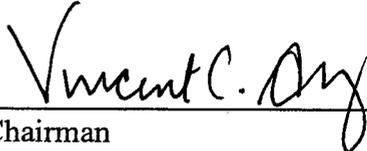
The Council adopts the fiscal impact statement of the Budget Director, dated February 4, 2008, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia

ENROLLED ORIGINAL

in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



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Chairman  
Council of the District of Columbia



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Mayor  
District of Columbia  
APPROVED  
February 22, 2008

## ENROLLED ORIGINAL

## AN ACT

D.C. ACT 17-302

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 22, 2008Codification  
District of  
Columbia  
Official Code

2001 Edition

2008 Summer  
Supp.West Group  
Publisher

To amend, on an emergency basis due to Congressional review, the Retail Incentive Act of 2004 to expand the scope of eligible projects, to permit tenants to apply for assistance under the act, and to prescribe certified business enterprise agreement requirements for such assistance.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Downtown Retail TIF Congressional Review Emergency Amendment Act of 2008".

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

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

(1) Strike the phrase "direct onsite retail sales to consumers," and insert the phrase "direct onsite retail sales to consumers or providing a unique entertainment attraction," in its place.

(2) Strike the phrase "general merchandise goods to specialized customers" and insert the phrase "general merchandise goods to specialized customers, or providing a unique entertainment attraction," in its place.

(b) Section 5 (D.C. Official Code § 2-1217.74) is amended as follows:

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

(A) Paragraph (1)(A) through (K) is amended by striking the word "retailer" each time it appears and inserting the phrase "retailer or unique entertainment attraction" in its place.

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

(i) The lead-in text is amended by striking the phrase "A requirement that the owner of any building" and inserting the phrase "A requirement that the owner of any building or tenant applying for the TIF" in its place.

(ii) Subparagraphs (A), (B), (C), (E), (F), and (G) are amended by striking the phrase "owner's agreement" each time it appears and inserting the phrase "owner's agreement or tenant's agreement" in its place.

(iii) Subparagraph (D) is amended to read as follows:

Note,  
§ 2-1217.71Note,  
§ 2-1217.74

## ENROLLED ORIGINAL

“(D) The owner’s agreement or tenant’s agreement to sign an LSDBE certified business enterprise agreement that establishes a goal of hiring LSDBEs to perform construction or operations work, the costs of which equals 35% of the Bond proceeds.”.

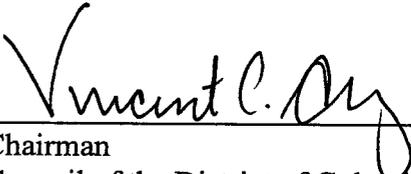
(2) Subsection (c) is amended by striking the sentence “Notwithstanding anything to the contrary herein, the Rules of Operation shall provide that a Retail Development Project that, either directly or as part of a larger development project, has already received proceeds of Bonds through another TIF program shall not be designated a TIF Area under this act.”.

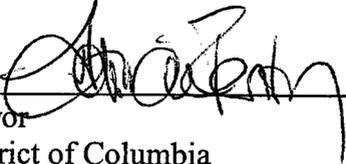
Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director 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. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

  
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Chairman  
Council of the District of Columbia

  
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Mayor  
District of Columbia  
APPROVED  
February 22, 2008

## ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-303

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 22, 2008*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2008 Summer  
Supp.West Group  
Publisher

To amend, on an emergency basis, An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes to extend the time in which the Mayor may dispose of the Old Congress Heights School site in Ward 8 approved for disposition by the Council as surplus property.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Extension of Time to Dispose of the Old Congress Heights School Emergency Amendment Act of 2008".

Sec. 2. Section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801), is amended by adding a new subsection (d-3) to read as follows:

*Note,  
§ 10-801*

"(d-3) Notwithstanding subsection (d) of this section, the time period within which the Mayor may dispose of the property located at 600 Alabama Avenue, S.E., Washington, D.C., commonly known as Old Congress Heights School, and designated for purposes of assessment and taxation as Parcel 235, Lot 6, the disposition of which was approved by the Council in the Old Congress Heights School Disposition Approval Resolution of 2006, effective March 7, 2006 (Res. 16-542; 53 DCR 1935), is extended to September 8, 2008."

Sec. 3. Fiscal impact statement.

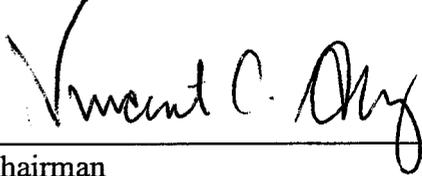
The Council adopts the February 4, 2008, fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



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Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
February 22, 2008

ENROLLED ORIGINAL

AN ACT  
D.C. ACT 17-304

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
FEBRUARY 22, 2008

Codification  
District of  
Columbia  
Official Code

2001 Edition

2008 Summer  
Supp.

West Group  
Publisher

To amend, on an emergency basis, the Inclusionary Zoning Implementation Amendment Act of 2006 to require that the initial rental and price schedule be published by a time certain, and to require that regulations to implement inclusionary zoning be submitted to the Council for review by a time certain.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Inclusionary Zoning Implementation Emergency Amendment Act of 2008".

Sec. 2. The Inclusionary Zoning Implementation Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-275; D.C. Official Code § 6-1041.01 *et seq.*), is amended as follows:

(a) Section 103(b) (D.C. Official Code § 6-1041.03(b)) is amended by striking the phrase "The initial rental and prices" and inserting the phrase "No later than April 4, 2008, the initial rental and price" in its place.

Note,  
§ 6-1041.03

(b) Section 107 (D.C. Official Code § 6-1041.07) is amended as follows:

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

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

Note,  
§ 6-1041.07

"(b) No later than April 4, 2008, 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.*), shall submit all the proposed regulations necessary for implementation of this act, as required by this section, to the Council for a 30-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed regulations, in whole or in part, by resolution within this 30-day period, the proposed regulations shall be deemed approved."

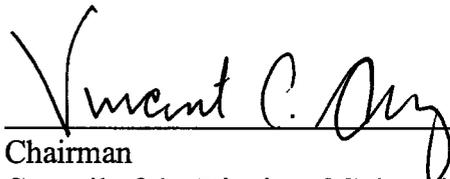
ENROLLED ORIGINAL

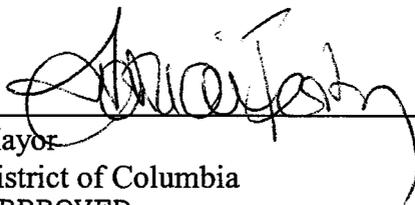
Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director 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. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

  
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Chairman  
Council of the District of Columbia

  
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Mayor  
District of Columbia  
APPROVED  
February 22, 2008

ENROLLED ORIGINAL

AN ACT  
D.C. ACT 17-305

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 22, 2008

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2008 Summer  
Supp.

West Group  
Publisher

To repeal, on an emergency basis, Subtitle M of Title II of the Fiscal Year 2007 Budget Support Act of 2006.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Conversion Fee Clarification Emergency Amendment Act of 2008".

Sec. 2. Subtitle M of Title II of the Fiscal Year 2007 Budget Support Act of 2006, effective March 2, 2007 (D.C. Law 16-192; 53 DCR 6899), is repealed as of March 2, 2007.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director 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. 4. Effective date.

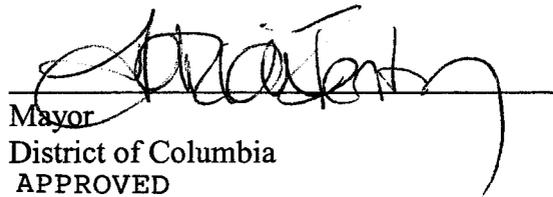
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
February 22, 2008

ENROLLED ORIGINAL

AN ACT  
D.C. ACT 17-306

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
FEBRUARY 22, 2008

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2008 Summer  
Supp.

West Group  
Publisher

To amend, on an emergency basis, the District of Columbia Housing Authority Act of 1999 to expand the D.C. Housing Authority Rent Supplement Program to allow service providers who own, lease, or operate supportive housing to apply for and be awarded sponsor-based assistance funding to house clients.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Local Rent Supplement Program Emergency Amendment Act of 2008".

Sec. 2. Section 2(43A) of the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-201(43A)), is amended by striking the phrase "units owned and operated" and inserting the phrase "units owned, leased, or operated" in its place.

Note,  
§ 6-201

Sec. 3. Fiscal impact statement.

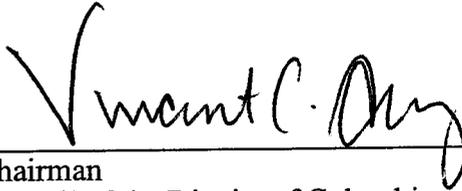
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

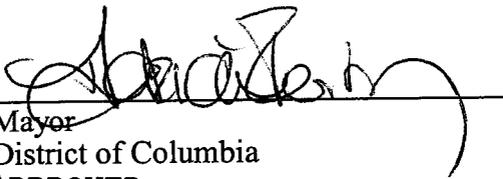
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
February 22, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-307

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 25, 2008

To approve, on an emergency basis, payment to McKissack & McKissack for program-management services for various public schools provided to the Office of Public Education Facilities Modernization without a valid written contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "McKissack & McKissack Payment Authorization Emergency Act of 2008".

Sec. 2. Pursuant to section 105(d)(5)(F)(ii) of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.05(d)(5)(F)(ii)), the Council approves the payment by the Office of Public Education Facilities Modernization to McKissack & McKissack of \$238,963.96 for program-management services for various public schools received from June 15, 2007, through August 9, 2007, which were provided without benefit of a valid written contract.

Sec. 3. Fiscal impact statement.

The Council adopts the February 4, 2008 fiscal impact statement of the Budget Director 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. 4. Effective date.

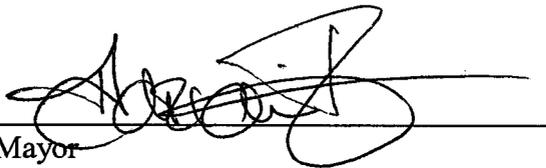
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
February 25, 2008

## ENROLLED ORIGINAL

## AN ACT

D.C. ACT 17-308

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 25, 2008*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2008 Summer  
Supp.West Group  
Publisher

To amend, on an emergency basis, the Department of Transportation Establishment Act of 2002 to authorize the Director of the District Department of Transportation to issue grants to achieve transportation goals, including safety objectives, to enter into agreements to support community-based transportation enhancement activities, to enter into agreements with the Washington Metropolitan Area Transit Authority regarding transportation projects that benefit the District, to include as a duty of the District Department of Transportation the management and construction of certain capital projects, to authorize the District Department of Transportation to review and revise the location of bus shelter locations. and to authorize the District Department of Transportation to develop and update the District's various transportation improvement plans.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Department of Transportation Establishment Emergency Amendment Act of 2008".

Sec. 2. The Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.01 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 50-921.02) is amended by adding new subsections (c) and (d) to read as follows:

"(c) The Director is authorized to issue grants to achieve the District's transportation goals, including safety objectives.

"(d)(1) The Director may enter into agreements with community-based organizations to support community-based transportation enhancement activities that are funded and approved by the Federal Highway Administration.

"(2) An agreement made pursuant to this subsection shall constitute an agreement making or receiving grants-in-aid and shall be exempt from the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official

Note,  
§ 50-921.02

## ENROLLED ORIGINAL

Code § 2-301.01 *et seq.* (“PPA”), in accordance with section 104(b) of the PPA .”

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

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

“(B) Manage and construct capital projects related to the design and installation of streets, alleys, curbs, gutters, bicycle lanes, sidewalks, streetscapes, and medians;”.

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

(A) Subparagraph (D) is amended by striking the phrase “historic district”.

(B) Subparagraph (J) is amended by adding the phrase “review and revise the location of bus shelter locations,” after the phrase “review and revise bus routes,”.

(C) Subparagraph (K) is amended by striking the phrase “travel; and” and inserting the phrase “travel;” in its place.

(D) Subparagraph (L) is amended by striking the phrase “title III.” and inserting the phrase “title III; and” in its place.

(E) A new subparagraph (M) is added to read as follows:

“(M) Develop and update the District’s various transportation improvement plans, consistent with federal and local requirements.”.

Note,  
§ 50-921.04

### Sec. 3. Fiscal impact statement.

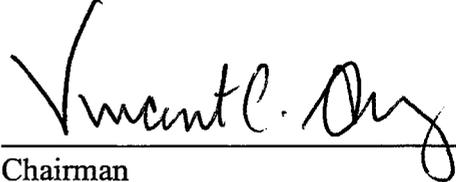
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

### Sec. 4. Effective date.

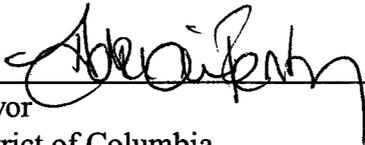
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
February 25, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-309

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 25, 2008

To amend, on an emergency basis, modifications to Contract No. GAGA-2004-C-0078B with Motir Services, Inc., for asbestos-abatement services for the Phelps Architecture, Construction and Engineering High School, and to authorize payment for services received and to be received under that contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modifications to Contract No. GAGA-2004-C-0078B Approval and Payment Authorization Emergency Act of 2008".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council approves modification Nos. 9, 10, 11, and 12 to Contract No. GAGA-2004-C-0078B for asbestos-abatement services for the Phelps Architecture, Construction and Engineering High School and authorizes payment to Motir Services, Inc., in the amount of \$1,045,579 for services received, and up to \$2 million for services to be received, under that contract.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director 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. 4. Effective date.

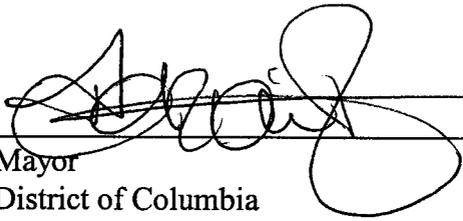
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
February 25, 2008

ENROLLED ORIGINAL

AN ACT  
D.C. ACT 17-310

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
FEBRUARY 25, 2008

Codification  
District of  
Columbia  
Official Code

2001 Edition

2008 Summer  
Supp.

West Group  
Publisher

To amend the New Convention Center Hotel Omnibus Financing and Development Act of 2006 by modifying certain terms and conditions to facilitate the development of a New Convention Center Hotel.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "New Convention Center Hotel Omnibus Financing and Development Amendment Act of 2008".

Sec. 2. The New Convention Center Hotel Omnibus Financing and Development Act of 2006, effective September 19, 2006 (D.C. Law 16-163; D.C. Official Code § 10-1221.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 10-1221.01) is amended as follows:

Amend  
§ 10-1221.01

(1) Paragraph (16) is amended to read as follows:

"(16) "New Convention Center Hotel Site" means the real property located in Lots 18, 21, 22, 24, 801 through 806, 830 through 839, 843, and 845, Square 370, bounded by 9th Street, N.W., 10th Street, N.W., L Street, N.W., and Massachusetts Avenue, N.W.".

(2) Paragraph (18) is amended to read as follows:

"(18) "Project" means the financing, refinancing, or reimbursing of costs incurred for the acquisition, construction, installing, and equipping of a hotel having approximately 1,100 rooms and suites, meeting and ballroom space, and other ancillary facilities customarily found in convention center hotels."

(b) Section 102(1) (D.C. Official Code § 10-1221.02(1)) is amended as follows:

Amend  
§ 10-1221.02

(1) Strike the phrase "and the expansion of the Washington Convention Center".

(2) Strike the phrase "provide for additional retail use,".

(c) Section 103(c) (D.C. Official Code § 10-1221.03(c)) is amended to read as follows:

Amend  
§ 10-1221.03

"(c) If, at the end of any fiscal year of the District, the balance of cash and investments in the New Convention Center Hotel Fund exceeds the amounts required under subsection (b) of this section, including the amount of debt service and reserves on the bonds, the excess shall be transferred to the General Fund of the District of Columbia, unless the District elects to use the excess to redeem the bonds prior to maturity, either in whole or in part."

## ENROLLED ORIGINAL

(d) Section 104(a) (D.C. Official Code § 10-1221.04(a)) is amended to read as follows:

Amend  
§ 10-1221.04

“(a) There is created a TIF area designated as the New Convention Center Hotel TIF Area. The New Convention Center Hotel TIF Area is defined as the real property located in Lots 18, 21, 22, 24, 801 through 806, 830 through 839, 843, and 845, Square 370, bounded by 9th Street, N.W., 10th Street, N.W., L Street, N.W., and Massachusetts Avenue, N.W. As provided under section 103, the Available Tax Increment from the New Convention Center Hotel TIF Area shall be deposited in the New Convention Center Hotel Fund and may be used as provided herein, including as security for the repayment of the bonds.”

(e) Section 109 (D.C. Official Code § 10-1221.09) is amended by adding a new subsection (d) to read as follows:

Amend  
§ 10-1221.09

“(d) The District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*), and the Financial Institutions Deposit and Investment Amendment Act of 1998, effective March 18, 1998 (D.C. Law 12-56; D.C. Official Code § 47-351.01 *et seq.*), shall not apply to the Financing Documents, Closing Documents, and any other contract the Mayor may from time to time enter into in connection with the Project.”

Sec. 3. The Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1201.01 *et seq.*), is amended as follows:

(a) Section 201(7) (D.C. Official Code § 10-1202.01(7)) is amended to read as follows:

Amend  
§ 10-1202.01

“(7) “New convention center hotel” means a hotel to be constructed on the real property located in Lots 18, 21, 22, 24, 801 through 806, 830 through 839, 843, and 845, Square 370, bounded by 9th Street, N.W., 10th Street, N.W., L Street, N.W., and Massachusetts Avenue, N.W.”

(b) Section 204(a-1)(1)(B) (D.C. Official Code § 10-1202.04(a-1)(1)(B)) is amended by striking the phrase “and the expansion of the new convention center”.

Amend  
§ 10-1202.04

(c) Section 702 (D.C. Official Code § 10-1202.22) is amended as follows:

Amend  
§ 10-1202.22

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

“Notwithstanding any other provision of law, the Mayor may grant a lease to Marriott International, Inc., or its designee, of the real property described as Lots 18, 21, 801 through 806, 830 through 839, 843, and 845 in Square 370, including all public alleys to be closed within these lots, on the following terms and conditions:”

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

“(1) The lease term shall be 99 years, with lease payments beginning in the 4th year of operations; provided, that the commencement of the lease payments may be extended as mutually agreed by the parties.”

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

“(2) Annual lease payments shall be in an amount to be negotiated by the parties; provided, that the present value of the lease payments during the lease term discounted at 6% shall equal at least \$70.2 million.”

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(4) Paragraph (3) is repealed.

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

“(5) A right of first refusal and an option to acquire the District’s fee interest in the real property during the lease term.”.

(d) Section 703 (D.C. Official Code § 10-1202.23) is amended to read as follows:

“Sec. 703. Lease authority for the Authority.

“Notwithstanding any other provision of law, the Authority may lease to Marriott International, Inc., or its designee, the real property described as Lots 22 and 24, Square 370, on the following terms and conditions:

“(1) The lease term shall be 99 years, with lease payments beginning on the earlier of:

“(A) The commencement of the 4th year of operation of the New Convention Center Hotel; or

“(B) October 1, 2014; provided, that this date may be extended as mutually agreed by the parties.

“(2) Annual lease payments shall be in an amount to be negotiated by the parties; provided, that the present value of the lease payments during the lease term discounted at 6% shall equal at least \$31.5 million.

“(3) A right of first refusal and an option to acquire the Authority’s fee interest in the real property during the lease term.

“(4) The Authority may convey to lessee its fee simple interest to the improvements located on the lots for lessee to own during the lease term.”.

(e) A new section 704 is added to read as follows:

“Sec. 704. Authority for vault space permit.

“Notwithstanding any other provision of law, the Mayor is authorized to issue a permit for vault space adjacent to the real property subject to the lease referenced in sections 702 and 703 in accordance with the District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1156; D.C. Official Code § 10-1101.01 *et seq.*), coterminous with such lease and at no additional rent or fee.”.

(f) Section 801 (D.C. Official Code § 10-1202.31) is amended as follows:

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

“(1) “New Convention Center Hotel Site” means the real property located in Lots 18, 21, 22, 24, 801 through 806, 830 through 839, 843, and 845, Square 370, bounded by 9<sup>th</sup> Street, N.W., 10<sup>th</sup> Street, N.W., L Street, N.W., and Massachusetts Avenue, N.W., Washington, D.C., and public alleys to be closed.”.

(2) Paragraph (3) is amended by striking the phrase “New Convention Hotel Site” and inserting the phrase “New Convention Center Hotel Site” in its place.

(g) Section 802 (D.C. Official Code § 10-1202.32) is amended as follows:

(1) Paragraph (2) is repealed.

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

Amend  
§ 10-1202.23

Amend  
§ 10-1202.31

Amend  
§ 10-1202.32

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“(3) The construction and development of the New Convention Center Hotel will enable the Center to be more competitive in the convention market, attract increased business, provide for additional retail use, and enhance the financial viability of the Center.”

(3) Paragraph (4) is amended by striking the phrase “and for the expansion of the New Convention Center”.

(h) Section 803 (D.C. Official Code § 10-1202.33) is amended to read as follows:

Amend  
§ 10-1202.33

“(a) The Mayor may exercise eminent domain in accordance with the procedures set forth in subchapter II of Chapter 13 of Title 16 of the District of Columbia Official Code to acquire properties in the New Convention Center Hotel Site to construct and develop the New Convention Center Hotel and such other real properties that the Mayor determines are necessary or convenient to construct a connection between the New Convention Center Hotel and the New Convention Center.

“(b) The New Convention Center Hotel shall be constructed for the purpose of enhancing the New Convention Center and, to the extent the Mayor determines feasible, shall be physically connected to the New Convention Center, above or below grade, to permit direct access between the New Convention Center Hotel and the New Convention Center. The New Convention Center Hotel shall be located adjacent to or in close proximity to the New Convention Center and shall have approximately 1,100 rooms and suites, together with meeting and ballroom space, and other ancillary facilities, including retail, customarily found in similar convention center hotels.”

Sec. 4. Section 47-4609 of the District of Columbia Official Code is amended as follows:

Amend  
§ 47-4609

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

“(a) For the purposes of this section, the term:

“(1) “New Convention Center Hotel TIF Area” means the real property located in Lots 18, 21, 22, 24, 801 through 806, 830 through 839, 843, and 845, Square 370, bounded by 9th Street, N.W., 10th Street, N.W., L Street, N.W., and Massachusetts Avenue, N.W.

“(2) “Project” means the financing, refinancing, or reimbursing of costs incurred for the acquisition, construction, installing, and equipping of a hotel having approximately 1,100 rooms and suites, meeting and ballroom space, and other ancillary facilities customarily found in convention center hotels.”

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

“(b) All transfers of real property in the New Convention Center Hotel TIF Area pursuant to the project and through the date that is 6 months after the effective date of the lease authorized under title VII of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1201.01 *et seq.*), and any transfer by the District of Lot 45 in Square 374 in connection with the project.”

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Sec. 5. Off-set of fiscal year 2008 budgetary impact.

The Office of the Chief Financial Officer shall off-set the fiscal year 2008 budgetary impact of this bill through a reduction in budget authority under the heading "debt service" in the District of Columbia Appropriations Act of 2008.

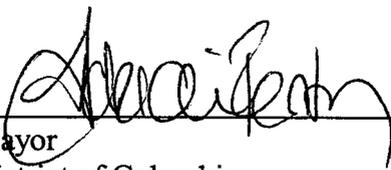
Sec. 6. Fiscal impact statement.

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. 7. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in 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.

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

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
February 25, 2008

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AN ACT  
D.C. ACT 17-311

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 25, 2008

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2008 Summer  
Supp.West Group  
Publisher

To enact the Revised Uniform Anatomical Gift Act to increase the availability of organs, eyes, and tissue for purposes of transplantation, therapy, research, and education by protecting a donor's decision to make an anatomical gift from interference by others after the donor's death, by facilitating anatomical gifts by expanding those who may act for donors during their lives and after their deaths, by expanding the types of documents of gift recognized, including those on donor registries, by facilitating procurement organizations' access of records of documents of gifts and essential medical records, by providing rules for use of anatomical gifts when the purposes are not stated, by recognizing anatomical gifts made under law other than this act, by re-establishing the donor registry for the District of Columbia as part of the uniform act, by requiring that the donor registry be promptly revised if a donor amends or revokes an anatomical gift, by providing for the confidentiality of personally identifiable information included in the donor registry pertaining to a donor or prospective donor, by ensuring that a donor's advance health-care directive does not frustrate the donor's decision to make an anatomical gift, and by encouraging cooperation between procurement organizations and the Office of the Chief Medical Examiner and facilitating anatomical gifts from decedents whose bodies are under the jurisdiction of that office; to amend the District of Columbia Funeral Services Regulatory Act of 1984 to make conforming amendments; to amend the Prohibition of the Buying and Selling of Human Body Parts Act of 1984 to clarify that its penalties apply to the buying and selling of body parts of a living human; to repeal the District of Columbia Anatomical Gift Act; to amend the District of Columbia Tissue Bank Act to make the defined terms conform with those of the uniform act, and to authorize an organ procurement organization to screen, test, or recover eyes or tissues on behalf of an eye bank or tissue bank; to repeal the Organ and Tissue Donor Registry Establishment Act of 2006; to amend An Act To establish a code of law for the District of Columbia to make conforming amendments; and to amend section 108 of Title 18 of the District of Columbia Municipal Regulations to require that applicants for driver's licenses, operating permits, and identification cards be provided a written explanation about the donation of anatomical gifts in the District of Columbia and to make conforming amendments.

## ENROLLED ORIGINAL

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Uniform Anatomical Gift Revision Act of 2008".

Sec. 2. Definitions.

For the purposes of this act and, unless specifically provided otherwise, the District of Columbia Tissue Bank Act, approved September 10, 1962 (76 Stat. 534; D.C. Official Code § 7-1541.01 *et seq.*), and sections 675-676 and 683 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1189; D.C. Official Code §§ 43-119 and 43-125), the term:

- (1) "Adult" means an individual who is at least 18 years of age.
- (2) "Agent" means an individual:
  - (A) Authorized to make health-care decisions on the principal's behalf by a power of attorney for health care; or
  - (B) Expressly authorized to make an anatomical gift on the principal's behalf by any other record signed by the principal.
- (3) "Anatomical gift" means a donation of all or part of a human body to take effect after the donor's death for the purpose of transplantation, therapy, research, or education.
- (4) "Decedent" means a deceased individual whose body or part is or may be the source of an anatomical gift. The term "decedent" includes a stillborn infant and, subject to restrictions imposed by law other than this act, a fetus.
- (5) "Disinterested witness" means a witness other than the spouse, domestic partner, child, parent, sibling, grandchild, grandparent, or guardian of the individual who makes, amends, revokes, or refuses to make an anatomical gift, or another adult who exhibited special care and concern for the individual. The term "disinterested witness" does not include a person to which an anatomical gift could pass under section 11. An individual is not disqualified from being a disinterested witness solely because the individual is employed by a transplant hospital.
- (6) "Document of gift" means a donor card or other record used to make an anatomical gift. The term "document of gift" includes a statement or symbol on a driver's license, identification card, or donor registry.
- (7) "Domestic partner" shall have the same meaning as provided in section 2(4) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(4)).
- (8) "Donor" means an individual whose body or part is the subject of an anatomical gift.
- (9) "Donor registry" means a database that contains records of anatomical gifts and amendments to or revocations of anatomical gifts. The term "donor registry" includes the Registry.

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(10) "Driver's license" means a license or permit issued by the Department of Motor Vehicles to operate a vehicle, whether or not conditions are attached to the license or permit. The term "driver's license" includes a learner's permit.

(11) "Eye bank" means a person that is licensed, accredited, or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of human eyes or portions of human eyes.

(12) "Guardian" means a person appointed by a court to make decisions regarding the support, care, education, health, or welfare of an individual. The term "guardian" does not include a guardian ad litem, unless the guardian ad litem is expressly authorized by a court to consent to a donation.

(13) "Hospice" shall have the same meaning as provided in section 2(6) 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)(6)).

(14) "Hospital" means a facility licensed as a hospital under the law of any state or a facility operated as a hospital by the United States, a state, or a subdivision of a state.

(15) "Identification card" means a special identification card issued by the Department of Motor Vehicles pursuant to 18 DCMR § 112.

(16) "Know" means to have actual knowledge.

(17) "Minor" means an individual who is under 18 years of age.

(18) "Organ procurement organization" means a person designated by the Secretary of the United States Department of Health and Human Services as an organ procurement organization.

(19) "Parent" means a parent whose parental rights have not been terminated.

(20) "Part" means an organ, an eye, or tissue of a human being. The term "part" does not include the whole body.

(21) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(22) "Physician" means an individual authorized to practice medicine or osteopathy under the law of any state.

(23) "Procurement organization" means an eye bank, organ procurement organization, or tissue bank.

(24) "Prospective donor" means an individual who is dead or whose death is imminent and has been determined by a procurement organization to have a part that could be medically suitable for transplantation, therapy, research, or education. The term "prospective donor" does not include an individual who has made a refusal.

(25) "Reasonably available" means able to be contacted by a procurement organization without undue effort and willing and able to act in a timely manner consistent with existing medical criteria necessary for the making of an anatomical gift.

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(26) "Recipient" means an individual into whose body a decedent's part has been or is intended to be transplanted.

(27) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(28) "Refusal" means a record created under section 7 that expressly states an intent to bar other persons from making an anatomical gift of an individual's body or part. The term "refusal" does not include a revocation.

(29) "Registry" means the organ and tissue donor registry for the District of Columbia established by section 20.

(30) "Revocation" means the cancellation of an anatomical gift that was made previously. The term "revocation" does not include a refusal.

(31) "Sign" means, with the present intent to authenticate or adopt a record:

(A) To execute or adopt a tangible symbol; or

(B) To attach to or logically associate with the record an electronic symbol, sound, or process.

(32) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(33) "Technician" means an individual determined to be qualified to remove or process parts by an appropriate organization that is licensed, accredited, or regulated under federal or state law. The term "technician" includes an enucleator.

(34) "Tissue" means a portion of the human body other than an organ or an eye. The term "tissue" does not include blood unless the blood is donated for the purpose of research or education.

(35) "Tissue bank" means a person that is licensed, accredited, or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of tissue.

(36) "Transplant hospital" means a hospital that furnishes organ transplants and other medical and surgical specialty services required for the care of transplant patients.

### Sec. 3. Applicability.

This act applies to an anatomical gift or amendment to, revocation of, or refusal to make an anatomical gift, whenever made.

### Sec. 4. Who may make anatomical gift before donor's death.

Subject to section 8, an anatomical gift of a donor's body or part may be made during the life of the donor for the purpose of transplantation, therapy, research, or education in the manner provided in section 5 by:

(1) The donor, if the donor is an adult or if the donor is a minor and is:

(A) Emancipated; or

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(B) Authorized under state law to apply for a driver's license because the donor is at least 16 years of age;

- (2) An agent of the donor, unless the power of attorney for health care or other record prohibits the agent from making an anatomical gift;
- (3) A parent of the donor, if the donor is an unemancipated minor; or
- (4) The donor's guardian.

Sec. 5. Manner of making anatomical gift before donor's death.

(a) A donor may make an anatomical gift:

- (1) By authorizing a statement or symbol indicating that the donor has made an anatomical gift to be imprinted on the donor's driver's license or identification card;
- (2) In a will;
- (3) During a terminal illness or injury of the donor, by any form of communication addressed to at least 2 adults, at least one of whom is a disinterested witness; or
- (4) As provided in subsection (b) of this section.

(b) A donor or other person authorized to make an anatomical gift under section 4 may make a gift by a donor card or other record signed by the donor or other person making the gift or by authorizing that a statement or symbol indicating that the donor has made an anatomical gift be included on a donor registry. If the donor or other person is physically unable to sign a record, the record may be signed by another individual at the direction of the donor or other person and shall:

- (1) Be witnessed by at least 2 adults, at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person; and
- (2) State that it has been signed and witnessed as provided in paragraph (1) of this subsection.

(c) Revocation, suspension, expiration, or cancellation of a driver's license or identification card upon which an anatomical gift is indicated does not invalidate the gift.

(d) An anatomical gift made by will takes effect upon the donor's death whether or not the will is probated. Invalidation of the will after the donor's death does not invalidate the gift.

Sec. 6. Amending or revoking anatomical gift before donor's death.

(a) Subject to section 8, a donor or other person authorized to make an anatomical gift under section 4 may amend or revoke an anatomical gift by:

- (1) A record signed by:
  - (A) The donor;
  - (B) The other person; or
  - (C) Subject to subsection (b) of this section, another individual acting at the direction of the donor or the other person if the donor or other person is physically unable to sign; or
- (2) A later-executed document of gift, including a driver's license or

## ENROLLED ORIGINAL

identification card, that amends or revokes a previous anatomical gift or portion of an anatomical gift, either expressly or by inconsistency.

(b) A record signed pursuant to subsection (a)(1)(C) of this section shall:

(1) Be witnessed by at least 2 adults, at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person; and

(2) State that it has been signed and witnessed as provided in paragraph (1) of this subsection.

(c) Subject to section 8, a donor or other person authorized to make an anatomical gift under section 4 may revoke an anatomical gift by the destruction or cancellation of the document of gift, or the portion of the document of gift used to make the gift, with the intent to revoke the gift.

(d) A donor may amend or revoke an anatomical gift that was not made in a will by any form of communication during a terminal illness or injury addressed to at least 2 adults, at least one of whom is a disinterested witness.

(e) A donor who makes an anatomical gift in a will may amend or revoke the gift in the manner provided for amendment or revocation of wills or as provided in subsection (a) of this section.

**Sec. 7. Refusal to make anatomical gift; effect of refusal.**

(a) An individual may refuse to make an anatomical gift of the individual's body or part by:

(1) A record signed by:

(A) The individual; or

(B) Subject to subsection (b) of this section, another individual acting at the direction of the individual if the individual is physically unable to sign;

(2) The individual's will, whether or not the will is admitted to probate or invalidated after the individual's death; or

(3) Any form of communication made by the individual during the individual's terminal illness or injury addressed to at least 2 adults, at least one of whom is a disinterested witness.

(b) A record signed pursuant to subsection (a)(1)(B) of this section shall:

(1) Be witnessed by at least 2 adults, at least one of whom is a disinterested witness, who have signed at the request of the individual; and

(2) State that it has been signed and witnessed as provided in paragraph (1) of this subsection.

(c) An individual who has made a refusal may amend or revoke the refusal:

(1) In the manner provided in subsection (a) of this section for making a refusal;

(2) By subsequently making an anatomical gift pursuant to section 5 that is inconsistent with the refusal; or

(3) By destroying or cancelling the record evidencing the refusal, or the portion

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of the record used to make the refusal, with the intent to revoke the refusal.

(d) Except as otherwise provided in section 8(h), in the absence of an express, contrary indication by the individual set forth in the refusal, an individual's unrevoked refusal to make an anatomical gift of the individual's body or part bars all other persons from making an anatomical gift of the individual's body or part.

Sec. 8. Preclusive effect of anatomical gift, amendment, or revocation.

(a) Except as otherwise provided in subsection (g) of this section and subject to subsection (f) of this section, in the absence of an express, contrary indication by the donor, a person other than the donor is barred from making, amending, or revoking an anatomical gift of a donor's body or part if the donor made an anatomical gift of the donor's body or part under section 5 or an amendment to an anatomical gift of the donor's body or part under section 6.

(b) A donor's revocation of an anatomical gift of the donor's body or part under section 6 is not a refusal and does not bar another person specified in section 4 or 9 from making an anatomical gift of the donor's body or part under section 5 or 10.

(c) If a person other than the donor makes an unrevoked anatomical gift of the donor's body or part under section 5 or an amendment to an anatomical gift of the donor's body or part under section 6, another person may not make, amend, or revoke the gift of the donor's body or part under section 10.

(d) A revocation of an anatomical gift of a donor's body or part under section 6 by a person other than the donor does not bar another person from making an anatomical gift of the body or part under section 5 or 10.

(e) In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift under section 4, an anatomical gift of a part is neither a refusal to give another part nor a limitation on the making of an anatomical gift of another part at a later time by the donor or another person.

(f) In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift under section 4, an anatomical gift of a part for one or more of the purposes set forth in section 4 is not a limitation on the making of an anatomical gift of the part for any of the other purposes by the donor or any other person under section 5 or 10.

(g) If a donor who is an unemancipated minor dies, a parent of the donor who is reasonably available may revoke or amend an anatomical gift of the donor's body or part.

(h) If an unemancipated minor who signed a refusal dies, a parent of the minor who is reasonably available may revoke the minor's refusal.

Sec. 9. Who may make anatomical gift of decedent's body or part.

(a) Subject to subsections (b) and (c) of this section and unless barred by section 7 or 8, an anatomical gift of a decedent's body or part for purpose of transplantation, therapy, research, or education may be made by any member of the following classes of persons who is

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reasonably available, in the order of priority listed:

(1) An agent of the decedent at the time of death who could have made an anatomical gift under section 4(2) immediately before the decedent's death;

(2) The spouse or domestic partner of the decedent;

(3) Adult children of the decedent;

(4)(A) Parents of the decedent; or

(B) If, at the time of death, there was a guardian of the decedent under a guardianship order under D.C. Official Code § 16-2389, the guardian, unless the order specifies otherwise;

(5) Adult siblings of the decedent;

(6) Adult grandchildren of the decedent;

(7) Grandparents of the decedent;

(8) An adult who exhibited special care and concern for the decedent;

(9) The persons who were acting as the guardians of the person of the decedent at the time of death; and

(10) Any other person having the authority to dispose of the decedent's body.

(b) If there is more than one member of a class listed in subsection (a)(1), (3), (4), (5), (6), (7), or (9) of this section entitled to make an anatomical gift, an anatomical gift may be made by a member of the class unless that member or a person to which the gift may pass under section 11 knows of an objection by another member of the class. If an objection is known, the gift may be made only by a majority of the members of the class who are reasonably available.

(c) A person may not make an anatomical gift if, at the time of the decedent's death, a person in a prior class under subsection (a) of this section is reasonably available to make or to object to the making of an anatomical gift.

Sec. 10. Manner of making, amending, or revoking anatomical gift of decedent's body or part.

(a) A person authorized to make an anatomical gift under section 9 may make an anatomical gift by a document of gift signed by the person making the gift or by that person's oral communication that is electronically recorded or is contemporaneously reduced to a record and signed by the individual receiving the oral communication.

(b) Subject to subsection (c) of this section, an anatomical gift by a person authorized under section 9 may be amended or revoked orally or in a record by any member of a prior class who is reasonably available. If more than one member of the prior class is reasonably available, the gift made by a person authorized under section 9 may be:

(1) Amended only if a majority of the reasonably available members agree to the amending of the gift; or

(2) Revoked only if:

(A) A majority of the reasonably available members agree to the revoking of the gift; or

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(B) The members of the class described in section 9(a)(4) are equally divided as to whether to revoke the gift.

(c) A revocation under subsection (b) of this section is effective only if, before an incision has been made to remove a part from the donor's body or before invasive procedures have begun to prepare the recipient, the procurement organization, transplant hospital, or physician or technician knows of the revocation.

Sec. 11. Persons that may receive anatomical gift; purpose of anatomical gift.

(a) An anatomical gift may be made to the following persons named in the document of gift:

(1) A hospital; accredited medical school, dental school, college, or university; organ procurement organization; or other appropriate person authorized by the Mayor, for research or education;

(2) Subject to subsection (b) of this section, an individual designated by the person making the anatomical gift if the individual is the recipient of the part; or

(3) An eye bank or tissue bank.

(b) If an anatomical gift to an individual under subsection (a)(2) of this section cannot be transplanted into the individual, the part passes in accordance with subsection (g) of this section in the absence of an express, contrary indication by the person making the anatomical gift.

(c) If an anatomical gift of one or more specific parts or of all parts is made in a document of gift that does not name a person described in subsection (a) of this section but identifies the purpose for which an anatomical gift may be used, the following rules apply:

(1) If the part is an eye and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate eye bank.

(2) If the part is tissue and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate tissue bank.

(3) If the part is an organ and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate organ procurement organization as custodian of the organ.

(4) If the part is an organ, an eye, or tissue and the gift is for the purpose of research or education, the gift passes to the appropriate procurement organization.

(d) For the purposes of subsection (c) of this section, if there is more than one purpose of an anatomical gift set forth in the document of gift but the purposes are not set forth in any priority, the gift shall be used for transplantation or therapy, if suitable. If the gift cannot be used for transplantation or therapy, the gift may be used for research or education.

(e) If an anatomical gift of one or more specific parts is made in a document of gift that does not name a person described in subsection (a) of this section and does not identify the purpose of the gift, the gift may be used only for transplantation or therapy, and the gift passes in accordance with subsection (g) of this section.

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(f) If a document of gift specifies only a general intent to make an anatomical gift by words such as “donor”, “organ donor”, or “body donor”, or by a symbol or statement of similar import, the gift may be used only for transplantation or therapy, and the gift passes in accordance with subsection (g) of this section.

(g) For purposes of subsections (b), (e), and (f) of this section, the following rules apply:

(1) If the part is an eye, the gift passes to the appropriate eye bank.

(2) If the part is tissue, the gift passes to the appropriate tissue bank.

(3) If the part is an organ, the gift passes to the appropriate organ procurement organization as custodian of the organ.

(h) An anatomical gift of an organ for transplantation or therapy, other than an anatomical gift under subsection (a)(2) of this section, passes to the organ procurement organization as custodian of the organ.

(i) If an anatomical gift does not pass pursuant to subsections (a) through (h) of this section or the decedent’s body or part is not used for transplantation, therapy, research, or education, custody of the body or part passes to the person under obligation to dispose of the body or part.

(j) A person may not accept an anatomical gift if the person knows that the gift was not effectively made under section 5 or 10 or if the person knows that the decedent made a refusal under section 7 that was not revoked. For the purposes of the subsection, if a person knows that an anatomical gift was made on a document of gift, the person is deemed to know of any amendment or revocation of the gift or any refusal to make an anatomical gift on the same document of gift.

(k) Except as otherwise provided in subsection (a)(2) of this section, nothing in this act affects the allocation of organs for transplantation or therapy.

#### Sec. 12. Search and notification.

(a) The following persons shall make a reasonable search of an individual who the person reasonably believes is dead or whose death is imminent for a document of gift or other information identifying the individual as a donor or as an individual who made a refusal:

(1) A law enforcement officer, firefighter, paramedic, or other emergency rescuer finding the individual; and

(2) If no other source of the information is immediately available, a hospital, as soon as practical after the individual’s arrival at the hospital.

(b) If a document of gift or a refusal to make an anatomical gift is located by the search required by subsection (a)(1) of this section and the individual or deceased individual to whom it relates is taken to a hospital, the person responsible for conducting the search shall send the document of gift or refusal to the hospital.

(c) A person is not subject to criminal or civil liability for failing to discharge the duties imposed by this section, but may be subject to administrative sanctions.

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Sec. 13. Delivery of document of gift not required; right to examine.

(a) A document of gift need not be delivered during the donor's lifetime to be effective.

(b) Upon or after an individual's death, a person in possession of a document of gift or a refusal to make an anatomical gift with respect to the individual shall allow examination and copying of the document of gift or refusal by a person authorized to make or object to the making of an anatomical gift with respect to the individual or by a person to which the gift could pass under section 11.

Sec. 14. Rights and duties of procurement organization and others.

(a) When a hospital or hospice refers an individual who is dead or whose death is imminent to a procurement organization, the organization shall make a reasonable search of the records of the Department of Motor Vehicles and any donor registry that it knows exists for the geographical area in which the individual resides to ascertain whether the individual has made an anatomical gift.

(b) A procurement organization shall be allowed reasonable access to information in the records of the Department of Motor Vehicles to ascertain whether an individual who is dead or whose death is imminent is a donor.

(c) When a hospital or hospice refers an individual who is dead or whose death is imminent to a procurement organization, the organization may conduct any reasonable examination necessary to ensure the medical suitability of a part that is or could be the subject of an anatomical gift for transplantation, therapy, research, or education from a donor or a prospective donor. During the examination period, measures necessary to ensure the medical suitability of the part may not be withdrawn unless the hospital or procurement organization knows that the individual expressed a contrary intent.

(d) Unless prohibited by law other than this act, at any time after a donor's death, the person to which a part passes under section 11 may conduct any reasonable examination necessary to ensure the medical suitability of the body or part for its intended purpose.

(e) Unless prohibited by law other than this act, an examination under subsection (c) or (d) of this section may include an examination of all medical and dental records of the donor or prospective donor.

(f) Upon the death of a minor who was a donor or had signed a refusal, unless a procurement organization knows the minor is emancipated, the procurement organization shall conduct a reasonable search for the parents of the minor and provide the parents with an opportunity to revoke or amend the anatomical gift or revoke the refusal.

(g) Upon referral by a hospital or hospice under subsection (a) of this section, a procurement organization shall make a reasonable search for any person listed in section 9 having priority to make an anatomical gift on behalf of a prospective donor. If a procurement organization receives information that an anatomical gift to any other person was made, amended, or revoked, it shall promptly advise the other person of all relevant information.

(h) Subject to sections 11(i) and 23, the rights of the person to which a part passes

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under section 11 are superior to the rights of all others with respect to the part. The person may accept or reject an anatomical gift in whole or in part. Subject to the terms of the document of gift and this act, a person that accepts an anatomical gift of an entire body may allow embalming, burial, or cremation, and use of remains in a funeral service. If the gift is of a part, the person to which the part passes under section 11, upon the death of the donor and before embalming, burial, or cremation, shall cause the part to be removed without unnecessary mutilation.

(i) Neither the physician who attends the decedent at death nor the physician who determines the time of the decedent's death may participate in the procedures for removing or transplanting a part from the decedent.

(j) A physician or technician may remove a donated part from the body of a donor that the physician or technician is qualified to remove.

Sec. 15. Coordination of procurement and use.

Each hospital in the District of Columbia shall enter into agreements or affiliations with procurement organizations for coordination of procurement and use of anatomical gifts.

Sec. 16. Sale or purchase of parts prohibited.

(a) Except as otherwise provided in subsection (b) of this section, a person that, for valuable consideration, knowingly purchases or sells a part for transplantation, therapy, research, education, or any other purpose, if removal of a part from an individual is intended to occur after the individual's death, commits a felony and upon conviction is subject to a fine not exceeding \$50,000, imprisonment not exceeding 5 years, or both.

(b) A person may charge a reasonable amount for the removal, processing, preservation, quality control, storage, transportation, implantation, or disposal of a part.

Sec. 17. Other prohibited acts.

A person that, in order to obtain a financial gain, intentionally falsifies, forges, conceals, defaces, or obliterates a document of gift, an amendment or revocation of a document of gift, or a refusal commits a felony and upon conviction is subject to a fine not exceeding \$50,000, imprisonment not exceeding 5 years, or both.

Sec. 18. Immunity.

(a) A person that acts in accordance with this act or with the applicable anatomical gift law of another state, or attempts in good faith to do so, is not liable for the act in a civil action, criminal prosecution, or administrative proceeding.

(b) Neither the person making an anatomical gift nor the donor's estate is liable for any injury or damage that results from the making or use of the gift.

(c) In determining whether an anatomical gift has been made, amended, or revoked under this act, a person may rely upon representations of an individual listed in section 9(a)(2),

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(3), (4), (5), (6), (7), or (8) relating to the individual's relationship to the donor or prospective donor unless the person knows that the representation is untrue.

Sec. 19. Law governing validity; choice of law as to execution of document of gift; presumption of validity.

(a) A document of gift is valid if executed in accordance with:

(1) This act;  
(2) The laws of the state or country where it was executed; or  
(3) The laws of the state or country where the person making the anatomical gift was domiciled, has a place of residence, or was a national at the time the document of gift was executed.

(b) If a document of gift is valid under this section, the law of the District of Columbia governs the interpretation of the document of gift.

(c) A person may presume that a document of gift or amendment of an anatomical gift is valid unless that person knows that it was not validly executed or was revoked.

Sec. 20. Establishment of the donor registry.

There is established a donor registry for residents of the District of Columbia, which shall be maintained by the federally designated organ procurement organization serving the District of Columbia.

Sec. 20a. Access to Registry information.

Unless otherwise authorized by District of Columbia or federal law, information in the Registry shall be accessible only to:

(1) The organ procurement organization serving the District of Columbia; and  
(2) An agency licensed in or authorized by the laws of another state, when a District resident is a donor of an anatomical gift and is not located in the District of Columbia at the time of donor's death or immediately before the time of death.

Sec. 20b. Sources of Registry information; confidentiality.

(a) The organ procurement organization:

(1) May acquire and use donor information from all available sources; and  
(2) Shall acquire and use donor information from the Department of Motor Vehicles submitted in accordance with section 20c and with any regulations promulgated pursuant to section 20f.

(b) Personally identifiable information on the Registry about a donor or prospective donor may not be used or disclosed without the express consent of the donor, prospective donor, or person that made the anatomical gift for any purpose other than to determine whether the donor or prospective donor has made, amended, or revoked an anatomical gift.

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Sec. 20c. Department of Motor Vehicles transfer of Registry information requirements.

(a) The Department of Motor Vehicles shall transfer to the designated organ procurement organization the name, gender, date of birth, and most recent address of any person who obtains a driver's license or identification card and who has made or revoked an anatomical gift.

(b)(1) The initial transfer of donor information shall be transferred to the organ procurement organization by the Department of Motor Vehicles within 30 days of receipt of a written request from the organ procurement organization.

(2) All subsequent transfers of donor information, new and revisions to previously submitted information, shall be submitted monthly, or as otherwise determined by the Mayor, at no charge to the organ procurement organization.

Sec. 20d. Effect of amendment or revocation of anatomical gift upon Registry.

(a) If a donor amends an anatomical gift, or revokes one or more, but not all, anatomical gifts, the Registry shall be promptly revised to reflect the gift or gifts as amended.

(b) If a donor revokes all anatomical gifts, the name of the former donor shall be promptly removed from the Registry.

Sec. 20e. Donor status not dependent on being listed in Registry.

A person shall not be required to be listed in the Registry to be a donor.

Sec. 20f. Rulemaking for Registry.

The Mayor may issue rules necessary to implement the provisions of sections 20 through 20e.

Sec. 21. Effect of anatomical gift on advance health-care directive.

(a) For the purposes of this section, the term:

(1) "Advance health-care directive" means a power of attorney for health care or a record signed or authorized by a prospective donor containing the prospective donor's direction concerning a health-care decision for the prospective donor.

(2) "Declaration" means a record signed by a prospective donor specifying the circumstances under which a life-support system may be withheld or withdrawn from the prospective donor.

(3) "Health-care decision" means any decision regarding the health care of the prospective donor.

(b)(1) If a prospective donor has a declaration or advance health-care directive and the terms of the declaration or directive and the express or implied terms of a potential anatomical gift are in conflict with regard to the administration of measures necessary to ensure the medical suitability of a part for transplantation or therapy, the prospective donor's attending physician and prospective donor shall confer to resolve the conflict.

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(2) If the prospective donor is incapable of resolving the conflict, an agent acting under the prospective donor's declaration or directive, or, if none or the agent is not reasonably available, another person authorized by law other than this act to make health-care decisions on behalf of the prospective donor, shall act for the donor to resolve the conflict.

(3) The conflict shall be resolved as expeditiously as possible.

(4) Information relevant to the resolution of the conflict may be obtained from the appropriate procurement organization and any other person authorized to make an anatomical gift for the prospective donor under section 9.

(5) Before resolution of the conflict, measures necessary to ensure the medical suitability of the part may not be withheld or withdrawn from the prospective donor if withholding or withdrawing the measures is not contraindicated by appropriate end-of-life care.

Sec. 22. Cooperation between the Chief Medical Examiner and procurement organizations.

(a) The Chief Medical Examiner and Office of the Chief Medical Examiner shall cooperate with procurement organizations to maximize the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research, or education. The Office of the Chief Medical Examiner and procurement organizations shall in good faith develop and agree upon protocols in a memorandum of understanding to achieve this objective and shall evaluate the effectiveness of the memorandum of understanding at regular intervals, but no less frequently than every 2 years.

(b) If the Chief Medical Examiner receives notice from a procurement organization that an anatomical gift might be available or was made with respect to a decedent whose body is under the jurisdiction of the Chief Medical Examiner and a post-mortem examination is going to be performed, unless the Chief Medical Examiner denies recovery of a specific part or parts in accordance with section 23, the Chief Medical Examiner, or designee, shall conduct a post-mortem examination of the body or the part in a manner and within a period compatible with its preservation for the purposes of the gift.

(c)(1) A part may not be removed from the body of a decedent under the jurisdiction of the Chief Medical Examiner for transplantation, therapy, research, or education unless the part is the subject of an anatomical gift and the Chief Medical Examiner has been notified before the part is removed from the decedent and has approved the removal.

(2) Except as provided in subsection (d) of this section, the body of a decedent under the jurisdiction of the Chief Medical Examiner may not be delivered to a person for research or education unless the body is the subject of an anatomical gift.

(3) Nothing in this subsection shall be construed as precluding the Chief Medical Examiner from performing the medicolegal investigation upon the body or parts of a decedent under the jurisdiction of the Chief Medical Examiner.

(d) The body of a decedent under the jurisdiction of the Chief Medical Examiner may be delivered for use in an exhibition in connection with a governmental museum or institution

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of learning permanently located in the District of Columbia in accordance with section 677 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1297; D.C. Official Code § 43-120); provided, that the Chief Medical Examiner must be notified before the body is delivered for such purposes.

Sec. 23. Facilitation of anatomical gift from decedent whose body is under jurisdiction of Chief Medical Examiner.

(a)(1) The relationship between the Office of the Chief Medical Examiner and a procurement organization shall be governed by a memorandum of understanding between the Chief Medical Examiner and the procurement organization, which shall contain protocols to resolve any conflicts between the Chief Medical Examiner and the procurement organization.

(2) The time period within which a recovery must be performed to be compatible with the preservation of the part or parts for the purpose of transplantation, therapy, research, or education shall be medically determined, based on the best practices for the recovery of parts, pursuant to the pertinent protocols in the memorandum of understanding.

(b)(1) Upon request of a procurement organization pursuant to an anatomical gift, the Chief Medical Examiner shall release to the procurement organization the name, contact information, and available medical and social history of a decedent whose body is under the jurisdiction of the Chief Medical Examiner.

(2) If the decedent's body or part is medically suitable for transplantation, therapy, research, or education, as determined by the appropriate procurement organization, the Chief Medical Examiner shall release post-mortem examination results to the procurement organization.

(3) The procurement organization and any other recipient may make a subsequent disclosure of the post-mortem examination results or other information received from the Chief Medical Examiner only if relevant to transplantation, therapy, research, or education.

(c) The Chief Medical Examiner may conduct a medicolegal examination by reviewing all medical records, laboratory test results, x-rays, other diagnostic results, and other information that any person possesses about a donor or prospective donor whose body is under the jurisdiction of the Chief Medical Examiner which the Chief Medical Examiner determines may be relevant to the investigation.

(d) A person that has any information requested by the Chief Medical Examiner pursuant to subsection (c) of this section shall provide that information as expeditiously as possible to allow the Chief Medical Examiner to conduct the medicolegal investigation within a period compatible with the preservation of parts for the purpose of transplantation, therapy, research, or education.

(e) If an anatomical gift has been or might be made of a part of a decedent whose body is under the jurisdiction of the Chief Medical Examiner and the Chief Medical Examiner determines that a post-mortem examination is not required, or the Chief Medical Examiner

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determines that a post-mortem examination is required but that the recovery of the part that is the subject of an anatomical gift will not interfere with the examination, the Chief Medical Examiner and procurement organization shall cooperate in the timely removal of the part from the decedent for the purpose of transplantation, therapy, research, or education.

(f)(1) If an anatomical gift of a part from the decedent under the jurisdiction of the Chief Medical Examiner has been or might be made, but the Chief Medical Examiner initially believes that the recovery of the part could interfere with the post-mortem investigation into the decedent's cause or manner of death, the Chief Medical Examiner shall consult with the procurement organization, or a physician or technician designated by the procurement organization, and, at the discretion of the Chief Medical Examiner, with an attending physician, about the proposed recovery within a period compatible with the preservation of the part for the appropriate purpose.

(2) After consultation, the Chief Medical Examiner may allow or deny the recovery of the part.

(3) The Chief Medical Examiner shall allow recovery of a part if the Chief Medical Examiner determines that recovery would not interfere with the post-mortem investigation into the decedent's cause or manner of death.

(g)(1) Following the consultation required under subsection (f) of this section, if the Chief Medical Examiner has not been able to expeditiously determine whether to allow recovery of the part, the Chief Medical Examiner, or designee, at the request of the procurement organization, may attend the removal procedure for the part before making a final determination not to allow the procurement organization to recover the part.

(2) During the removal procedure, the Chief Medical Examiner, or designee, may allow recovery of the part by the procurement organization to proceed, or, if the Chief Medical Examiner, or designee, reasonably believes that the part may be involved in determining the decedent's cause or manner of death, deny recovery by the procurement organization.

(3) If, during the removal procedure, the physician engaged by the procurement organization to recover the part discovers evidence that indicates that the cause of death may be suspicious, the physician shall immediately inform the Chief Medical Examiner of this information and shall not continue or undertake any procedures that would compromise this evidence without the approval of the Chief Medical Examiner.

(h) Except as otherwise provided in the memorandum of understanding described in subsection (a) of this section or a protocol pursuant thereto, if the Chief Medical Examiner, or designee, denies recovery under subsection (g) of this section, the Chief Medical Examiner, or designee, shall:

- (1) Explain in a record the specific reasons for not allowing recovery of the part;
- (2) Include the specific reasons in the records of the Chief Medical Examiner;

and

- (3) Provide a record with the specific reasons to the procurement organization.

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(i) If the Chief Medical Examiner, or designee, allows recovery of a part, the procurement organization, upon request, shall cause the physician or technician who removes the part to provide the Chief Medical Examiner with a record describing the condition of the part, a biopsy, a photograph, and any other information and observations that would assist in the post-mortem examination.

Sec. 24. Uniformity of application and construction.

In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Sec. 25. Duties of hospitals and hospices.

(a) Whenever a patient of a hospital or hospice dies, is determined to be a suitable candidate for organ or tissue donation, and has not made an anatomical gift by will or document of gift, a representative of the hospital or hospice shall, in accordance with section 9, request a person authorized by that section to consent to an anatomical gift of all or part of the decedent's body.

(b) The request required by subsection (a) of this section shall be made only if a procurement organization has notified the hospital or hospice that a donation can be properly obtained and used in a manner consistent with accepted medical standards.

(c) Upon the discovery of a properly executed document of gift or the receipt of a consent under subsection (a) of this section, a hospital or hospice shall immediately notify a procurement organization and shall cooperate in procuring the anatomical gift.

Sec. 26. Organ preservation

(a) If a person authorized by section 9 to consent to an anatomical gift of all or part of the decedent's body is not reasonably available for a representative of a hospital to make the request required by section 25, the hospital may use organ preservation equipment and techniques, including ventilators and in situ flushing and cooling equipment, to maintain the viability of the decedent's organs in order to preserve the option of family members and other authorized persons to consider donation.

(b) If a hospital initiates the preservation of a decedent's organs pursuant to subsection (a) of this section, the hospital shall use all available means to locate a person authorized by section 9 to consent to an anatomical gift. If a person authorized by section 9 to consent to an anatomical gift cannot be located within a time period deemed reasonable by a designated medical professional, or declines to consent to an anatomical gift, the organ preservation procedure shall be discontinued.

(c) A person authorized by section 9 to donate all or any part of a decedent's body shall be given full disclosure of preservation techniques or preservation equipment used, if any.

(d) In the absence of gross negligence or willful misconduct, any person employed or authorized by a hospital to utilize organ preservation techniques pursuant to subsection (a) of

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this section shall be immune from any civil or criminal liability in connection with taking the medically necessary steps to preserve a decedent's organs during the search for, or consultation with, a person authorized by section 9 to consent to an anatomical gift.

(e) Neither a decedent nor relative or guardian of a decedent shall pay any costs associated with organ preservation.

(f) A hospital that initiates organ preservation pursuant to subsection (a) of this section shall bear all costs associated with the organ preservation upon the happening of any of the following:

- (1) The recipient of the preserved organ is indigent;
- (2) A person authorized by section 9 to consent to an anatomical gift cannot be located within a time period deemed reasonable by a designated medical professional; or
- (3) A person authorized by section 9 to consent to an anatomical gift does not consent to an anatomical gift of all or part of a decedent's body.

#### Sec. 27. Certificate requirement.

(a) Whenever a request for consent is made pursuant to section 25, the hospital or hospice representative making the request shall complete a certificate of request for an anatomical gift on a form to be supplied by the Mayor. The certificate shall include the following:

- (1) A statement indicating that a request for an anatomical gift was made;
- (2) The name and affiliation of the person making the request;
- (3) An indication of whether consent was granted and, if so, what organs and tissues were donated; and
- (4) The name of the person granting or refusing the request, and his or her relationship to the decedent.

(b) A copy of the certificate described in subsection (a) of this section shall be included in the decedent's medical record.

#### Sec. 28. 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.*), shall issue all rules necessary to carry out the purposes of sections 25 and 27. These rules shall include, at a minimum:

- (1) Standards for the training and qualification of those hospital and hospice representatives who have been designated to make consent requests pursuant to section 25;
- (2) Procedures to be used when making consent requests under section 25; and
- (3) Procedures to facilitate effective coordination among hospitals, hospices, other health-care facilities and agencies, organ and tissue banks, and procurement organizations.

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## Sec. 29. Relation to Electronic Signatures in Global and National Commerce Act.

This act modifies, limits, and supersedes the Electronic Signatures in Global and National Commerce Act, approved June 30, 2000 (114 Stat. 467; 15 U.S.C. § 7001 *et seq.*), but does not modify, limit, or supersede section 101(a) of that act (15 U.S.C. § 7001), or authorize electronic delivery of any of the notices described in section 103(b) of that act (15 U.S.C. § 7003(b)).

## Sec. 30. Conforming amendments.

(a) Section 14(e) of the District of Columbia Funeral Services Regulatory Act of 1984, effective May 22, 1984 (D.C. Law 5-84; D.C. Official Code § 3-413(e)), is amended by striking the phrase “the District of Columbia Anatomical Gift Act, approved May 26, 1970 (84 Stat. 266; D.C. Code § 2-1501 *et seq.*)” and inserting the phrase “the Uniform Anatomical Gift Revision Act of 2008, passed on 2<sup>nd</sup> reading on February 5, 2008 (Enrolled version of Bill 17-58)” in its place.

Amend  
§ 3-413

(b) Section 2916 of the Establishment of the Office of the Chief Medical Examiner Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 5-1415), is repealed.

Repeal  
§ 5-1415

(c) Section 2(a) of the Prohibition of the Buying and Selling of Human Body Parts Act of 1984, effective March 16, 1985 (D.C. Law 5-189; D.C. Official Code § 7-1501.01(a)), is amended by striking the phrase “a human body” and inserting the phrase “a living human body” in its place.

Amend  
§ 7-1501.01

(d) The District of Columbia Anatomical Gift Act, approved May 26, 1970 (84 Stat. 266; D.C. Official Code § 7-1521.01 *et seq.*), is repealed.

Repeal  
§§ 7-1521.01 -  
7-1521.11

(e) The District of Columbia Tissue Bank Act, approved September 10, 1962 (76 Stat. 534; D.C. Official Code § 7-1541.01 *et seq.*), is amended as follows:

(1) Section 3 (D.C. Official Code § 7-1541.02), is amended as follows:

Amend  
§ 7-1541.02

(A) The definitions of the terms “Commissioners,” “Donor,” and “Tissue” are repealed.

(B) The definition of the term “Tissue bank” is amended to read as follows:

““Tissue bank” means a facility for the recovery, screening, testing, processing, storage, or distribution of tissue for the purposes set forth in the Uniform Anatomical Gift Revision Act of 2008, passed on 2<sup>nd</sup> reading on February 5, 2008 (Enrolled version of Bill 17-58), and for the purposes of reconstructive medicine and surgery, and research and teaching in reconstructive medicine and surgery; provided, that the facility is accredited by the American Association of Tissue Banks.”

(2) Section 4(b) (D.C. Official Code § 7-1541.03(b)) is amended as follows:

Amend  
§ 7-1541.03

(A) The lead-in text is amended by striking the phrase “the District of Columbia Anatomical Gift Act” and inserting the phrase “the Uniform Anatomical Gift

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Revision Act of 2008, passed on 2<sup>nd</sup> reading on February 5, 2008 (Enrolled version of Bill 17-58)" in its place.

(B) Paragraph (6) is amended by striking the phrase "processed, preserved, stored, and transported" and inserting the phrase "recovered, screened, tested, processed, stored, distributed, and transported" in its place.

(C) Paragraph (7) is amended by striking the phrase "processing, preserving, storing, or transporting" and inserting the phrase "recovering, screening, testing, processing, storing, distributing, or transporting" in its place.

(3) Section 9 (D.C. Official Code § 7-1541.05) is repealed.

Repeal  
§ 7-1541.05

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

"Sec. 9a. Authority of organ procurement organization acting on behalf of eye bank or tissue bank.

"An organ procurement organization may screen, test, or recover eyes or tissues on behalf of an eye bank or tissue bank."

(f) The Organ and Tissue Donor Registry Establishment Act of 2006, effective July 25, 2006 (D.C. Law 16-146; D.C. Official Code § 7-1561.01 *et seq.*), is repealed.

Repeal  
§§ 7-1561.01 -  
7-1561.07

(g) An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1189; D.C. Official Code § 45-401 *passim*), is amended as follows:

(1) Sections 675 and 676 (D.C. Official Code § 43-119) is amended by striking the phrase "the District of Columbia Anatomical Gift Act, approved May 26, 1970 (84 Stat. 266; D.C. Code sec. 2-271 *et seq.*)" and inserting the phrase "the Uniform Anatomical Gift Revision Act of 2008, passed on 2<sup>nd</sup> reading on February 5, 2008 (Enrolled version of Bill 17-58)" in its place.

Amend  
§ 43-119

(2) Section 683 (D.C. Official Code § 43-125) is amended by striking the phrase "the District of Columbia Anatomical Gift Act" both times it appears and inserting the phrase "the Uniform Anatomical Gift Revision Act of 2008, passed on 2<sup>nd</sup> reading on February 5, 2008 (Enrolled version of Bill 17-58)" in its place.

Amend  
§ 43-125

(h) Section 108 of Title 18 of the District of Columbia Municipal Regulations is amended as follows:

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(1) The section heading is amended to read as follows: "INDICATIONS OF ANATOMICAL GIFTS ON LICENSES AND SPECIAL IDENTIFICATION CARDS."

(2) Subsection 108.1 is amended to read as follows:

"108.1. Each operator's license or special identification card issued on or after the effective date of the Uniform Anatomical Gift Revision Act of 2008, passed on 2<sup>nd</sup> reading on February 5, 2008 (Enrolled version of Bill 17-58), shall contain, as part of the license or card, a statement or symbol indicating whether or not the holder of the license or card has made an anatomical gift."

(3) Subsection 108.2 is amended by striking the phrase "District of Columbia Anatomical Gift Act, approved May 26, 1970 (84 Stat. 267; D.C. Code § 1504(b))" and inserting the phrase "Uniform Anatomical Gift Revision Act of 2008, passed on 2<sup>nd</sup> reading on

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February 5, 2008 (Enrolled version of Bill 17-58)" in its place.

(4) Subsection 108.4 is amended by striking the phrase "District of Columbia Anatomical Gift Act, approved May 26, 1970 (84 Stat. 267; D.C. Code § 1504(b))" and inserting the phrase "Uniform Anatomical Gift Revision Act of 2008, passed on 2<sup>nd</sup> reading on February 5, 2008 (Enrolled version of Bill 17-58)" in its place.

(5) Subsection 108.6 is repealed.

(6) Subsection 108.7 is amended by striking the phrase ", eighteen (18) years of age and older."

(7) Subsection 108.8 is repealed.

(8) A new subsection 108.9 is added to read as follows:

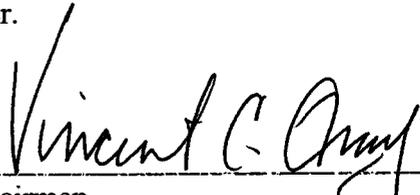
"108.9. Each individual who applies for a learner's permit, temporary motor vehicle operator's permit, operator's license, or identification card shall be provided a written explanation about the donation of anatomical gifts in the District of Columbia, including the right to amend, revoke, or refuse to make an anatomical gift."

Sec. 31. Fiscal impact statement.

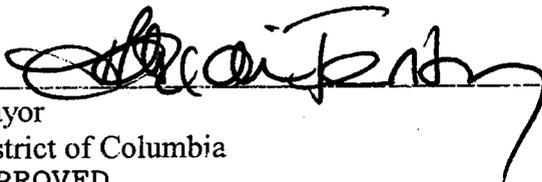
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 32. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in 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.



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED

February 25, 2008  
Certification District of Columbia Official Code, 2001 Edition

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-312

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 25, 2008

Codification  
District of  
Columbia  
Official Code

2001 Edition

2008 Summer  
Supp.

West Group  
Publisher

To amend the Rental Housing Act of 1985 to ensure that tenants evicted under section 501 for nonpayment of rent are accorded the option of having their personal possessions placed in storage for up to 90 days at the expense of the government of the District of Columbia and to provide that if the stored property is not retrieved by the end of 90 days, the storage facility may sell or otherwise dispose of the property.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Evictions with Dignity Amendment Act of 2008".

Sec. 2. Section 501 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3505.01), is amended by adding new subsections (o) and (p) to read as follows:

Amend  
§ 42-3505.01

"(o)(1)(A) The Mayor shall create a moving and storage assistance program, whereby tenants displaced due to nonpayment of rent, who are ineligible to receive relocation assistance as set forth in title VII, shall be entitled to receive storage assistance for their personal property at the expense of the government of the District of Columbia for no longer than 90 days.

"(B) The Department of Human Services shall administer the program.

"(C)(i) The program shall be limited to 500 persons per fiscal year.

"(ii) Priority for participation in the program shall be given to seniors, families with children, and veterans.

"(D) No tenant shall be permitted to utilize the program more than once per fiscal year.

"(E) The maximum amount of District of Columbia funding allowed per tenant household for storage assistance under this program shall be \$750.

"(F) For the purposes of this paragraph "storage assistance" includes moving a tenant's items out of the rental unit, loading, transportation, delivery to a storage facility, unloading at the facility, and paying the storage fees.

"(2) This subsection shall be subject to the availability of funds.

"(3)(A) The Mayor shall enter into a contract with one or more moving companies to load and transport to a storage facility the property of a tenant who qualifies for

## ENROLLED ORIGINAL

the program.

“(B) The Mayor shall enter into a contract with one or more storage facilities to provide storage space for the property.

“(C)(i) The Mayor shall authorize the facility storing the property to sell or otherwise dispose of the personal property stored under this subsection if the property is not retrieved by the tenant before the expiration of the 90-day period.

“(ii) A tenant, the storage company selected to store the tenant’s property, and the Mayor or Mayor’s agent shall enter into an agreement that states that the storage company may sell, auction off, or dispose of the stored property of the tenant if the tenant does not reclaim his or her property within the 90-day period.

“(D) A tenant shall have the option, upon expiration of the 90-day period, to privately enter into a contract with the storage company holding his or her property to continue storing the tenant’s property at the tenant’s expense. A tenant shall then be subject to the regular rules and policies of the storage company.

“(E) The storage facility shall maintain contact information for tenants as well as 2 alternative contacts, if available. The storage facility shall attempt to contact a tenant and his or her alternative contacts by phone prior to the expiration of the 90-day period.

“(F) If the storage company receives money as a result of property sold pursuant to this subsection, the storage company shall deduct the amount received from the District's storage bill.

“(4) Tenants shall sign an agreement releasing the District of any and all liability due to damage or loss of property.

“(5)(A) The Mayor shall create an application procedure for the program. As part of the application process, the tenant shall file the application as soon as possible upon notification by the United States Marshall that a writ of restitution has been ordered by the Superior Court of the District of Columbia.

“(B) If the Mayor is not able to move the tenant’s property prior to the execution of the writ of restitution, the eviction authorized by this section shall continue pursuant to the court order and the Mayor shall not be required to move and store the tenants property under this subsection.

“(6)(A) The Mayor shall produce and make available to landlords an informational document detailing the procedures tenants may take to participate in the program.

“(B) The Mayor shall maintain copies of the document in the Mayor’s office, on the District’s website, in the Office of the Tenant Advocate, and in any other location that the Mayor considers necessary to ensure that sufficient notification of the program is given to District residents.

“(7) Any landlord, before applying for a writ of restitution, must deliver to the tenant, by next-day express mail, a copy of the informational document created by the Mayor pursuant to paragraph (6)(A) of this subsection.

## ENROLLED ORIGINAL

“(8) Tenants shall have the right to enter the storage facility throughout the 90-day period for the purpose of removing property.

“(9)(A) 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.*), shall issue rules within 90 days of the effective date of the Evictions with Dignity Amendment Act of 2008, passed on 2<sup>nd</sup> reading on February 5, 2008 (Enrolled version of Bill 17-61), to implement the provisions of this subsection.

“(B) The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, and 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 45-day review period, the proposed rules shall be deemed approved.

“(10) The Department of Human Services shall submit a report to the Council no later than January 1, 2009, and yearly thereafter. The report shall include:

“(A) The number of applications submitted to the program;

“(B) The number of participants accepted to the program;

“(C) The number of participants successfully completing the program;

“(D) Actual costs to the District of Columbia; and

“(E) Recommendations for the program’s continuation.

“(p) No writ of restitution subject to this section shall be executed without at least 3 days notice following the order.”.

### Sec. 3. Fiscal impact statement.

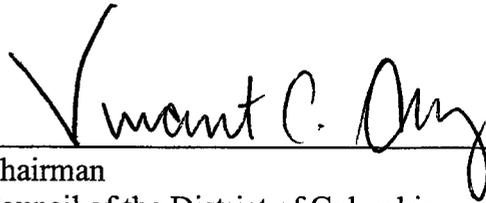
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

### Sec. 4. Effective date.

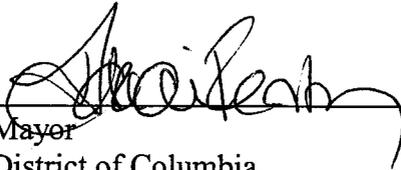
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
February 25, 2008

ENROLLED ORIGINAL

AN ACT  
D.C. ACT 17-313

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
FEBRUARY 25, 2008

*Codification  
 District of  
 Columbia  
 Official Code*

2001 Edition

2008 Summer  
 Supp.

West Group  
 Publisher

To amend An Act To classify the officers and members of the fire department of the District of Columbia, and for other purposes to establish as a statutory position the Medical Director of the Fire and Emergency Medical Services Department, and to establish the Medical Director's duties and authority; to amend An Act Granting relief to the Metropolitan police, and to the officers and members of the fire department of the District of Columbia to eliminate a cap of \$75 per annum, per member, for the furnishing of uniforms and other official equipment to members of the Fire and Emergency Medical Services Department; to amend the Revenue Act for Fiscal Year 1978 to require that the Council approve any fee established by the Mayor for the provision of emergency medical services by the Fire and Emergency Medical Services Department; to amend the Omnibus Public Safety Agency Reform Amendment Act of 2004 to require the Fire Chief to coordinate with the Medical Director in developing and implementing a program of certification for firefighters, paramedics, and emergency medical technicians; and to amend the Medical Records Act of 1978 to include the Fire and Emergency Medical Services as subject to peer body review when it is operating as an emergency, pre-hospital care provider.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Emergency Medical Services Improvement Amendment Act of 2008".

Sec. 2. An Act To classify the officers and members of the fire department of the District of Columbia, and for other purposes, approved June 20, 1906 (34 Stat. 314; D.C. Official Code § 5-401 *et seq.*), is amended as follows:

- (a) Section 1 (D.C. Official Code § 5-401) is amended as follows:
- (1) Designate the existing text as subsection (a).
  - (2) The newly designated subsection (a) is amended by striking the phrase "Fire Department" and inserting the phrase "Fire and Emergency Medical Services Department ("Department")" in its place.
  - (3) A new subsection (b) is added to read as follows:

Amend  
 § 5-401

## ENROLLED ORIGINAL

“(b) The Fire and Emergency Medical Services Department shall provide pre-hospital medical care and transport within the geographical boundaries of the District of Columbia. Major changes in the manner the Department provides emergency medical services shall be approved by resolution of the Council.”

(b) Section 2 (D.C. Official Code § 5-402) is amended by striking the phrase “the Fire Chief of the Fire Department shall be selected from among the Deputy Fire Chiefs, the battalion fire chiefs, the Fire Marshal and the superintendent of machinery;”.

Amend  
§ 5-402

(c) A new section 3a is added to read as follows:

“Sec. 3a. Medical Director.

“(a)(1) The Mayor shall appoint, with the advice and consent of the Council in accordance with paragraph (2) of this subsection, a Medical Director of the Fire and Emergency Medical Services Department (“Department”), who shall hold the rank of Assistant Fire Chief. The Medical Director shall report directly to the Fire Chief, but may be removed only by the Mayor.

“(2) Except as provided in paragraph (3) of this subsection, the Mayor shall submit a nomination for Medical Director to the Council for a 90-day period of review, excluding days of Council recess. If the Council does not approve or disapprove the nomination, by resolution, within the 90-day review period, the nomination shall be deemed disapproved.

“(3) The Mayor shall not be required to submit to the Council the appointment of the incumbent Medical Director serving as of December 19, 2007.

“(b) To be eligible for appointment, the Medical Director shall:

“(1) Be a physician licensed to practice medicine in the District of Columbia;

“(2) Be board certified in a medical specialty that represents the broad patient base that the Department serves, such as emergency medicine, general surgery, family medicine, or internal medicine; and

“(3) Have at least 4 years of substantial experience in emergency medical services, such as experience as a medical director or assistant medical director of emergency medical services, or successful completion of a recognized fellowship in emergency medical services.

“(c) The Medical Director shall maintain clinical practice at a District hospital or hold an appointment at an accredited academic medical center within the District.

“(d) The Medical Director shall:

“(1) Provide medical oversight for all aspects of pre-hospital medical services provided by the Department, including:

“(A) Written policies, procedures, and protocols for pre-hospital medical care;

“(B) Medical training; and

“(C) Quality assurance of medical services;

“(2) Supervise the administration of pre-hospital medical care; and

“(3) Work collaboratively with the Fire Chief, Assistant and Deputy Fire Chiefs,

## ENROLLED ORIGINAL

and other personnel in the Department.

“(e)(1) The provision of pre-hospital medical care by the Department’s certified emergency medical technicians and paramedics shall be under the license of the Medical Director.

“(2) The Medical Director shall not be personally liable for the good-faith performance of the Medical Director’s duties under this act for a death or injury that results from the provision of pre-hospital medical care by the Department’s certified emergency medical technicians or paramedics practicing under the license of the Medical Director unless the death or injury is the result of willful misconduct or gross negligence of the Medical Director.

“(f)(1) The Medical Director shall have the authority to order hospital emergency rooms within the District of Columbia not to close to Department transports and to require hospitals and medical providers to accept the transfer of care of a patient or patients within a specified period of time.

“(2) The Department may transport patients to a pre-approved clinic or other medical facility that is not a hospital emergency room, appropriate to the patient’s need.

“(3) The Medical Director shall have the authority to work directly with the Mayor, the Director of the Department of Health, and other appropriate agencies to develop programs or make written agreements with clinics or other health care providers to receive the Department’s transport of patients.

“(4) The Medical Director shall have the authority to work with the District-based hospitals to coordinate pre-hospital medical services with medical research of best practices for delivery of pre-hospital medical care.”

Sec. 3. An Act Granting relief to the Metropolitan police, and to the officers and members of the fire department of the District of Columbia, approved May 25, 1926 (44 Stat. 635; D.C. Official Code § 5-406), is amended by striking the phrase “not exceeding \$75 per annum”.

Amend  
§ 5-406

Sec. 4. Section 502 of the Revenue Act for Fiscal Year 1978, effective April 19, 1977 (D.C. Law 1-124; D.C. Official Code § 5-416), is amended by striking the phrase “The Mayor of the District of Columbia is authorized, after a public hearing, to” and inserting the phrase “The Mayor, with the approval of the Council by resolution, and after the Council holds a public hearing, may” in its place.

Amend  
§ 5-416

Sec. 5. Section 202(b) of the Omnibus Public Safety Agency Reform Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-194; D.C. Official Code § 5-441(b)), is amended by striking the phrase “Fire Chief” and inserting the phrase “Fire Chief, in close coordination with the Medical Director,” in its place.

Amend  
§ 5-441

ENROLLED ORIGINAL

Sec. 6. Section 2 of the Medical Records Act of 1978, effective September 29, 1978 (D.C. Law 2-112; D.C. Official Code § 44-801), is amended as follows:

Amend § 44-801

(a) Paragraph (2) is amended by striking the period and inserting the phrase “, or the Fire and Emergency Medical Services Department to the extent that it is operating as a pre-hospital medical care provider.” in its place.

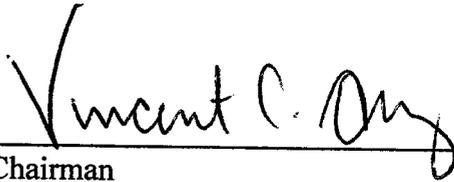
(b) Paragraph (3) is amended by adding a new sentence at the end to read as follows: “The term “health professional” also includes employees of the Fire and Emergency Medical Services Department who provide emergency medical services in accordance with approved medical protocols or under the direction of a physician licensed in accordance with the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201 *et seq.*).”.

Sec. 7. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report 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. 8. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in 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.

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

\_\_\_\_\_  
UNSIGNED  
Mayor  
District of Columbia  
February 25, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-314

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 25, 2008

To amend, on an emergency basis, the Fiscal Year 2008 Supplemental Appropriations Emergency Act of 2007 and the Fiscal Year 2008 Supplemental Appropriations Temporary Act of 2008 to allocate funding for the pre-kindergarten initiative to the Office of the State Superintendent of Education, to authorize 7 full-time equivalent positions for the District of Columbia Auditor, to revise the applicability provision to clarify the amount of funds required to be reprogrammed, and that the requirement shall be met upon the receipt, not approval, of the required requests, and to add the requirement of a reprogramming of the funding for Early Childhood Development from the Department of Human Services to the Office of the State Superintendent of Education.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Supplemental Appropriations Clarification Emergency Amendment Act of 2008".

Sec. 2. The Fiscal Year 2008 Supplemental Appropriations Emergency Act of 2007, effective January 11, 2008 (D.C. Act 17-239; 55 DCR \_\_), is amended as follows:

(a) Section 2(b) is amended as follows:

(1) Paragraph (1)(G) is amended by striking the figure "\$750,000" and inserting the phrase "\$750,000, and 7 full-time equivalent positions," in its place.

(2) Paragraph (2)(G) is amended by striking the phrase "District of Columbia Public Schools" and inserting the phrase "Office of the State Superintendent of Education" in its place.

(b) Section 6 is amended to read as follows:

"Sections 2 and 3 shall apply upon the receipt of reprogramming requests:

"(1) For \$33.5 million in annual operating funds for facility maintenance from the District of Columbia Public Schools to the Office of Public Education Facilities Modernization, as required by the School Modernization Use of Funds Requirements Congressional Review Emergency Amendment Act of 2007, effective December 27, 2007 (D.C. Act 17-229; 55 DCR 225), and the School Modernization Use of Funds Requirements Temporary Amendment Act of 2007, signed by the Mayor on November 27, 2007 (D.C. Act 17-216; 54 DCR 12173) ("Use of

## ENROLLED ORIGINAL

Funds legislation”);

“(2) For \$173.2 million in capital budget authority from the District of Columbia Public Schools to the Office of Public Education Facilities Modernization, as required by the Use of Funds legislation; and

“(3) For \$101,345,668 for Early Childhood Development from the Department of Human Services to the Office of the State Superintendent of Education, as required by section 503a of the Early Intervention Program Establishment Act of 2004, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 7-863.03a).”.

Sec. 3. The Fiscal Year 2008 Supplemental Appropriations Temporary Act of 2008, signed by the Mayor on January 24, 2008 (D.C. Act 17-265; 55 DCR \_\_), is amended as follows:

(a) Section 2(b) is amended as follows:

(1) Paragraph (1)(G) is amended by striking the figure “\$750,000” and inserting the phrase “\$750,000, and 7 full-time equivalent positions,” in its place.

(2) Paragraph (2)(G) is amended by striking the phrase “District of Columbia Public Schools” and inserting the phrase “Office of the State Superintendent of Education” in its place.

(b) Section 6 is amended to read as follows:

“Sections 2 and 3 shall apply upon the receipt of reprogramming requests:

“(1) For \$33.5 million in annual operating funds for facility maintenance from the District of Columbia Public Schools to the Office of Public Education Facilities Modernization, as required by the School Modernization Use of Funds Requirements Congressional Review Emergency Amendment Act of 2007, effective December 27, 2007 (D.C. Act 17-229; 55 DCR 225), and the School Modernization Use of Funds Requirements Temporary Amendment Act of 2007, signed by the Mayor on November 27, 2007 (D.C. Act 17-216; 54 DCR 12173) (“Use of Funds legislation”);

“(2) For \$173.2 million in capital budget authority from the District of Columbia Public Schools to the Office of Public Education Facilities Modernization, as required by the Use of Funds legislation; and

“(3) For \$101,345,668 for Early Childhood Development from the Department of Human Services to the Office of the State Superintendent of Education, as required by section 503a of the Early Intervention Program Establishment Act of 2004, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 7-863.03a).”.

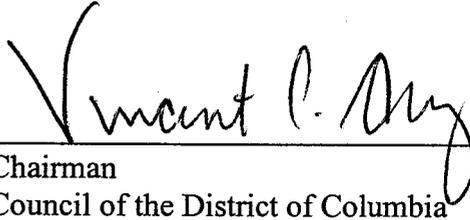
Sec. 4. Fiscal impact statement.

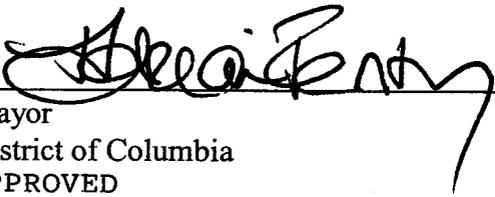
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

ENROLLED ORIGINAL

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED  
February 25, 2008