ENROLLED ORIGINAL

Codification District of Columbia Official Code

2001 Edition

2008 Summer Supp.

West Group Publisher

AN ACT

D.C. ACT 17-326

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 19, 2008

To amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to provide that the provisions governing the Executive Service in Title X-A are applicable to persons appointed by the Mayor to serve as Chief of Police and Fire Chief; to amend An Act Relating to the Metropolitan police of the District of Columbia to clarify that the Mayor may appoint the Chief of Police from among the ranks of officers and members of the Metropolitan Police Department or from outside the department, to require that the Chief of Police be paid under the DX Schedule for subordinate agency heads, and to provide that retirement benefits for a Chief of Police appointed from within the department shall continue to be governed by provisions applicable to members and officials of the department; to repeal section 10007 of the 1998 Supplemental Appropriations and Rescissions Act; to amend section 2 of An Act to classify the officers and members of the fire department of the District of Columbia, and for other purposes, to provide that the Mayor may appoint the Fire Chief from among the ranks of officers and members of the Fire and Emergency Medical Services Department or from outside the department, to require that the Fire Chief be paid under the DX Schedule for subordinate agency heads, and to provide that retirement benefits for a Fire Chief appointed from within the department shall be governed by provisions applicable to members and officials of the department; to amend the District of Columbia Police and Firemen's Salary Act of 1958 to provide that the Chief of Police and the Fire Chief shall be paid from the DX Schedule for subordinate agency heads and shall be eligible to receive longevity payments; and to amend the Policemen and Firemen's Retirement and Disability Act to provide that Chief of Police Cathy L. Lanier, upon retirement from the Metropolitan Police Department, shall be entitled to an annuity computed at 71.5% of her average highest base pay for 36 consecutive months.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Omnibus Executive Service System, Police and Fire Systems, and Retirement Modifications for Chief of Police Cathy L. Lanier and Fire Chief Dennis L. Rubin Amendment Act of 2008".

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Sec. 2. Section 1051 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-610.51), is amended as follows: **Amend § 1-610.51**

(a) The section heading is amended by striking the period at the end and inserting the phrase "; scope." in its place.

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

"(d) Except as otherwise provided by law, the provisions of this title shall apply to persons appointed by the Mayor to serve as Chief of Police and Fire Chief.".

Sec. 3. Section 1 of An Act Relating to the Metropolitan Police of the District of Columbia, approved February 28, 1901 (31 Stat. 819; D.C. Official Code § 5-105.01), is amended by adding a new subsection (a-1) to read as follows: **Amend § 5-105.01**

"(a-1)(1) The Mayor shall appoint the Chief of Police, with the advice and consent of the Council, pursuant to section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)).

"(2) The Chief of Police may be selected for appointment from among the ranks of officers and members of the Metropolitan Police Department, or from outside the department.

"(3) A person selected for appointment as Chief of Police from outside the department shall be paid from the DX Schedule for subordinate agency head positions pursuant to section 1052 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-610.52), and, unless otherwise provided by law, shall be eligible to receive retirement and other benefits as prescribed in Title X-A of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-610.51 *et seq.*).

"(4) A person selected for appointment as Chief of Police from among the ranks of officers and members of the department shall be paid from the DX Schedule for subordinate agency heads pursuant to section 1052 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-610.52), and, unless otherwise provided by law, shall be subject to the retirement provisions for officers and members of the Metropolitan Police Department.".

Sec. 4. Section 10007 of the 1998 Supplemental Appropriations and Rescissions Act, approved May 1, 1998 (112 Stat. 58; D.C. Official Code § 5-105.02), is repealed. **Repeal § 5-105.02**

Sec. 5. Section 2 of 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 § 5-402), is amended by adding a new subsection (a-1) to read as follows: **Amend § 5-402**

"(a-1)(1) The Mayor shall appoint the Fire Chief, with the advice and consent of the

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Council, pursuant to section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)).

"(2) The Fire Chief may be selected for appointment from among the ranks of officers and members of the Fire and Emergency Medical Services Department, or from outside the department.

"(3) A person selected for appointment as Fire Chief from outside the department shall be paid from the DX Schedule for subordinate agency head positions pursuant to section 1052 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-610.52), and, unless otherwise provided by law, shall be eligible to receive retirement and other benefits as prescribed in Title X-A of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-610.51 *et seq.*).

"(4) A person selected for appointment as Fire Chief from among the ranks of officers and members of the department shall be paid from the DX Schedule for subordinate agency head positions pursuant to section 1052 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-610.52), and, unless otherwise provided by law, shall be subject to the retirement provisions for officers and members of the Fire and Emergency Medical Services Department.".

Sec. 6. The District of Columbia Police and Firemen's Salary Act of 1958, approved August 1, 1958 (72 Stat. 481; D.C. Official Code § 5-541.01 *et seq.*), is amended as follows: **Amend § 5-541.01**

(a) Section 101 (D.C. Official Code § 5-541.01) is amended as follows:

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

(A) The lead-in text is amended by striking the phrase "subsection (b)" and inserting the phrase "subsections (a-1) and (b)" in its place.

(B) The salary schedule is amended by repealing the classification entitled "Class 11: Fire Chief, Chief of Police.".

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

"(a-1) The Chief of Police, effective January 2, 2007, and the Fire Chief, effective April 16, 2007, shall be paid in accordance with the DX Schedule for subordinate agency heads pursuant to section 1052 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-610.52).".

(b) Section 401(a) (D.C. Official Code § 5-544.01(a)) is amended as follows: **Amend § 5-544.01**

(1) The lead-in text is amended by striking the phrase "service," and inserting the phrase "continuous service, except as provided in paragraph (1A) of this subsection," in its place.

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

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"(1A) The Chief of Police, effective January 2, 2007, and the Fire Chief, effective April 16, 2007, shall receive per annum, in addition to their respective salaries set in accordance with the DX Schedule for subordinate agency heads pursuant to section 1052 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-610.52), an amount computed by multiplying the salary by the applicable percentage for years of service prescribed by the table included within subsection (a) of this section.".

Sec. 7. Subsection (h) of the Policemen and Firemen's Retirement and Disability Act, approved September 1, 1916 (39 Stat. 718; D.C. Official Code § 5-712), is amended by adding a new paragraph (7) to read as follows: **Amend § 5-712**

"(7) Notwithstanding the first sentence of paragraph (a) of this subsection, at the time that Chief of Police Cathy L. Lanier voluntarily retires or is otherwise separated from the Metropolitan Police Department, she shall be entitled to an annuity computed at 71.5% of her average highest base pay for 36 consecutive months, including longevity payments.".

Sec. 8. 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. 9. 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

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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
March 19, 2008

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AN ACT

D.C. ACT 17-327

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 19, 2008

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To amend the Producer Licensing Act of 2002 to establish uniformity between District law and regulations and national standards, including establishing categories of limited lines licenses and modifying the term of an initial producer license to coincide with a producer's birth month, and to authorize the fingerprinting of an applicant for an insurance producer license; and to amend the Fire and Casualty Act to make conforming amendments.

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

Sec. 2. The Producer Licensing Act of 2002, effective March 27, 2003 (D.C. Law 14-264; D.C. Official Code § 31-1131.01 *et seq.*), is amended as follows:

Amend § 31-1131.02

(a) Section 2 (D.C. Official Code § 31-1131.02) is amended as follows:

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

"(2A) "Department" means the Department of Insurance, Securities, and Banking, established by section 3 of the Department of Insurance and Securities Regulation Establishment Act of 1996, effective May 21, 1997 (D.C. Law 11-268; D.C. Official Code § 31-102).".

(2) Paragraph (4) is amended as follows:

(A) The lead-in text is amended by striking the phrase "of Columbia".

(B) Subparagraph (B) is amended by striking the word "an" and inserting the phrase "a resident" in its place.

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

"(4A) "Individual" means a natural person.".

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

(A) Strike the word "as".

(B) Strike the phrase "section 7" and insert the phrase "section 7(a)" in its place.

(5) Paragraph (6) is amended by striking the phrase "negotiate insurance" and inserting the phrase "negotiate insurance under this act" in its place.

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(6) Paragraphs (9) and (10) are repealed.

(7) Paragraph (11) is amended to read as follows:

"(11) "Limited line of insurance" means a line of insurance:

"(A) Enumerated in section 7(a)(10)(A), (B), (C), (D), or (E);

"(B) Established by the Commissioner pursuant to section 7(a)(10)(F); or

"(C) Recognized by the Commissioner pursuant to section 7(a)(10)(G).".

(8) Paragraph (12) is amended as follows:

(A) Strike the word "producer" and insert the phrase "insurance producer" in its place.

(B) Strike the phrase "negotiate limited lines" and insert the phrase "negotiate a limited line of" in its place.

(9) A new paragraph (14A) is added to read as follows:

"(14A) "Nonresident insurance producer" means an insurance producer whose home state is not the District.".

(10) A new paragraph (15A) is added to read as follows:

"(15A) "Resident insurance producer" means an insurance producer whose home state is the District.".

(11) Paragraph (18) is amended by striking the phrase "the insurer" and inserting the phrase "an insurer" in its place.

(12) Paragraph (19) is amended to read as follows:

"(19) "Uniform Business Entity Application" means the current version of the NAIC Uniform Application for Business Entity Insurance License/Registration.".

(13) Paragraph (20) is amended to read as follows:

"(20) "Uniform Individual Application" means the current version of the NAIC Uniform Application for Individual Insurance Producer License.".

Amend § 31-1131.03

(b) Section 3 (D.C. Official Code § 31-1131.03) is amended as follows:

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

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

"(b)(1) A person who maintains his or her principal place of residence and principal place of business in the District shall apply for a resident insurance producer license.

"(2) A person who maintains his or her principal place of residence and principal place of business outside the District shall apply for a nonresident insurance producer license.

"(3) A person who maintains either, but not both, his or her principal place of residence or principal place of business in the District shall apply for:

"(A) A nonresident insurance producer license if the person is licensed as a resident insurance producer in another state; or

"(B) A resident insurance producer license if the person is not licensed as a resident insurance producer in another state.".

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Amend § 31-1131.05

(c) Section 5 (D.C. Official Code § 31-1131.05) is amended as follows:

(1) The section heading is amended to read as follows:

"Sec. 5. Examination prior to licensure.".

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

"(a) An individual applying for a resident insurance producer license shall pass a written examination unless the individual is:

"(1) Applying for a limited lines insurance producer license or a license in the surplus lines line of authority; or

"(2) Exempt from examination under section 9.".

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

"(a-1) The examination required by subsection (a) of this section shall test the knowledge of the individual concerning the lines of authority for which application is made, the duties and responsibilities of an insurance producer, and the insurance laws and regulations of the District.".

(4) Subsection (d) is amended by striking the phrase "shall reapply for an examination and remit" and inserting the phrase "may reapply for an examination. The individual shall remit" in its place.

(d) A new section 5a is added to read as follows:

"Sec. 5a. Pre-licensing education.

"(a) The Commissioner may require, by rule, that an individual complete a pre-licensing course of study before:

"(1) Taking the examination required by section 5; or

"(2) Applying for an insurance producer license.

"(b) An insurer that sells, solicits, or negotiates a limited line of insurance in the District shall provide to each individual whose duties will include selling, soliciting, or negotiating the insurer's limited line of insurance in the District a program of instruction that is approved by the Commissioner. The insurer shall provide the program of instruction to the individual prior to the individual's application for licensure as a limited lines insurance producer.".

Amend § 31-1131.06

(e) Section 6 (D.C. Official Code § 31-1131.06) is amended as follows:

(1) The section heading is amended by striking the word "for" and inserting the phrase "resident insurance producer" in its place.

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

(A) Strike the phrase "A person applying for an insurance" and insert the phrase "An individual applying for a resident insurance" in its place.

(B) Strike the phrase "Uniform Application" and insert the phrase "Uniform Individual Application" in its place.

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

(A) The lead-in text is amended by striking the phrase "acting as an insurance producer shall obtain an insurance producer license. Application shall be made

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using" and inserting the phrase "applying for a resident business entity producer license shall make application to the Commissioner on" in its place.

(B) Paragraph (2) is amended by striking the word "licensed" and inserting the phrase "licensed individual" in its place.

(4) Subsection (d) is repealed.

(f) A new section 6b is added to read as follows:

"Sec. 6b. Fingerprinting.

"(a) An individual applying for a resident insurance producer license under this act (except for an individual applying only for a limited lines insurance producer license) and each officer, director, partner of, and owner of a controlling interest in, a business entity applying for a resident insurance producer license under this act (except for a business entity applying only for a limited lines insurance producer license) shall submit to the Commissioner the individual's fingerprints along with the individual's name, address, and written consent to the performance of a criminal history record background check.

"(b) The Commissioner may require, by rule, that an individual applying only for a resident limited lines insurance producer license and each officer, director, partner of, and owner of a controlling interest in, a business entity applying only for a resident limited lines insurance producer license, shall submit to the Commissioner his or her fingerprints along with his or her name, address, and written consent to the performance of a criminal history record background check.

"(c) The Commissioner may exchange the fingerprints and other information with, and receive criminal history record information from, the Metropolitan Police Department and the Federal Bureau of Investigation for the purposes of facilitating determinations regarding eligibility for licensure under this act.

"(d) The individual or business entity applying for licensure shall bear the cost of the criminal history record background check and all costs of administering and processing the background check.".

Amend § 31-1131.07

(g) Section 7 (D.C. Official Code § 31-1131.07) is amended as follows:

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

(A) The lead-in text is amended by striking the phrase "issued an insurance" and inserting the phrase "issued a resident insurance" in its place.

(B) Paragraph (1) is amended by striking the word "Insurance" and inserting the phrase "Life, consisting of insurance" in its place.

(C) Paragraph (2) is amended by striking the word "Insurance" and inserting the phrase "Accident and health or sickness, consisting of insurance" in its place.

(D) Paragraph (3) is amended by striking the word "Insurance" and inserting the phrase "Property, consisting of insurance" in its place.

(E) Paragraph (4) is amended by striking the word "Insurance" and inserting the phrase "Casualty, consisting of insurance" in its place.

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(F) Paragraph (5) is amended by striking the word "Insurance" and inserting the phrase "Variable life and variable annuity, consisting of insurance" in its place.

(G) Paragraph (6) is amended as follows:

(i) Strike the word "Property" and insert the phrase "Personal lines, consisting of property" in its place.

(ii) Strike the word "and" at the end.

(H) Paragraph (7) is repealed.

(I) New paragraphs (8), (9), and (10) are added to read as follows:

"(8) Bail bonds, consisting of insuring or guaranteeing that a person will attend court when required, or will obey the orders or judgment of a court, as a condition to the release of the person from confinement;

"(9) Surplus lines, consisting of insurance coverage provided pursuant to section 40(a) of the Fire and Casualty Act, approved October 9, 1940 (54 Stat. 1080; D.C. Official Code § 31-2502.40(a)), by a company not otherwise authorized to do business in the District; and

"(10) Any of the following limited lines of insurance:

"(A) Car rental;

"(B) Credit;

"(C) Crop;

"(D) Surety;

"(E) Travel;

"(F) A limited line of insurance established by the Commissioner by rule; and

"(G) A line of insurance the Commissioner recognizes as a limited line of insurance for the purposes of complying with section 8(e).".

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

"(a-1) A person shall not be issued a license in the bail bonds or surplus lines line of insurance unless the person holds, or is simultaneously issued, a license in the property or casualty line of insurance.".

(3) Subsections (b), (c), and (d) are repealed.

(4) Subsection (e) is amended by striking the word "considers" and inserting the phrase "considers useful or"in its place.

(5) Subsection (f) is repealed.

(h) New sections 7a and 7b are added to read as follows:

"Sec. 7a. Term of license; renewal.

"(a) An initial individual insurance producer license issued after the effective date of the Producer Licensing Amendment Act of 2008, passed on 2nd reading on March 4, 2008 (Enrolled version of Bill 17-252) (and the first renewal after the effective date of the Producer Licensing Amendment Act of 2008, passed on 2nd reading on March 4, 2008 (Enrolled version of Bill 17-252), of an individual insurance producer license initially issued before the effective

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date of the Producer Licensing Amendment Act of 2008, passed on 2nd reading on March 4, 2008 (Enrolled version of Bill 17-252), shall expire on the last day of the birth month of the producer that falls not less than 18 months and not more than 29 months after the effective date of the license.

"(b) An initial business entity insurance producer license issued after the effective date of the Producer Licensing Amendment Act of 2008, passed on 2nd reading on March 4, 2008 (Enrolled version of Bill 17-252) (and the first renewal after the effective date of the Producer Licensing Amendment Act of 2008, passed on 2nd reading on March 4, 2008 (Enrolled version of Bill 17-252), of a business entity insurance producer license initially issued before the effective date of the Producer Licensing Amendment Act of 2008, passed on 2nd reading on March 4, 2008 (Enrolled version of Bill 17-252), shall expire on the May 31 that falls not less than 18 months and not more than 29 months after the effective date of the license.

"(c) A renewal of an existing license shall expire 2 years after the expiration date of the license period; provided, that the first renewal after the effective date of the Producer Licensing Amendment Act of 2008, passed on 2nd reading on March 4, 2008 (Enrolled version of Bill 17-252), of a license initially issued before the effective date of the Producer Licensing Amendment Act of 2008, passed on 2nd reading on March 4, 2008 (Enrolled version of Bill 17-252), shall be governed by subsections (a) and (b) of this section.

"(d) A person shall apply for or request renewal of a license on a form, or through such means, as may be prescribed by the Commissioner.

"(e) The Commissioner shall renew an insurance producer license if:

"(1) The producer applies for or requests license renewal on the form, or through such means, prescribed by the Commissioner;

"(2) All fees prescribed by the Commissioner are paid;

"(3) If the producer is a resident insurance producer:

"(A) The continuing education requirements, if any, have been met;

"(B) The license is not subject to non-renewal under section 12; and

"(C) The person has submitted a full set of fingerprints, if required by law or rule; and

"(4) If the producer is a nonresident producer, he or she continues to be licensed as a resident producer, in good standing, in his or her home state.

"(f) An individual insurance producer who allows his or her license to lapse may, within one year after the expiration date of the license, reinstate the same license without the necessity of passing a written examination; provided, that the producer shall pay a penalty in the amount of twice the unpaid renewal fee.

"(g) An insurance producer who is unable to comply with the license renewal procedures due to military service or some other extenuating circumstance may request a waiver of those procedures. The insurance producer may also request a waiver of any examination requirement or any other penalty or sanction imposed for failure to comply with renewal procedures.

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"Sec. 7b. Continuing education.

"The Commissioner may establish continuing education requirements for resident insurance producers.".

(i) Section 8 (D.C. Official Code § 31-1131.08) is amended as follows: **Amend § 31-1131.08**

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

"(a) A person may request a nonresident license if the person is licensed as a resident insurance producer in another state.".

(2) New subsections (a-1) and (a-2) are added to read as follows:

"(a-1) A person requesting a nonresident insurance producer license shall make his or her request on a form, or through such means, prescribed by the Commissioner.

"(a-2) Unless denied licensure under section 12 or granted a resident insurance producer license by meeting the requirements of sections 5 and 6, a nonresident person shall receive a nonresident insurance producer license if:

"(1) The person is currently licensed as a resident and in good standing in his or her home state;

"(2) The person has submitted the proper request for a nonresident insurance producer license and has paid the fees as prescribed by the Commissioner; and

"(3) The person has submitted or transmitted to the Commissioner a completed NAIC Uniform Application or the application for licensure that the person submitted to his or her home state.".

(3) Subsection (c) is repealed.

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

(A) Strike the phrase "limited line credit insurance or other type of limited lines" and insert the phrase "limited lines insurance" in its place.

(B) Strike the phrase "nonresident limited lines" and insert the phrase "nonresident limited lines insurance" in its place.

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

"(f) An applicant may qualify for a license under this act as a nonresident only if the applicant holds an equivalent license in the applicant's home state. A license issued to a nonresident of the District shall grant the same rights and privileges as a resident licensee.".

(j) A new section 8a is added to read as follows:

"Sec. 8a. Changes of name, residency, or address.

"(a) A licensee shall inform the Commissioner of a change of the licensee's residential or business address within 30 days of the change of address. A nonresident insurance producer who moves from one state to another state or a resident insurance producer who moves from the District to another state shall file a change of address and provide certification from the new resident state within 30 days after the change of residence. No fee or license application shall be required.

"(b) A licensee shall inform the Commissioner of a change of the licensee's legal or corporate name within 30 days after the change of name.

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"(c) Failure to timely inform the Commissioner of a change in legal name or address shall result in a penalty as prescribed by the Commissioner.

"(d) A person licensed as an insurance producer in another state who moves to the District shall make application within 90 days of establishing legal residence to become a resident licensee under section 6 unless the person maintains his principal place of business in another state and the person has a resident insurance producer license in that state.".

(k) Section 9 (D.C. Official Code § 31-1131.09) is amended as follows: **Amend § 31-1131.09**

(1) The section heading is amended by striking the period and inserting the phrase "and prelicensing education." in its place.

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

(A) The lead-in text is amended as follows:

(i) Strike the phrase "an insurance" and insert the phrase "a resident insurance" in its place.

(ii) Strike the word "education" and insert the phrase "education (if prelicensing education is required by the Commissioner pursuant to section 5a)" in its place.

(B) Paragraph (1) is amended by striking the word "person" and inserting the word "individual" in its place.

(3) Subsections (b), (c), (d), and (e) are repealed.

(l) Section 12 (D.C. Official Code § 31-1131.12) is amended as follows: **Amend § 31-1131.12**

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

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

"The Commissioner may refuse to issue an insurance producer license; place an insurance producer on probation; suspend, revoke, or refuse to renew an insurance producer's license; levy a civil penalty in accordance with subsection (d) of this section; issue subpoenas and administer oaths; or take any combination of these actions if an insurance producer or an applicant for an insurance producer license:".

(B) Paragraph (11) is amended by striking the word "complete" and inserting the phrase ", or otherwise cheats on," in its place.

(C) Paragraph (14) is amended by striking the word "state" in both places it appears and inserting the word "District" in its place.

(D) Paragraph (15) is repealed.

(E) A new paragraph (16) is added to read as follows:

"(16) Is found to have misrepresented satisfactory completion of, or improperly used notes or other reference material to complete, or otherwise cheats on, an examination in a prelicensure or continuing education course.".

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

"(a-1) In addition to the reasons set forth in subsection (a) of this section, the Commissioner may place a business entity insurance producer on probation; suspend, revoke, or refuse to renew a business entity insurance producer's license; or levy a civil penalty against a business entity insurance producer if:

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"(1) One or more of the partners, officers, or managers acting on behalf of the business entity knew or should have known of the occurrence of a license violation;

"(2) The violation was not reported to the Commissioner; and

"(3) Corrective action was not taken.".

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

"(b)(1) Except as provided in paragraph (2) of this subsection, the Commissioner shall not place an insurance producer on probation; suspend, revoke, or refuse to renew an insurance producer's license; or levy a civil penalty against an insurance producer without first providing the following notice and opportunity for hearing to the applicant or licensee. The Commissioner shall notify the applicant or licensee, in writing, of the proposed action and the reason for the proposed action. The Commissioner shall also inform the applicant or licensee, in writing, that the applicant or licensee may, within 30 days after the date of the Commissioner's notice, request a hearing to determine whether the proposed action should be taken. If a hearing is requested, the Commissioner, or a designee of the Commissioner, shall hold the hearing within 30 days after the date of receipt by the Commissioner of the written request, and the Commissioner shall not, except as provided in paragraph (2) of this subsection, take the proposed action before the close of the hearing.

"(2)(A) If the Commissioner determines that further transaction of business by a producer would be hazardous to the public or the policyholders or creditors of the producer, the Commissioner may revoke or suspend the license of the producer without giving notice or prior opportunity for a hearing; provided, that the Commissioner shall provide to the producer the opportunity for a hearing within 30 days after the effective date of the order of the revocation or suspension.

"(B) The Commissioner may refuse to issue an initial insurance producer license without giving notice or prior opportunity for a hearing; provided, that the Commissioner shall provide to the applicant the opportunity for a hearing within 30 days after the date of the denial.

"(3) In a hearing under this subsection, the Commissioner may administer oaths to witnesses and issue subpoenas for witnesses and documents. A witness testifying falsely under oath shall be subject to the penalties of perjury. The Commissioner's authority to issue subpoenas shall not be limited to hearings if the Commissioner determines that the issuance of a subpoena is useful or necessary to protect the public interest. If a person refuses to obey a subpoena issued by the Commissioner, the Commissioner may petition the Superior Court of the District of Columbia ("Superior Court") to enforce the subpoena, and the Superior Court may issue an order requiring the person to appear and testify before the Commissioner or produce documents. A person failing to obey the Superior Court's order may be held in contempt of court.".

(4) Subsection (c) is repealed.

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

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"(d-1) A person affected or aggrieved by an order, ruling, proceeding, or action of the Commissioner, or any person acting on behalf of the Commissioner, under this section may contest the validity of the same in any court of competent jurisdiction by appeal or through any other appropriate proceedings. In any proceeding or appeal, the Commissioner shall not be:

"(1) Taxed with any costs;

"(2) Required to give any supersedeas bond or security for costs or damages;

"(3) Subject to suit or action or liable for any judgment or decree for any damages, loss, or injury claimed by any person on any appeal taken; or

"(4) Required to make any deposit for costs or pay for any service to the clerks of any court or to any marshal of the United States, except as may be inconsistent with law.".

(6) Subsection (e) is amended as follows:

(A) Strike the word "After" and insert the phrase "Notwithstanding" in its place.

(B) Strike the word "registration".

(m) Section 16 (D.C. Official Code § 31-1131.16) is amended as follows: **Amend § 31-1131.16**

(1) Subsection (a) is amended by adding a new sentence at the end to read as follows:

"The Commissioner may waive any requirements, except for those imposed by section 8, for a nonresident license applicant with a valid license from the applicant's home state if the applicant's home state does not award nonresident licenses to residents of the District on the same basis.".

(2) Subsection (b) is amended by adding a new sentence at the end to read as follows:

"The Commissioner may determine that a nonresident insurance producer's satisfaction of his or her home state's continuing education requirements for licensed insurance producers constitutes satisfaction of the District's continuing education requirements if the nonresident producer's home state does not recognize the satisfaction of its continuing education requirements imposed upon insurance producers from the District on the same basis.".

(3) Subsection (c) is amended by striking the sentence "An applicant may qualify for a license under this act as a nonresident only if the applicant holds an equivalent license in his or her home state.".

(n) Section 18 (D.C. Official Code § 31-1131.18) is amended by striking the word "necessary" and inserting the phrase "necessary or appropriate" in its place. **Amend § 31-1131.18**

Sec. 3. Section 40(a) of the Fire and Casualty Act, approved October 9, 1940 (54 Stat. 1063; D.C. Official Code § 31-2501.40(a)), is amended by striking the phrase "Any agent or broker licensed in the District may, upon payment of a license fee, as provided under section 41, be licensed" and inserting the phrase "A person may be licensed as a surplus lines insurance producer under the Producer Licensing Act of 2002, effective March 27, 2003 (D.C. Law 14-264; D.C. Official Code § 31-1131.01 *et seq.*)," in its place. **Amend § 31-2501.40**

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Sec. 4. 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. 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), a 30-day period of Congressional review as provided in section 602(c)(l) of the District of Columbia Home Rule Act, approved December 1973 (87 Stat. 813; D.C. Official Code § l-206.02(c)(l)), and publication in the District of Columbia Register.

Vincent C. Gray

Chairman
Council of the District of Columbia

Adrian Fenty

Mayor
District of Columbia
APPROVED
March 19, 2008

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Codification District of Columbia Official Code

2001 Edition

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AN ACT

D.C. ACT 17-328

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 19, 2008

To amend the District of Columbia Home Rule Act to require that in the event of a vacancy in the Council of a member elected from a ward, the Board of Elections and Ethics shall hold a special election to fill such vacancy on the 1st Tuesday occurring more than 70 days after the date on which such vacancy occurs, unless the Board of Elections and Ethics determines that such vacancy could be more practicably filled in a special election held in the District within 60 days of the date on which the special election would otherwise have been held; and to amend the District of Columbia Election Code of 1955 to require that in the event of a vacancy on the State Board of Education of an elected member, the Board of Elections and Ethics shall hold a special election to fill such vacancy on the 1st Tuesday occurring more than 70 days after the date on which such vacancy occurs, unless the Board of Elections and Ethics determines that such vacancy could be more practicably filled in a special election held in the District within 60 days of the date on which the special election would otherwise have been held.

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

Amend § 1-204.01

Sec. 2. Section 401(d)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 785; D.C. Official Code § 1-204.01(d)(1)), is amended by striking the phrase "more than one hundred fourteen days" and inserting the phrase "more than seventy days" in its place.

Amend § 1-1001.08

Sec. 3. The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.01 *et seq.*), is amended as follows:

(a) Section 108 (D.C. Official Code § 1-1001.08) is amended as follows:

(1) Subsection (j)(1)(A) is amended by striking the phrase "such general election" and inserting the phrase "such general election (35 days in the case of a special election to fill a vacancy for a ward member of the Council)" in its place.

(2) Subsection (n) is amended by striking the phrase "69th calendar day before the date of such general or special election" and inserting the phrase "69th calendar day before

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the date of a general election or not later than the 35th calendar day before the date of a special election" in its place.

(3) Subsection (o)(2) is amended by striking the phrase "Within 3 days after the announcement of the determination of the Board with respect to the validity of the nominating petition," and inserting the phrase "Within 3 days after the announcement of the determination of the Board with respect to the validity of the nominating petition for a general election or within 2 days after the announcement of the determination of the Board with respect to the validity of the nominating petition for a special election," in its place.

(b) Section 110(e)(1) (D.C. Official Code § 1-1001.10(e)(1)) is amended by striking the phrase "more than 114 days" and inserting the phrase "more than 70 days" in its place. **Amend § 1-1001.10**

Sec. 4. Applicability.

This act shall apply upon enactment of section 2 by Congress.

Sec. 5. 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. 6. 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.

Vincent C. Gray

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
March 19, 2008

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AN ACT

D.C. ACT 17-329

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 19, 2008

Codification District of Columbia Official Code

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2008 Summer Supp.

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To amend the Advisory Neighborhood Commissions Act of 1975, the District of Columbia Government Comprehensive Merit Personnel Act of 1978, the District of Columbia Election Code of 1955, the Office of Human Rights Establishment Act of 1999, the District of Columbia Health Occupations Revision Act of 1985, the Homeless Services Reform Act of 2005, the Office of Citizen Complaint Review Establishment Act of 1998, the Mental Health Consumers' Rights Protection Act of 2001, Title 16 of the District of Columbia Official Code, An Act To establish a code of law for the District of Columbia, the Bias-Related Crime Act of 1989, the National Capital Revitalization and Self-Government Improvement Act of 1997, An Act To establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes, the Prohibition of Discrimination in the Provision of Insurance Act of 1986, the Insurance Trade Economic Development Amendment Act of 2000, the Employment Services Licensing and Regulation Act of 1984, and the Retail Electric Competition and Consumer Protection Act of 1999 to prohibit discrimination based on gender identity or expression.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Prohibition of Discrimination on the Basis of Gender Identity and Expression Amendment Act of 2008".

Sec. 2. The Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-58; D.C. Official Code § 1-309.01 *et seq.*), is amended as follows:

Amend § 1-309.01

(a) Section 2(c) (D.C. Official Code § 1-309.01(c)) is amended by adding a new paragraph (4) to read as follows:

"(4) "Gender identity or expression" shall have the same meaning as provided in section 102(12A) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 1-1401.02(12A))."

Amend § 1-309.11

(b) Section 14(f) (D.C. Official Code § 1-309.11(f)) is amended by striking the phrase "or sexual orientation" and inserting the phrase "sexual orientation, or gender identity or expression" in its place.

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

(a) Section 103(b)(5) (D.C. Official Code § 1-601.02(b)(5)) is amended by striking the phrase "sexual orientation or preference" and inserting the phrase "sexual orientation, gender identity or expression" in its place. **Amend § 1-601.02**

(b) Section 301 (D.C. Official Code § 1-603.01) is amended by adding a new paragraph (i-1) to read as follows: **Amend § 1-603.01**

"(i-1) "Gender identity or expression" shall have the same meaning as provided in section 102(12A) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(12A)).".

Sec. 4. The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 1-1001.01) is amended by adding a new paragraph (24) to read as follows: **Amend § 1-1001.01**

"(24) The term "gender identity or expression" shall have the same meaning as provided in section 102(12A) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(12A)).".

(b) Section 9(d)(2) (D.C. Official Code § 1-1001.09 (d)(2)) is amended by striking the phrase "sexual orientation" and inserting the phrase "sexual orientation, gender identity or expression" in its place. **Amend § 1-1001.09**

Sec. 5. Section 203 of the Office of Human Rights Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D.C. Official Code § 2-1411.02), is amended by striking the phrase "sexual orientation" and inserting the phrase "sexual orientation, gender identity or expression (as defined in section 102(12A) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(12A)))" in its place. **Amend § 2-1411.02**

Sec. 6. The District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01), is amended as follows:

(a) Section 101 (D.C. Official Code § 3-1201.01) is amended by adding a new paragraph (6A) to read as follows: **Amend § 3-1201.01**

"(6A) "Gender identity or expression" shall have the same meaning as provided in section 102(12A) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(12A)).".

(b) Section 831(b)(2)(C)(ii) (D.C. Official Code § 3-1208.31(b)(2)(C)(ii)) is amended by striking the phrase "sexual orientation" and inserting the phrase "sexual orientation, gender identity or expression" in its place. **Amend § 3-1208.31**

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Sec. 7. The Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 4-754.01) is amended by adding a new paragraph (17A) to read as follows: **Amend § 4-754.01**

"(17A) "Gender identity or expression" shall have the same meaning as provided in section 102(12A) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(12A)).".

(b) Section 9(2) (D.C. Official Code § 4-754.11(2)) is amended by striking the phrase "sexual orientation" and inserting the phrase "sexual orientation, gender identity or expression" in its place. **Amend § 4-754.11**

(c) Section 12(10) (D.C. Official Code § 4-754.21(10)) is amended by striking the phrase "sexual orientation" and inserting the phrase "sexual orientation, gender identity or expression" in its place. **Amend § 4-754.21**

Sec. 8. The Office of Citizen Complaint Review Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1101 *et seq.*), is amended as follows:

(a) Section 4 (D.C. Official Code § 5-1103) is amended by adding a new paragraph (3A) to read as follows: **Amend § 5-1103**

"(3A) "Gender identity or expression" shall have the same meaning as provided in section 102(12A) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(12A)).".

(b) Section 8(a)(4) (D.C. Official Code § 5-1107(a)(4)) is amended by striking the phrase "sexual orientation" and inserting the phrase "sexual orientation, gender identity or expression" in its place. **Amend § 5-1107**

Sec. 9. The Mental Health Consumers' Rights Protection Act of 2001, effective December 18, 2001 (D.C. Law 14-56; D.C. Official Code § 7-1231.01 *et seq.*), is amended as follows:

(a) Section 202 (D.C. Official Code § 7-1231.01) is amended by adding a new paragraph (11A) to read as follows: **Amend § 7-1231.01**

"(11A) "Gender identity or expression" shall have the same meaning as provided in section 102(12A) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(12A)).".

(b) Section 204(b) (D.C. Official Code § 7-1231.04(b)) is amended by striking the phrase "sexual orientation" and inserting the phrase "sexual orientation, gender identity or expression" in its place. **Amend § 7-1231.04**

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Sec. 10. Chapter 9 of Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-901 is amended by adding a new paragraph (6A) to read as follows: Amend § 16-901

"(6A) "Gender identity or expression" shall have the same meaning as provided in § 2-1401.02(12A)).".

(b) Section 16-914(a)(1)(A) is amended by striking the phrase "or sexual orientation" and inserting the phrase "sexual orientation, or gender identity or expression" in its place. Amend § 16-914

Sec. 11. Section 801a(b)(7) of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-2104.01(b)(7)), is amended by striking the phrase "or sexual orientation" and inserting the phrase "sexual orientation, or gender identity or expression (as defined in section 102(12A) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(12A)))," in its place. Amend § 22-2104.01

Sec. 12. The Bias-Related Crime Act of 1989, effective May 8, 1990 (D.C. Law 8-121; D.C. Official Code § 22-3701 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 22-3701) is amended as follows: Amend § 22-3701

(1) Paragraph (1) is amended by striking the phrase "sexual orientation" and inserting the phrase "sexual orientation, or gender identity or expression" in its place.

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

"(3) "Gender identity or expression" shall have the same meaning as provided in section 102(12A) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(12A)).".

(b) Section 5(a) (D.C. Official Code § 22-3704(a)) is amended by striking the phrase "sexual orientation" and inserting the phrase "sexual orientation, gender identity or expression" in its place. Amend § 22-3704

Sec. 13. Section 11212(d)(1) of the National Capital Revitalization and Self-Government Improvement Act of 1997, approved August 5, 1997 (111 Stat. 741; D.C. Official Code § 24-112(d)(1)), is amended by striking the phrase "and sexual orientation" and inserting the phrase "sexual orientation, and gender identity or expression (as defined in section 102(12A) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(12A)))," in its place. Amend § 24-112

Sec. 14. Section 3(b-2)(2)(A) of An Act To establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes, approved July 15, 1932 (47 Stat. 697; D.C. Official Code § 24-403.01(b-2)(2)(A)), is amended by striking the phrase "national origin or sexual orientation" and inserting the phrase "national origin, sexual orientation, or gender identity or expression (as defined in section 102(12) of the Amend § 24-403.01

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Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(12A))),” in its place.

Sec. 15. The Prohibition of Discrimination in the Provision of Insurance Act of 1986, effective August 7, 1986 (D.C. Law 6-132; D.C. Official Code § 31-1601 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 31-1601) is amended by adding a new paragraph (3A) to read as follows: **Amend § 31-1601**

“(3A) “Gender identity or expression” shall have the same meaning as provided in section 102(12A) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(12A)).”.

(b) Section 4(b) (D.C. Official Code § 31-1603(b)) is amended by striking the phrase “sexual orientation” wherever it appears and inserting the phrase “sexual orientation, gender identity or expression” in its place. **Amend § 31-1603**

(c) Section 11 (D.C. Official Code § 31-1610) is amended as follows; **Amend § 31-1610**

(1) Subsection (a) is amended by striking the phrase “sexual orientation” and inserting the phrase “sexual orientation or gender identity or expression” in its place.

(2) Subsection (b) is amended by striking the phrase “Sexual orientation shall not” and inserting the phrase “Sexual orientation or gender identity or expression, shall not” in its place.

(3) Subsection (c) is amended by striking the phrase “sexual orientation” and inserting the phrase “sexual orientation or gender identity or expression” in its place.

(4) Subsection (d) is amended by striking the phrase “sexual orientation” and inserting the phrase “sexual orientation, gender identity or expression” in its place.

Sec. 16. The Insurance Trade Economic Development Amendment Act of 2000, effective April 3, 2001 (D.C. Law 13-265; D.C. Official Code § 31-2231.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 31-2231.01) is amended by adding a new paragraph (3A) to read as follows: **Amend § 31-2231.01**

“(3A) “Gender identity or expression” shall have the same meaning as provided in section 102(12A) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(12A)).”.

(b) Section 111(c) (D.C. Official Code § 31-2231.11(c)) is amended by striking the phrase “sexual orientation” and inserting the phrase “sexual orientation, gender identity or expression” in its place. **Amend § 31-2231.11**

(c) Section 113(d) (D.C. Official Code § 31-2231.13(d)) is amended by striking the phrase “sexual orientation” and inserting the phrase “sexual orientation, gender identity or expression” in its place. **Amend § 31-2231.13**

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Sec. 17. The Employment Services Licensing and Regulation Act of 1984, effective March 13, 1985 (D.C. Law 5-136; D.C. Official Code § 32-401 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 32-401) is amended by adding a new paragraph (17A) to read as follows: **Amend § 32-401**

"(17A) "Gender identity or expression" shall have the same meaning as provided in section 102(12A) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 32-1401.02(12A))."

(b) Section 9 (D.C. Official Code § 32-408) is amended by striking the phrase "sexual orientation" and inserting the phrase "sexual orientation, gender identity or expression" in its place. **Amend § 32-408**

Sec. 18. The Retail Electric Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D.C. Law 13-107; D.C. Official Code § 34-1501 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 34-1501) is amended by adding a new paragraph (17A) to read as follows: **Amend § 34-1501**

"(17A) "Gender identity or expression" shall have the same meaning as provided in section 102(12A) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(12A))."

(b) Section 107(f) (D.C. Official Code § 34-1507(f)) is amended by striking the phrase "or sexual orientation" and inserting the phrase "sexual orientation, or gender identity or expression" in its place. **Amend § 34-1507**

Sec. 19. 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. 20. 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 60-day period of Congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
March 19, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-330

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 19, 2008

Codification District of Columbia Official Code

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To permit only fire-standard-compliant cigarettes to be sold in the District of Columbia to help reduce fires and related personal injury and property damage caused by cigarettes, to establish test methodology and performance standards for fire-standard-compliant cigarettes, to require manufacturers to certify that their cigarettes meet the requirements of this act, and to establish penalties for violations of this act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fire-Standard-Compliant Cigarettes Act of 2008".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Cigarette" means any product that contains any amount of nicotine, regardless of size, shape, or presence of other ingredients, that is intended to be burned or heated and consists of or contains any roll of tobacco wrapped in paper, or in any other substance other than tobacco, and because of its appearance, the type of tobacco used, and its packaging or labeling is offered to or purchased by consumers for smoking.

(2) "Consumer testing" means an assessment of cigarettes that is conducted by a manufacturer, or under the control and direction of a manufacturer, for the purpose of evaluating consumer acceptance of the cigarettes, utilizing only the quantity of cigarettes that is reasonably necessary for the assessment, and in a controlled setting where the cigarettes are either consumed on-site or returned to the testing administrators at the conclusion of the testing.

(3) "Fire-standard-compliant cigarette" means a cigarette that:

(A) Has been tested pursuant to this act; and

(B) Has met the performance standard required by this act.

(4) "Manufacturer" means any person or entity that manufactures or produces cigarettes or causes cigarettes to be manufactured or produced, whether in or outside the District, for sale in the District directly or through an importer, wholesale dealer, or retail dealer, including any first purchaser that intends to resell cigarettes.

(5) "Quality control and quality assurance program" means laboratory

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procedures implemented to ensure that operator bias, systematic and nonsystematic methodological errors, and equipment-related problems do not affect the results of the testing and that maintain a repeatability value of no greater than 0.19.

(6) "Repeatability" means the range of values within which the repeat results of cigarette test trials from a single laboratory will fall 95% of the time.

(7) "Retail dealer" means any person, other than a manufacturer or wholesale dealer, engaged in the sale of cigarettes.

(8) "Sale" or "selling" means any transfer of title or possession, or both, exchange or barter, conditional or otherwise, including the giving of cigarettes as samples, prizes, or gifts, and the exchange of cigarettes for any consideration.

(9) "Wholesale dealer" means any person, including a wholesale dealer's agent, that sells cigarettes to retail dealers or other persons for resale, including any person that owns, operates, or maintains one or more cigarette vending machines in the District of Columbia.

Sec. 3. Prohibition on sale of cigarettes that are not fire-standard-compliant.

No cigarette may be sold or offered for sale in the District of Columbia unless:

(1) It has been tested in accordance with the test method specified in section 4(a)(2);

(2) It meets the performance standard required by section 4(a)(4);

(3) The manufacturer has filed a written certification with the Mayor, or the Mayor's delegate, in accordance with section 5; and

(4) It has been marked in accordance with section 5(b).

Sec. 4. Test method and performance standard.

(a) The test method and performance standard for cigarettes sold or offered for sale in the District of Columbia shall include the following:

(1) A laboratory that conducts a test in accordance with this subsection shall implement a quality control and quality assurance program.

(2) Except as provided in subsection (b) of this section, the testing of cigarettes by manufacturers and the District of Columbia to determine compliance with this act shall be conducted in accordance with the American Society of Testing and Materials ("ASTM") "Standard Test Method for Measuring the Ignition Strength of Cigarettes" ("ASTM Standard E2187-04").

(3) The testing of cigarettes shall be conducted on 10 layers of filter paper.

(4) No more than 25% of the cigarettes tested in a test trial shall exhibit full-length burns.

(5) The performance standard required by this section shall only be applied to a complete test trial.

(6) Forty replicate tests shall comprise a complete test trial for each cigarette

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tested.

(b)(1) If the Mayor determines that cigarettes of a manufacturer cannot be tested in accordance with the test method described in subsection (a) of this section, the Mayor may approve a test method and performance standard proposed by the manufacturer, or other entity, that the Mayor determines are equivalent to and as effective as the test method and performance standard described in subsection (a) of this section.

(2) Following approval by the Mayor of an alternate test method and a determination by the Mayor that the performance standard proposed by the manufacturer, or other entity, is equivalent to the performance standard described in subsection (a) of this section, the manufacturer may use that test method to meet the performance standard required by this act for certification pursuant to section 5.

(c) Each cigarette listed in a certification submitted pursuant to section 5 that uses lowered permeability bands in the cigarette paper to achieve compliance with the performance standard set forth in this section shall have at least 2 nominally identical bands on the paper surrounding the tobacco column. At least one complete band shall be located at least 15 millimeters from the lighting end of the cigarette. For cigarettes on which the bands are positioned by design, there shall be at least 2 bands fully located at least 15 millimeters from the lighting end and 10 millimeters from the filter end of the tobacco column, or 10 millimeters from the labeled end of the tobacco column for non-filtered cigarettes.

Sec. 5. Manufacturer's certification.

(a)(1) Each manufacturer shall submit written certification to the Mayor attesting that its cigarettes have been tested in accordance with this act and meet the performance standard required under section 4.

(2) The submission shall include a description of each cigarette being certified, including the:

(A) Brand;
(B) Style;
(C) Length in millimeters;
(D) Circumference in millimeters;
(E) Flavor, if applicable;
(F) Filter or non-filter;
(G) Package description, such as a soft pack or box; and
(H) Mark required pursuant to subsection (b) of this section.

(3) Each cigarette certified under this subsection shall be recertified every 3 years.

(b)(1) Packaging for certified fire-standard-compliant cigarettes shall be marked in 8-point type or larger to indicate that the cigarettes have been tested using the test method and meet the performance standard required by this act.

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(2) The manufacturer shall use only one mark and the mark used shall consist of:

(A) The letters "FSC," which signify that the cigarette is fire-standard-compliant: or

(B) Any mark approved for sale in New York or another state that has enacted fire-standard-compliance standards for cigarettes that include the test method and performance standard specified in section 4.

Sec. 6. Manufacturer's data retention and availability requirements.

(a) A manufacturer shall:

(1) Retain all data from testing conducted on cigarettes that are offered for sale in the District of Columbia pursuant to this act for 3 years; and

(2) Make the data available to the Mayor and the Attorney General for the District of Columbia upon written request to verify compliance with the performance standard required by this act.

(b) Any manufacturer who fails to make copies of these reports available within 60 days of receiving a written request shall be subject to a penalty pursuant to section 7 for each day after the 60th day that the manufacturer does not make the copies available.

Sec. 7. Penalties and remedies.

(a)(1) A manufacturer or wholesale dealer who knowingly fails to comply with any of the provisions of this act, or regulations promulgated pursuant to this act, shall be subject to a civil penalty not to exceed $10,000 for each violation and not to exceed $100,000 for all such violations during any 30-day period.

(2) A retail dealer who knowingly fails to comply with any of the provisions of this act, or regulations promulgated pursuant to this act, shall be subject to a civil penalty not to exceed $5,000 for each violation and not to exceed $25,000 for all such violations during any 30-day period.

(3) Each day of violation shall constitute a separate violation and, unless provided otherwise by regulation, the prescribed penalty shall be applicable to each separate violation.

(b) In addition to any penalty prescribed by subsection (a) of this section, any corporation, partnership, sole proprietor, limited partnership, or association engaged in the manufacture of cigarettes that knowingly makes a false certification pursuant to section 5 shall be subject to a civil penalty of at least $75,000 and not to exceed $250,000 for each such false certification.

(c) In addition to any other remedy provided by law, the Attorney General for the District of Columbia may file a civil action in the Superior Court of the District of Columbia for a violation of this act, which may include a petition for injunctive relief and the recovery of costs or damages.

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(d)(1) Law enforcement personnel or duly authorized representatives of the Mayor may seize and take possession of cigarettes that have not been marked in the manner required by section 5(b). The seized cigarettes shall be turned over to the Attorney General for the District of Columbia, and shall be forfeited to the District of Columbia.

(2) Cigarettes seized pursuant to this subsection shall be destroyed; provided, that before the destruction of any cigarette seized, the true holder of the trademark rights in the cigarette brand shall be permitted to inspect the cigarette.

Sec. 8. Rules; limitations.

(a) No later than July 1, 2008, 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 rules to implement the provisions of this act, including regulations regarding the conduct of random inspections of wholesale and retail dealers to ensure compliance with this act.

(b) This act shall be implemented in accordance with the implementation and substance of the New York Fire Safety Standards for Cigarettes.

(c) Nothing in this act shall be construed to prohibit:

(1) Wholesale dealers or retail dealers from continuing to sell, on or after July 1, 2008, non-fire–standard-compliant cigarettes that were part of their inventories existing on or before July 1, 2008, if the wholesale dealer or retail dealer can establish that:

(A) Tax stamps were affixed to the cigarettes before July 1, 2008; and

(B) The inventory was purchased before July 1, 2008 in comparable quantity to the inventory purchased during the same period of the prior year;

(2) The sale of cigarettes solely for the purpose of consumer testing; or

(3) Any person or entity from manufacturing or selling cigarettes that are or will be stamped for sale in one of the various states or are packaged for sale outside the United States and that person or entity has taken reasonable steps to ensure that the cigarettes will not be sold or offered for sale to persons located in the District of Columbia.

Sec. 9. Applicability.

Sections 2 through 7 shall apply as of July 1, 2008.

Sec. 10. 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. 11. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the

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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.

Vincent C. Gray

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
March 19, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-331

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 19, 2008

Codification District of Columbia Official Code

2001 Edition

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West Group Publisher

To amend the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996 to require the Water and Sewer Authority, in collaboration with the Fire and Emergency Medical Services Department, to inspect, repair, and maintain all public fire hydrants, and to ensure that each hydrant will provide adequate flow levels to all locations in the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fire Hydrant Inspection, Repair, and Maintenance Amendment Act of 2008".

Amend § 34-2202.03

Sec. 2. Section 203 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2202.03), is amended by adding a new paragraph (33) to read as follows:

"(33) In collaboration with the Fire and Emergency Medical Services Department, to inspect, repair, and maintain all public fire hydrants, and to ensure that each hydrant will provide adequate flow levels to all locations in the District of Columbia.".

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

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

Vincent C. Orange

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
March 19, 2008

ENROLLED ORIGINAL

Codification District of Columbia Official Code

2001 Edition

2008 Summer Supp.

West Group Publisher

AN ACT

D.C. ACT 17-332

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 19, 2008

To amend, on a temporary 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, and to enter into agreements to support community-based transportation enhancement activities to include as a duty of the District Department of Transportation the management and construction of streetscape 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 of Columbia'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 Temporary 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:

Note, § 50-921.02

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

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

(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.".

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.

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

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

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

Vincent C. Gray

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
March 19, 2008

ENROLLED ORIGINAL

Codification District of Columbia Official Code

2001 Edition

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AN ACT

D.C. ACT 17-333

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 19, 2008

To amend, on a temporary 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 Temporary 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 § 1-206.02(c)(3)).

Sec. 4. Effective date.

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

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

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

Vincent C. Orange

Chairman
Council of the District of Columbia

Adrian M. Fenty

Mayor
District of Columbia
APPROVED
March 19, 2008

ENROLLED ORIGINAL

Codification District of Columbia Official Code

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AN ACT

D.C. ACT 17-334

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 19, 2008

To amend, on a temporary 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 Temporary 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:

Note, § 6-1041.07

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

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

"(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.".

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)).

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Sec. 4. Effective date.

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

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

Vincent C. Gray

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
March 19, 2008

ENROLLED ORIGINAL

Codification District of Columbia Official Code

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AN ACT

D.C. ACT 17-335

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 19, 2008

To repeal, on a temporary 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 Temporary 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.

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

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

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
March 19, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-336

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 19, 2008

To amend, on a temporary basis, 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 Temporary Amendment Act of 2008".

Sec. 2. 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 1477), 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, effective January 29, 2008 (D.C. Law 17-97; 54 DCR 12173) ("Use of Funds legislation");

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"(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. 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.

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

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

Vincent C. Orange

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
March 19, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-337

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 19, 2008

Codification District of Columbia Official Code

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To amend, on a temporary 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 Temporary 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.

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

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

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

Vincent C. Gray

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
March 19, 2008