

AN ACT

D.C. ACT 16-294

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2006

Codification
District of
Columbia
Official Code

2001 Edition

2006 Fall
Supp.

West Group
Publisher

To amend Title 47 of the District of Columbia Official Code to increase the standard deduction and personal exemptions and adjust them annually for inflation and to increase the homestead deduction and adjust it annually for inflation.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2007 Budget Tax Relief Priorities Act of 2006".

Sec. 2. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-802 is amended by adding a new paragraph (13) to read as follows:

Amend
§ 47-802

"(13) The term "cost-of-living adjustment" for any real property tax year means an amount equal to \$63,000, multiplied by the percentage by which the CPI for the preceding real property tax year exceeds the CPI for the real property tax year beginning October 1, 2005. For the purposes of this paragraph, the CPI for any real property tax year is the average of the Consumer Price Index for the Washington-Baltimore Metropolitan Statistical Area for all-urban consumers published by the Department of Labor, or any successor index, as of the close of the 12-month period ending on September 30 of such real property tax year."

(b) Section 47-850(a) is amended by striking the phrase "\$60,000" and inserting the phrase "\$63,000, increased annually, beginning October 1, 2007, by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50)," in its place.

Amend
§ 47-850

(c) Section 47-850.01 is amended by striking the phrase "\$60,000" and inserting the phrase "\$63,000, increased annually, beginning October 1, 2007, by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50)," in its place.

Amend
§ 47-850.01

(d) Section 47-1801.04 is amended as follows:

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

Amend
§ 47-1801.04

"(16A) "Cost-of-living adjustment" for any calendar year means an amount equal to the dollar amount set forth in §§ 47-1801.04(26)(A) (pertaining to the standard deduction), 47-1801.04(26)(B) (pertaining to the standard deduction), 47-1806.02(f)(1)(A) (pertaining to the

allowance of additional exemptions for dependents), or 47-1806.02(i) (pertaining to the personal exemption), as the case may be, multiplied by the percentage, which the CPI for the preceding calendar year exceeds the CPI for the calendar year beginning January 1, 2006. For the purposes of this paragraph, the CPI for any calendar year is the average of the Consumer Price Index for the Washington-Baltimore Metropolitan Statistical Area for all-urban consumers published by the Department of Labor, or any successor index, as of the close of the 12-month period ending on July 31 of such calendar year."

(2) Paragraph (26) is amended as follows:

(A) Subparagraph (A) is amended by striking the phrase "\$2,500" and inserting the phrase "\$4,000, increased annually, beginning January 1, 2008, by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50)," in its place.

(B) Subparagraph (B) is amended by striking the phrase "\$1,250" and inserting the phrase "\$2,000, increased annually, beginning January 1, 2008, by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50)," in its place.

(e) Section 47-1806.02 is amended as follows:

Amend
§ 47-1806.02

(1) Subsection (f)(1)(A) is amended by striking the phrase "\$1,500" and inserting the phrase "\$2,400, increased annually, beginning January 1, 2008, by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50)," in its place.

(2) Subsection (i) is amended by striking the phrase "\$1,500" and inserting the phrase "\$2,400, increased annually, beginning January 1, 2008, by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50)," in its place.

Note,
§§ 47-802,
47-850,
47-850.01
Note,
§§ 47-1801.04,
47-1806.02

Sec. 3. Applicability.

- (a) Section 2(a), (b), and (c) shall apply as of October 1, 2006.
- (b) Section 2(d) and (e) shall apply as of January 1, 2007.

Sec. 4. Inclusion in the budget and financial plan; sunset.

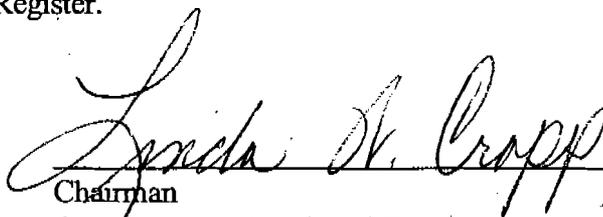
This act shall take effect subject to the inclusion of its fiscal effect in an approved budget and financial plan; provided, that this act shall expire on October 1, 2006 if its fiscal effect has not been included in an approved budget and financial plan or in the Fiscal Year 2007 Budget Request Act of 2006.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement contained 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.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 27, 2006

AN ACT

D.C. ACT 16-295

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2006

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To amend, on a temporary basis, the District of Columbia Traffic Act, 1925 to require that drug offense conviction information include the person's social security number and driver's license number.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this Act may be cited as the "Drug Offense Driving Privileges Revocation and Disqualification Temporary Amendment Act of 2006".

Sec. 2. Section 13a(a) of the District of Columbia Traffic Act, 1925, effective March 16, 1989 (D.C. Law 7-222; D.C. Official Code § 50-1403.02(a)), is amended by striking the sentence "A copy of the conviction or adjudication shall be forwarded by the court to the Mayor." and inserting the sentence "Notification of the conviction or adjudication shall be sent electronically by the court to the Mayor within one business day of the conviction or adjudication and shall include the person's name, address, date of birth, conviction date, driver's license number (if any), social security number (if any), the offense, and any other information required by the Mayor in order to take the action required by this section." in its place.

Note,
§ 50-1403.02

Sec. 3. 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)).

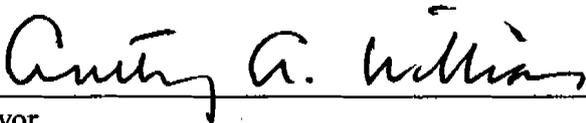
Sec. 4. Effective date.

(a) This Act shall take effect following approval by the Mayor (or in the event of a 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.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
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To amend, on a temporary basis, the District of Columbia Theft and White Collar Crimes Act of 1982 to authorize a criminal penalty for the offense of attempt to commit identity theft.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Identity Theft Technical Temporary Amendment Act of 2006".

Sec. 2. Section 127c of the District of Columbia Theft and White Collar Crimes Act of 1982, effective March 27, 2004 (D.C. Law 15-106; D.C. Official Code § 22-3227.03), is amended as follows:

Note,
§ 22-3227.03

(a) Subsection (a) is amended by adding the phrase ", or attempted to be obtained," after the phrase "if the property obtained".

(b) Subsection (b) is amended by adding the phrase ", or attempted to be obtained," after the phrase "of the property obtained".

Sec. 3. Fiscal impact statement.

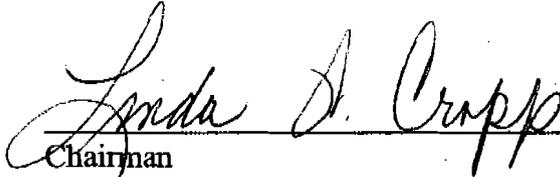
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

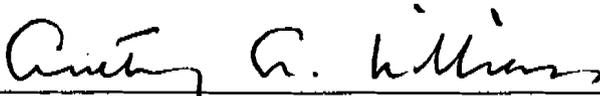
(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 60-day period of Congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), 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
February 27, 2006

AN ACT
D.C. ACT 16-297

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
FEBRUARY 27, 2006

To authorize, on an emergency basis, the expenditure of a certified increase in revenue and to provide the purpose for increasing local appropriations based upon the increased revenue.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "February Revised Revenue Allocation Emergency Act of 2006".

Sec. 2. Pursuant to section 126 of the District of Columbia Appropriations Act, 2006 approved November 30, 2005 (Public Law 109-115; 119 Stat. 2396), the District provides the details for the expenditures of an increase in the amount of \$7,515,000 to the District's fiscal year 2006 appropriations based upon a certified increase in revenues. The Council hereby approves the expenditures of \$7,515,000 based upon the certified increase in revenues as follows:

(1) An amount of \$2,040,000 shall be for Child and Family Services Agency to provide additional funding for personal services to meet court-ordered staffing requirements;

(2) An amount of \$481,000 shall be for the District of Columbia Way to Work Program and shall be placed in the District's Non-Departmental account to be disbursed among various agencies to cover expenditures associated with implementing the Way to Work program at Medicaid-eligible organizations;

(3) An amount of \$250,000 shall be for the Medical Assistance Administration for the purposes of conducting an audit to determine the number of employees of Medicaid providers that are impacted by the proposed living way provision of the Way to Work program;

(4) An amount of \$2,344,000 shall be for the Department of Youth Rehabilitative Services to provide additional funding for personal services to implement staffing recommendations identified by a court-mandated study; and

(5) An amount of \$2,400,000 shall be for the Department of Corrections to purchase additional bed space with private providers to reduce the inmate population at the District of Columbia Jail.

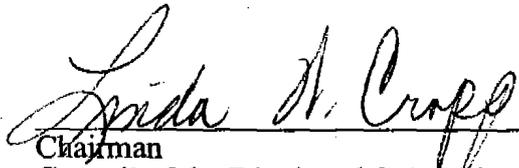
Sec. 3. Fiscal impact statement.

(a) 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)).

(b) The Chief Financial Officer has certified that revenues are sufficient in the financial plan to implement the provisions of this act.

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)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
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D.C. ACT 16-298

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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To amend, on an emergency basis, due to Congressional review, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to allow District of Columbia government employees who serve in the reserve units of the United States Armed Forces and who have been called or will be called to active duty as a result of Operation Enduring Freedom, or in preparation for or as a result of Operation Iraqi Freedom, to receive a pay differential.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Extension Congressional Review Emergency Amendment Act of 2006".

Sec. 2. 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 1103(a) (D.C. Official Code § 1-611.03(a)) is amended by adding a new paragraph (7) to read as follows:

Note,
§ 1-611.03

"(7)(A) Any full-time permanent, term, or TAPER District government employee who serves in a reserve component of the United States Armed Forces and who has been or will be called to active duty as a result of Operation Enduring Freedom, or in preparation for or as a result of Operation Iraqi Freedom, shall receive, upon application and approval, an amount that equals the difference in compensation between the employee's District government basic pay and the employee's basic military pay. This amount shall not be considered as basic pay for any purpose. This amount shall be paid for any period following the formal inception of Operation Enduring Freedom in 2001, any period following the beginning of the preparation for Operation Iraqi Freedom in 2002 and 2003, or for any period following the formal inception of Operation Iraqi Freedom in 2003, during which the employee is carried in a non-pay status, from the time the employee is called to active duty until the employee is released from active duty occasioned by any of these military conflicts.

"(B) The Mayor shall issue rules within 30 days of July 22, 2003 to implement the provisions of this paragraph."

(b) Section 1111(d) (D.C. Official Code § 1-611.11(d)) is amended by striking the phrase "and (6)" and inserting the phrase "and (7)" in its place.

Sec. 3. Applicability.

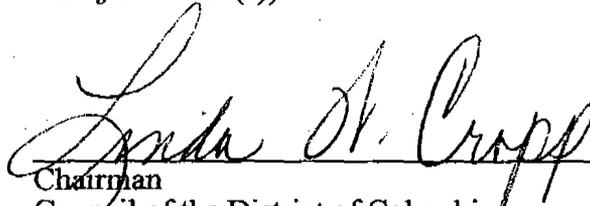
This act shall apply as of February 15, 2006.

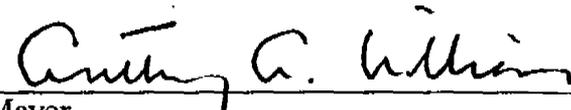
Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement provided by 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. 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 27, 2006

AN ACT
D.C. ACT 16-299

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
FEBRUARY 27, 2006

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To amend, on an emergency basis, the Contracting and Procurement Reform Task Force Establishment Emergency Act of 2005 and the Contracting and Procurement Reform Task Force Establishment Temporary Act of 2006 to add the Chief Financial Officer as a nonvoting member of the Task Force, and to clarify the specialized experience required for voting members of the Task Force.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contracting and Procurement Reform Task Force Membership Authorization and Qualifications Clarification Emergency Amendment Act of 2006".

Sec. 2. Section 4(a) of the Contracting and Procurement Reform Task Force establishment Emergency Act of 2005, effective December 22, 2005 (D.C. Act 16-245; 53 DCR 271), is amended to read as follows:

"(a) The Task Force shall consist of 7 voting members and 3 nonvoting members.

(1) The voting members shall include 7 contract or procurement law experts. Each voting member shall have a minimum of 7 years of experience specializing in contract or procurement law.

(2) The nonvoting members shall include the Chief Procurement Officer of the District of Columbia ("CPO"), a designee of the CPO, and the Chief Financial Officer of the District of Columbia ("CFO") or a designee of the CFO."

Sec. 3. Section 4(a) of the Contracting and Procurement Reform Task Force Establishment Temporary Act of 2006, effective January 16, 2006 (D.C. Act 16-272; 53 DCR ___), is amended to read as follows:

"(a) The Task Force shall consist of 7 voting members and 3 nonvoting members.

(1) The voting members shall include 7 contract or procurement law experts. Each voting member shall have a minimum of 7 years experience specializing in contract or procurement law.

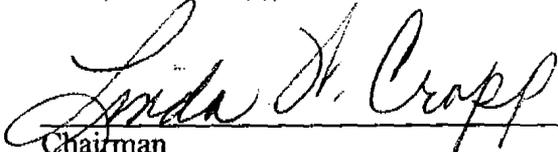
(2) The nonvoting members shall include the Chief Procurement Officer of the District of Columbia ("CPO"), a designee of the CPO, and the Chief Financial Officer of the District of Columbia ("CFO") or a designee of the CFO."

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)).

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 27, 2006

AN ACT

D.C. ACT 16-300

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2006*Codification
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To amend, on an emergency basis, due to Congressional review, the Anti-Drunk Driving Act of 1982 to revise the presumptions that shall be made based upon the amount of alcohol in a person's blood, urine, or breath.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Anti-Drunk Driving Clarification Congressional Review Emergency Amendment Act of 2006".

Sec. 2. Section 2 of the Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Official Code § 50-2205.02), is amended as follows:

Note,
§ 50-2205.02

(a) Strike, in the introductory subsection, the phrase "received in evidence, base upon a chemical test, competent proof to the effect that at the time of such operation:" and insert the phrase "received, based upon a chemical test, evidence of alcohol in the defendant's blood, urine, or breath, it shall give rise to the following rebuttable presumptions:" in its place.

(b) Paragraphs (1) and (2) are amended to read as follows:

"(1) If at the time of testing, defendant's blood contained .05% or less, by weight, of alcohol, or defendant's urine contained .06% or less, by weight, of alcohol, or .24 or fewer micrograms of alcohol were contained in 1 milliliter of his or her breath, consisting of substantially alveolar air, this evidence shall establish a presumption that the defendant was not, at the time, under the influence of intoxicating liquor.

"(2) If at the time of testing, defendant's blood contained more than .05% but less than .08%, by weight, of alcohol, or defendant's urine contained more than .06% but less than .10%, by weight, of alcohol, or more than .24 but less than .38 micrograms of alcohol were contained in 1 milliliter of his or her breath, consisting of substantially alveolar air, this evidence shall not establish a presumption that the defendant was or was not, at the time, under the influence of intoxicating liquor, but it may be considered with other competent evidence in determining whether the defendant was under the influence of intoxicating liquor."

Sec. 3. Fiscal impact statement.

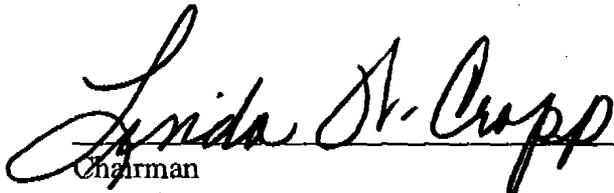
The Council adopts the fiscal impact statement of the Budget Director for the Council of the District of Columbia as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

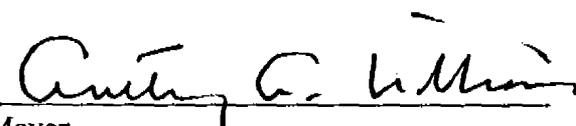
Sec. 4. Applicability date.

This act shall apply as of February 1, 2006.

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 27, 2006

AN ACT

D.C. ACT 16-301

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend, on an emergency basis, due to congressional review, the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005 to clarify the requirements to which the Department of Small and Local Business Development must adhere when reporting to the Council on agency and government corporation compliance with local, small, and disadvantaged business enterprise procurement goals, and to clarify that procurement of materials, goods and supplies may count towards the satisfaction of local, small, and disadvantaged business enterprise construction subcontracting requirements.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Department of Small and Local Business Development Clarification Congressional Review Emergency Act of 2006".

Sec. 2. The Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, signed by the Mayor July 26, 2005 (D.C. Act 16-166), is amended as follows:

(a) Section 2346(a) is amended to read as follows:

"(a)(1) All construction contracts shall include the following requirements:

"(A) At least 35% of the dollar value, excluding the cost of materials, goods, and supplies, be subcontracted to small business enterprises; or

"(B) If there are insufficient qualified small business enterprises to fulfill the requirement of subparagraph (A) of this paragraph, 35% of the dollar value, excluding the cost of materials, goods, and supplies, shall be subcontracted to local, small, or disadvantaged business enterprises.

"(2)(A) For the purpose of paragraph (1)(A) of this subsection, purchases from small business enterprises that provide materials, goods, and supplies may apply to the 35% requirement.

"(B) For the purpose of paragraph (1)(B) of this subsection, purchases from local, small, or disadvantaged business enterprises that provide materials, goods, and supplies may apply to the 35% requirement."

(b) Section 2354 is amended as follows:

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

(2) Paragraph (2) of the newly designated subsection (a) is amended as follows:

(A) Subparagraph (C) is amended by striking the word "and" at the end.

(B) Subparagraph (D) is amended by striking the period at the end and inserting the phrase "; and" in its place.

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

"(E) The actual dollar amount expended with each business enterprise."

(3) New subsections (b) and (c) are added to read as follows:

"(b) Within 45 days of its receipt of the annual reports required by section 2350(g), the Department shall submit to the Council and the Commission a report containing the following information with respect to each government corporation for the current and prior fiscal years:

"(1) The expendable budget of the government corporation;

"(2) The government corporation's achievement with respect to the requirements of section 2350; and

"(3) A list of each contract or procurement of the government corporation, which shall include the following:

"(A) A description of the contract or procurement;

"(B) The dollar amount of the contract or procurement;

"(C) The name of the business enterprise from which the goods or services were contracted or procured;

"(D) Whether the business enterprise was a certified local, small, or disadvantaged business enterprise, and, if it was:

"(i) The category or categories under which the business enterprise is certified; and

"(ii) The identification number of the business enterprise assigned by the Department;

"(E) The source of funding for the contract (local, federal, other, or capital); and

"(F) The actual dollar amount expended with each business enterprise.

"(c)(1) Beginning with the first full quarter after the effective date of this subtitle, the Department shall submit to the Council, within 60 days of the end of the quarter, a copy of the quarterly reports of each agency required by section 2353(a) and a copy of the quarterly reports of each government corporation required by section 2350(f).

"(2) Beginning with the first full quarter after the effective date of this subtitle, the Department shall submit to the Council the following:

"(A) A summary of the information that each agency is required to submit pursuant to section 2353 and the information that each government corporation is required to submit pursuant to section 2350(f), in a format that shows the cumulative progress of each agency's or government corporation's annual local, small, and disadvantaged business

enterprise contracting and procurement goals to date and the actual dollar amount expended with each business enterprise for the current fiscal year; and

“(B) A list of all agencies or government corporations that have not submitted a report for that quarter and a detailed explanation of what actions were taken by the Department to effectuate compliance with the reporting requirement.” .

Sec. 3. Applicability date.

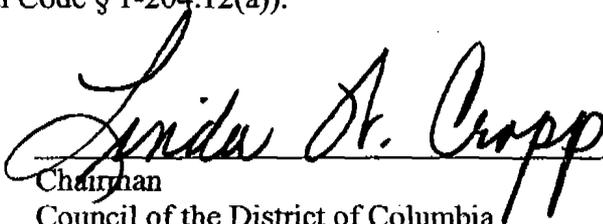
This act shall apply as of January 26, 2006.

Sec. 4. Fiscal impact statement.

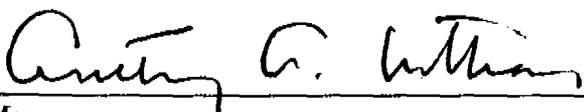
The Council adopts the fiscal impact statement of the Budget Director, dated February 6, 2006, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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), 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 27, 2006

AN ACT

D.C. ACT 16-302

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2006*Codification
District of
Columbia
Official Code*

2001 Edition

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To amend Title 16 of the District of Columbia Official Code to conform the general garnishment provisions to the income withholding requirements applicable to support orders, to provide for the enforcement of support orders by withholding according to applicable criteria, to require the Superior Court of the District of Columbia ("Court") to order that certain support payments be made through the Collection and Disbursement Unit, and to require that payments under support orders subject to enforcement by the IV-D agency be made in equal monthly installments; and to amend the District of Columbia Child Support Enforcement Amendment Act of 1985 to revise and update applicable definitions, to fully establish the IV-D agency as the District's Collection and Disbursement Unit, to specify the support payments that must be made through the Collection and Disbursement Unit, to revise the requirements for the content of support orders, to clarify and revise the criteria for withholding and the process through which withholding shall be implemented, to transfer responsibility for implementing withholding from the Court to the IV-D agency, to state the amounts that shall be withheld for current support and arrearages and provide a means for requesting a change in these amounts, to authorize the Court to enforce orders to withhold issued by the IV-D agency, to clarify that a notice of withholding to the obligor is only required in cases of initiated withholding being enforced by the IV-D agency, to eliminate escrow provisions relating to objections to withholding, to clarify the definition of a mistake of fact for the purpose of an objection to withholding, to specify that the time frame for resolving an objection to withholding begins on the date of service of the objection on the opposing party, to clarify the required contents of the notice or order to withhold to the holder, to require the holder to notify the IV-D agency of a termination of the obligor's employment, to expand the time frame during which a holder must submit payments to the Collection and Disbursement Unit and specify when withholding must begin, to authorize both the Court and the IV-D agency to notify the holder to terminate the withholding, to require the IV-D agency to issue an order to withhold to an obligor's new employer within 2 business days of receipt of updated employment information, to require the pro-ration of all types of payments among the support orders of multiple obligees, to clarify the requirements of interstate withholding, to clarify that the IV-D

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agency is the District's centralized parent locator service and require persons and entities to provide the IV-D agency with specified information, to clarify that an administrative proceeding before the IV-D agency is not available to challenge notices or orders to withhold, and to make other conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Income Withholding Transfer and Revision Amendment Act of 2006".

Sec. 2. Title 16 of the District of Columbia Official Code is amended as follows:

(a) The table of contents for Chapter 5 is amended by adding the phrase "§ 16-571.01. Enforcement of support orders by attachment or garnishment." after the phrase "§ 16-571. Definitions."

(b) A new section 16-571.01 is added to read as follows:

New
§ 16-571.01

"§ 16-571.01. Enforcement of support orders by attachment or garnishment.

"Notwithstanding any other provision of this subchapter, a notice or order to withhold issued to enforce a support order pursuant to Subchapter I of Chapter 2 of Title 46 shall have priority over any other legal process and shall be implemented according to the procedures, limitations, and requirements of that act."

(c) Section 16-573(b) is amended by striking the phrase "; except that, in the case of child support judgments, the employer shall continue to withhold the payments from the judgment debtor until receipt of an order of the court terminating the withholding".

Amend
§ 16-573

(d) Section 16-577 is amended by striking the period at the end of the second sentence and inserting the phrase ", except that a notice or order to withhold issued pursuant to Subchapter I of Chapter 2 of Title 46 shall have priority over any other legal process and shall be subject to the limitations stated in section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b))." in its place.

Amend
§ 16-577

(e) Section 16-582 is amended by adding the sentence "Unless otherwise specified, this subchapter does not apply to notices or orders to withhold issued pursuant to Subchapter I of Chapter 2 of Title 46." at the end.

Amend
§ 16-582

(f) Section 16-911(a)(1) is amended by striking the phrase "and shall enforce support orders through withholding as required under section 46-207" and inserting the phrase "and all support orders shall be enforceable by withholding as provide in section 46-207" in its place.

Amend
§ 16-911

(g) Section 16-916 is amended to add a new subsection (c-4) to read as follows:

Amend
§ 16-916

"(c-4) All support orders subject to enforcement by the IV-D agency pursuant to title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), shall require the payment of support in equal monthly amounts on the first day of each month. If a support order does not require the payment of support in this manner and the support order is or becomes subject to enforcement by the IV-D agency, the IV-D agency may

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direct the payor, upon notice to both parents, to pay the support in equal monthly amounts on the first day of each month; provided, that the total of the monthly amounts required to be paid in one year cumulatively equals the total support required to be paid annually under the support order.”

(h) Section 16-916.01(o)(3A) is amended by striking the phrase “specific facility,” and inserting the phrase “specific facility (except where the parent is incarcerated for contempt for failure to pay child support pursuant to section 46-225.02),” in its place.

Amend
§ 16-916.01

Sec. 3. The District of Columbia Child Support Enforcement Amendment Act of 1985, effective February 24, 1987 (D.C. Law 6-166; D.C. Official Code § 46-201 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 46-201) is amended to read as follows:

Amend
§ 46-201

“Sec. 2. Definitions.

“For the purposes of this act, the term:

“(1) “Business day” means a day on which District offices are open for regular business.

“(2) “Caretaker” means a parent, relative, guardian, or other person whose needs are included in a public assistance payment for a dependent child and who is using those payments for the benefit of the dependent child.

“(3) “Collection and Disbursement Unit” or “CDU” means the centralized unit operated by the IV-D agency for the collection and disbursement of support payments as required under section 454B of title IV, part D of the Social Security Act, approved August 22, 1996 (110 Stat. 2207; 42 U.S.C. § 654B).

“(4) “Court” means the Superior Court of the District of Columbia.

“(5) “Custodian” means the parent, relative, guardian, or other person with whom the dependent child resides.

“(6) “Dependent child” means any child whose support is required by D.C. Official Code § 16-916, or any child to whom a responsible relative owes a duty of support.

“(7) “Duty of support” means:

“(A) Any duty of support imposed by statute or by common law;

“(B) Any duty of support imposed by court order, decree, or judgment, whether interlocutory or final; and

“(C) Any duty of reimbursement imposed by law for monies expended by the District for support, including public assistance and foster care.

“(8) “Earnings” means any remuneration based on employment, including wages, salaries, annuities, retirement benefits, unemployment compensation, and disability benefits.

“(9) “Entity” means a partnership, firm, association, corporation, sole proprietorship, company, organization, or other business, including a governmental or nonprofit

organization.

"(10) "TV-D agency" means the Child Support Services Division of the Office of the Attorney General for the District of Columbia, or successor organizational unit, that is responsible for administering or supervising the administration of the District's State Plan under title IV, part D, of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), pertaining to parent locator services, paternity establishment, and the establishment, modification, and enforcement of support orders.

"(11) "Holder" means any person, firm, association, corporation, government official, or other entity that is believed to possess property of an obligor, including earnings or other income.

"(12) "Mayor" means the Mayor of the District of Columbia or the Mayor's designee.

"(13) "Notice to withhold" means a written notice informing a holder that an obligor's support order is enforceable by withholding and directing the holder to implement the withholding.

"(14) "Obligee" means a person or entity who is entitled to receive support pursuant to a support order.

"(15) "Obligor" means a person who is required to pay support pursuant to a support order.

"(16) "Order to withhold" means an order that requires a holder to turn over earnings or other income in a specified amount to a specified payee rather than to an individual to whom the earnings or other income would otherwise be payable.

"(17) "Other income" means any income available to an individual whether or not derived from remuneration based on employment.

"(18) "Public assistance" means assistance granted under the District's Temporary Assistance for Needy Families Program or Program on Work, Employment, and Responsibility pursuant to the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-201.01 *et seq.*).

"(19) "Responsible relative" means a person obligated under law for the support of a dependent child.

"(20) "Support order" means a judgment, decree, or order, whether temporary, final, or subject to modification, issued by a court or an administrative agency of competent jurisdiction, for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or a child and the parent with whom the child is living, which provides for monetary support, health care, arrearages, or reimbursement and which may include related costs and fees, interest and penalties, income withholding, attorneys' fees, and other relief."

(b) Section 3a (D.C. Official Code § 46-202.01) is amended to read as follows:

"Sec. 3a. Collection and Disbursement Unit.

Amend
§ 46-202.01

"(a) The IV-D agency is established as the centralized Collection and Disbursement Unit for the collection and disbursement of support payments and shall operate the CDU either directly or through a contract or cooperative agreement with another entity.

"(b) The Collection and Disbursement Unit shall collect and disburse support payments under the following support orders, and obligors and holders required to pay support pursuant to these orders shall submit payments to the CDU for disbursement to the obligee:

"(1) All support orders enforced by the IV-D agency pursuant to title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*);

"(2) All support orders not enforced by the IV-D agency where the support order was initially issued in the District on or after January 1, 1994, and for which withholding of the obligor's earnings or other income has commenced; and

"(3) All other support orders for which the Court has ordered that payments be made through the Collection and Disbursement Unit, or for which withholding of the obligor's earnings or other income has commenced.

"(c) The IV-D agency shall operate the Collection and Disbursement Unit in coordination with the automated system the IV-D agency maintains pursuant to section 27j.

"(d)(1) The Collection and Disbursement Unit shall use automated procedures, electronic processes, and computer-driven technology, to the maximum extent that is feasible, efficient, and economical, for the collection and disbursement of support payments, including procedures:

"(A) For receipt of payments from obligors, holders, and other states, and for disbursements to obligees, the IV-D agency, and the IV-D agencies of other states;

"(B) For accurate identification of payments;

"(C) To ensure prompt disbursement of each obligee's share of any payment; and

"(D) To furnish to any obligor or obligee, upon request, timely information on the current status of support payments required to be made through the Collection and Disbursement Unit pursuant to subsection (b) of this section.

"(2) The Collection and Disbursement Unit shall not be required to convert and maintain, in automated form, records of payments made before August 22, 1996, for support orders subject to withholding that are not enforced by the IV-D agency.

"(e) The Collection and Disbursement Unit shall disburse all amounts payable within 2 business days after receipt from the employer or other holder if sufficient information identifying the payee is provided. The Collection and Disbursement Unit may delay the disbursement of collections toward arrearages until any appeal with respect to such arrearages has been resolved."

(c) Section 6 (D.C. Official Code § 46-205) is amended to read as follows:

"Sec. 6. Contents of support order.

Amend
§ 46-205

"All support orders, whether they are original orders or modifications of existing orders, shall contain the following:

"(1) A provision requiring the withholding of support payments from the obligor's earnings or other income in accordance with this act;

"(2) Notice that the support order shall be enforceable by withholding as specified in sections 8 and 8a;

"(3) Notice that payments required by a support order specified in section 3a(b) shall be made through the Collection and Disbursement Unit and any other payments shall be considered a gift and shall not offset the duty of support;

"(4) A provision that directs the parties to file and update the information specified in section 27b with the IV-D agency and the Court in accordance with that section;

"(5) Terms providing for the payment of the child's medical expenses, whether or not health insurance is available to pay for those expenses, which shall include a provision directing the obligor and obligee to notify the IV-D agency and the Court of the following:

"(A) Any change in either the obligor's or the obligee's access to health insurance coverage for the child or the reasonableness of the costs of coverage; and

"(B) All health insurance policy information necessary to enroll the child in the health insurance to which the obligor or obligee has access;

"(6) Notice that if the obligor is required under the support order to provide health insurance coverage for a child, the obligor's employer will, upon receipt of notice of the health insurance coverage provision, enroll the child in health insurance coverage and deduct the premiums from the obligor's earnings in accordance with sections 2 and 3 of the Medicaid Benefits Protection Act of 1994, effective March 14, 1995 (D.C. Law 10-202; D.C. Official Code §§ 1-307.41, 1-307.42), and the Medical Support Establishment and Enforcement Amendment Act of 2004, effective March 30, 2004 (D.C. Law 15-130; D.C. Official Code § 46-251.01 *et seq.*);

"(7) Notice that the amount and name of the obligor and obligee of all support orders entered, modified, registered, or enforced in the District after December 23, 1997 shall be reported to a consumer credit reporting agency if the obligor owes overdue support in the amount of \$1,000 or more;

"(8) The name, address, and telephone number of the obligor's current employer; and

"(9) Notice that an order to withhold may be changed upon a motion by a party or the IV-D agency for a reapportionment of periodic arrears payments pursuant to section 9(c)."

(d) Section 6a (D.C. Official Code § 46-205.01) is amended as follows:

(1) The section heading is amended by striking the phrase "child and spousal".

(2) The text is amended by striking the word "Superior".

(e) Section 7 (D.C. Official Code § 46-206) is amended as follows:

Amend
§ 46-205.01

Amend
§ 46-206

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

“(a) In any case brought in Court under D.C. Official Code § 11-1101(a)(1), (3), (10), or (11) involving the establishment of support, the Clerk of the Court shall issue notice to the alleged responsible relative stating that a hearing to determine the matter of support has been scheduled. This hearing shall be scheduled within 45 days after the date the application is filed.”.

(2) Re-designate subsection (b-1) as subsection (f).

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

“(c) The notice shall include the following:

“(1) The name of the person for whom support is being claimed;

“(2) A demand that the alleged responsible relative attend a hearing and the date, time, and place of the hearing;

“(3) An explanation of the possible consequences of the alleged responsible relative's failure to attend the scheduled hearing;

“(4) A demand that the alleged responsible relative bring to the hearing any record in the relative's possession of earnings received in the past 2 years, including receipts for earnings provided by an employer, or any wage and tax statements prepared by an employer setting forth earnings for tax purposes;

“(5) A demand that the alleged responsible relative bring to the hearing documentation of the cost, comprehensiveness, and accessibility of any health insurance available to the responsible relative for the child;

“(6) Notice that the alleged responsible relative may be represented by counsel at any stage of the proceedings;

“(7) An explanation that a request for a continuance may result in the setting of interim support or the posting of collateral; and

“(8) A copy of the complaint or petition.”.

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

“(e) Where a party is seeking a modification of a support order:

“(1) The Clerk of the Court shall issue notice to the opposing party:

“(A) Stating that a hearing to determine the matter of support has been scheduled;

“(B) Containing the information stated in subsection (c) of this section; and

“(C) Including a copy of the motion for modification;

“(2) The hearing shall be scheduled within 45 days after the date the application is filed; and

“(3) Personal service on the opposing party may be made in accordance with subsection (b) or (f) of this section.”.

(f) Section 8 (D.C. Official Code § 46-207) is amended to read as follows:

Amend
§ 46-207

“Sec. 8. Enforcement by withholding.

“(a) All support orders, whether they are original orders or modifications of existing orders, that are effective on or after January 1, 1994, or that are effective on or after November 1, 1990 in cases being enforced by the IV-D agency pursuant to title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), shall be immediately enforceable by withholding, unless the Court finds there is good cause not to require immediate withholding or the parties agree in writing to an alternative method of payment.

“(b) A finding of good cause not to require immediate withholding pursuant to subsection (a) of this section shall be based on at least:

“(1) A written finding and explanation by the Court establishing the reasons that immediate withholding would not be in the best interests of the child; and

“(2) Proof of timely payment of previously ordered support in cases involving the modification of support orders.

“(c) A written agreement to an alternative method of payment shall be signed by the parties, and by the IV-D agency for support orders being enforced by the IV-D agency. The agreement shall be submitted to the Court for its review and approval, and entered into the Court's record.

“(d) All support orders being enforced by the IV-D agency that are not immediately enforceable by withholding under subsection (a) of this section, including support orders subject to a finding of good cause or a written agreement to an alternative method of payment, shall become enforceable by withholding on the earliest of:

“(1) The date the obligor requests that the withholding begin;

“(2) The date the custodian requests that the withholding begin; provided, that the IV-D agency approves the request pursuant to procedures the IV-D agency adopts for determining that withholding is in the best interests of the child; or

“(3) The date on which arrearages equal one month of support payments.

“(e) A support order shall be enforceable by withholding pursuant to subsection (a) or (d) of this section regardless of whether or not the Court has entered an order authorizing withholding as a means of enforcement.

“(f) All support orders not enforceable by withholding under subsection (a) or (d) of this section shall be enforceable by withholding on the effective date of a court order authorizing the withholding. The Court shall enter an order authorizing withholding, at the request of a party, upon a showing that:

“(1) Arrearages equal one month of support payments; or

“(2) Withholding is in the best interests of the child.”.

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

“Sec. 8a. Implementation of Withholding.

“(a) The IV-D agency shall implement withholding for support orders enforceable by

withholding pursuant to section 8 by issuing an order to withhold in the format prescribed by federal law and serving this order on the holder of the obligor's earnings or other income as follows:

“(1) For support orders that are immediately enforceable by withholding pursuant to section 8(a), within 2 business days after the date the support order is received if the holder's address is known, or, if the holder's address is unknown, within 2 business days after receiving or locating the holder's address.

“(2) For support orders that become enforceable by withholding pursuant to section 8(d), within 2 business days after the date the support order becomes enforceable by withholding if the holder's address is known, or, if the holder's address is unknown, within 2 business days after receiving or locating the holder's address.

“(3) For support orders enforceable by withholding pursuant to section 8(f), within 2 business days of receipt of a written request from the Court or a party that includes a copy of the support order and the order authorizing the withholding; provided, that the holder's address is known, or if the holder's address is unknown, within 2 business days after receiving the holder's address.

“(b) If an obligor changes employment while a withholding is in effect, the IV-D agency shall serve an order to withhold on the new holder within 2 business days after receiving or locating the new holder's address.

“(c) For the purpose of this section, the IV-D agency shall be deemed to have received the holder's address on the date the IV-D agency's computerized support enforcement system receives notice of income or an income source from a court, a state, a holder, the Federal Parent Locator Service, or another source recognized by the IV-D agency, or the date information regarding a newly hired employee is entered into the District of Columbia Directory of New Hires pursuant to section 27f. The Court shall provide the IV-D agency with information it receives concerning the name or address of a holder within 2 business days after receiving the information.

“(d) The IV-D agency shall use the automated system it maintains pursuant to section 27j to the maximum extent that is feasible to assist and facilitate the collection and disbursement of support payments and the implementation of withholding, including:

“(1) Transmission of orders to withhold to employers and other holders;

“(2) Ongoing monitoring to promptly identify failures to make timely payment of support; and

“(3) Automatic use of enforcement procedures if payments are not timely made.

“(e) Any person or entity may serve a notice to withhold in the format prescribed by federal law on a holder of an obligor's earnings or other income to inform the holder that the obligor's support order is enforceable by withholding and to require the holder to implement withholding in accordance with this act. A person or entity serving a notice to withhold shall

provide a copy of the support order and the order authorizing the withholding to the holder with the notice.

“(f) Notices and orders to withhold may be served without prior notice to the obligor, by in-person delivery, certified mail, first-class mail, facsimile, or electronically, if the holder can receive electronic notices.”

(h) Section 9 (D.C. Official Code § 46-208) is amended to read as follows:

Amend
§ 46-208

“Sec. 9. Withholding.

“(a) Notwithstanding any other provision of Subchapter II or III of Chapter 5 of Title 16, where a notice or order to withhold is served on a holder of an obligor’s earnings or other income, the withholding shall be for an amount sufficient to satisfy the obligor’s periodic support obligation, an amount equal to 25% of the periodic support obligation if the obligor owes overdue support, and other costs or fees required by the support order.

“(b) When an obligor is no longer subject to a periodic support obligation but owes overdue support, the withholding shall be for the amount of the obligor’s most recent periodic support obligation.

“(c) Upon a motion by a party or the IV-D agency, the Court may order withholding of an amount that differs from the amount required for overdue support pursuant to subsection (a) or (b) of this section if the Court finds that the amount required would:

“(1) Cause a substantial hardship to the obligor; or

“(2) Result in an unreasonable delay in the full payment of the overdue support.

“(d) A notice or order to withhold served on a holder in accordance with this act shall have priority over any other legal process under District law, and shall not exceed the limitations set forth under section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b)).

“(e) The Collection and Disbursement Unit shall establish procedures for the prompt return to an obligor of any amounts it receives that have been improperly withheld.

“(f) Nothing in this act shall be construed to require a judicial or administrative hearing before the implementation of withholding.

“(g) An order to withhold issued in accordance with this act shall be binding on each present and future holder upon whom it is served until the holder is notified of its termination in writing by the Court or the IV-D agency. Upon a motion filed by a party or the IV-D agency, the Court may enforce an order to withhold issued by the IV-D agency in the same manner as the Court may enforce a judicial order, including civil contempt.

“(h) Where a party or entity registers a support order entered in another jurisdiction for enforcement pursuant to the Uniform Interstate Family Support Act of 1995, effective February 9, 1996 (D.C. Law 11-81; D.C. Official Code § 46-301.01 *et seq.*), withholding shall be implemented in the same manner and subject to the same procedures as a support order entered in the District of Columbia.”

(i) Section 10 (D.C. Official Code § 46-209) is amended to read as follow:

"Sec. 10. Notice of withholding to the obligor.

Amend
§ 46-209

"(a) If a support order becomes enforceable by withholding pursuant to section 8(d), the IV-D agency shall send a notice of withholding to the obligor and shall certify the date the notice is mailed.

"(b) The notice of withholding to the obligor shall include the following:

"(1) Notice that withholding has commenced;

"(2) A statement of any arrearage that has accrued, the amount of the support obligation that is accruing, and the periodic amount required to be paid in the future;

"(3) A statement of the amount of the obligor's earnings or other income that shall be withheld;

"(4) A statement that the withholding shall apply to any current and subsequent employer or period of employment;

"(5) A statement that the obligor has the right to object to the withholding, a statement of the procedures available for objecting to the withholding, and a statement that the only basis for objecting to the withholding is a mistake of fact as defined in section 11(c);

"(6) A statement of the actions that will be taken if the obligor objects to the withholding; and

"(7) A statement of the information given to the holder pursuant to section 12.

"(c) The IV-D agency shall send the notice of withholding to the obligor within 15 days after serving the order to withhold on the holder."

(j) Section 11 (D.C. Official Code § 46-210) is amended to read as follows:

Amend
§ 46-210

"Sec. 11. Objections to withholding.

"(a) An obligor may object to a withholding commenced pursuant to section 8a by filing a motion to quash the withholding with the Court within 15 days after the earlier of the date the notice of withholding was mailed or the date the first payment was withheld.

"(b) The Court shall resolve any motion to quash the withholding within 90 days after service of the motion on the opposing party, unless, upon a showing of good cause, the Court finds that additional time is needed to resolve the motion.

"(c) The only ground for an objection to a withholding is a mistake of fact, which is defined as:

"(1) A mistake in the amount of arrears;

"(2) A mistake in the identity of the obligor; or

"(3) A mistake in the amount of the withholding that causes the amount withheld to exceed the limits specified in section 9 or section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b)).

"(d) Payment of arrearages after the date of issuance of a notice of withholding to the obligor pursuant to section 10 is not a defense to the withholding.

"(e) The Court shall deny the motion in all cases except where the identity of the obligor is mistaken or, if applicable, where arrearages have never equaled one month of support

payments, and shall notify the obligor.

“(f) If the Court determines that the amount to be withheld exceeds the limits of section 9 or section 303(b) of the Consumer Credit Protection Act, the Court shall serve or direct the IV-D agency to serve an order to withhold on the holder that complies with those limits.

“(g) The Court shall deny any request to stay the withholding pending resolution of an objection or appeal.”

(k) Section 12 (D.C. Official Code § 46-211) is amended to read as follows:

Amend
§ 46-211

“Sec. 12. Notice to withhold to the holder.

“A notice or order to withhold served pursuant to section 8a shall be issued in the format required by federal law and shall state the following:

“(1) The amount to be withheld, including any fee deducted and retained under section 13;

“(2) That the amount to be withheld shall not exceed the limits imposed under section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b));

“(3) That the holder shall withhold from the obligor’s earnings or other income the amount specified in the notice or order to withhold, pay the withheld amount to the Collection and Disbursement Unit within 7 business days after the date the income would have been paid to the obligor, and report to the Collection and Disbursement Unit the date on which the amount was withheld;

“(4) That the holder shall begin withholding no later than the first pay period occurring 10 days after the date the notice or order to withhold was issued;

“(5) That the holder may deduct and retain an additional \$ 2 for processing costs or, if applicable, an amount permitted under section 13(e);

“(6) That the withholding is binding on the holder until further notice;

“(7) That the holder may be fined in accordance with section 20(c) for discharging an obligor from employment, refusing to employ an obligor, or taking disciplinary action against an obligor because of the withholding;

“(8) That, if the holder fails to withhold support payments from earnings or other income or remit these payments to the Collection and Disbursement Unit as required under this act, the holder shall be liable as specified in section 14;

“(9) That the withholding has priority over any other legal process under District law;

“(10) That the holder may combine withheld amounts from more than one obligor in a single payment and separately identify the portion of the payment that is attributable to each obligor;

“(11) That the holder shall withhold according to the requirements of section 13; and

“(12) That the holder shall give notice to the IV-D agency of a termination of the

obligor's employment as required by section 17.”

(l) Section 13 (D.C. Official Code § 46-212) is amended to read as follows:

Amend
§ 46-212

“Sec. 13. Holder's duty to withhold and make payments.

“(a) Except as provided in subsection (e) of this section, a holder that receives a notice or order to withhold issued in accordance with this act shall withhold the specified amount and make payment to the Collection and Disbursement Unit no later than 7 business days after the date the amount would have been paid or credited to the obligor. The holder shall begin withholding no later than the first pay period occurring 10 days after the date the notice or order to withhold was issued.

“(b) If a holder receives notice of any legal proceeding challenging the withholding or the judgment or order of support on which it is based, the holder shall continue to withhold and submit the payments to the Collection and Disbursement Unit until the holder receives written notice from the Court or the IV-D agency directing the holder to cease the withholding.

“(c) Any payment made by a holder in conformity with this section shall discharge the liability of the holder to the obligor to the extent of the payment.

“(d) A holder upon whom a notice or order to withhold has been served may deduct and retain from the obligor's earnings or other income an additional \$ 2 for each deduction made in accordance with the notice or order to withhold. Where the total amount to be withheld, together with a fee, exceeds the limitations set forth in section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b)), the holder shall reduce the amount of the withholding to conform with these limitations, but the amount of the fee shall not be reduced by reason of the limitations.

“(e) Notwithstanding any other provision of this act, if a holder receives a notice or order to withhold issued by another state, the holder shall apply the income withholding law of the state of the obligor's principal place of employment in determining:

“(1) The holder's fee for processing the notice or order to withhold;

“(2) The maximum amount permitted to be withheld from the obligor's income;

“(3) The time periods within which the holder must implement the withholding and forward the support payment;

“(4) The priorities for withholding and allocating income withheld for multiple support obligees; and

“(5) Any withholding terms or conditions not specified in the notice or order to withhold.”

(m) Section 14 (D.C. Official Code § 46-213) is amended as follows:

Amend
§ 46-213

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

(A) Strike the phrase “income or other earnings” and insert the phrase “earnings or other income” in its place.

(B) Strike the phrase “obligor,” and insert the phrase “obligor, obligee,” in its place.

(C) Strike the phrase "responsible relative,".

(2) Subsection (b) is amended by striking the phrase "failure to withhold" and inserting the phrase "failure to withhold or make payment" in its place.

(n) Section 15 (D.C. Official Code § 46-214) is amended to read as follows:

"Sec. 15. Termination of withholding.

"(a) Withholding shall terminate:

Amend
§ 46-214

"(1) When the support obligation has been terminated and the total arrearage has been satisfied;

"(2) When the holder, by reason of termination of employment or other reason, no longer holds earnings or other income payable to the obligor;

"(3) When the payee has failed to give notice to the Court and the IV-D agency of a change of address as required by section 27b, and the holder receives written notice from the Court or the IV-D agency that withholding is no longer required; or

"(4) When the holder receives written notice from the Court or the IV-D agency that withholding is no longer required based on information received from another jurisdiction.

"(b) The Court shall provide the IV-D agency with a copy of each notice of termination it issues to a holder within 2 business days after issuance.

"(c) If, because of the failure of a payee to give notice to the Court and the IV-D agency of a change in address as required by section 27b, the Collection and Disbursement Unit is unable, for a 3-month period, to deliver payments received pursuant to a notice or order to withhold, the IV-D agency shall send written notice to the holder to cease the withholding. The Collection and Disbursement Unit shall prorate and apply the undeliverable payments to satisfy amounts the obligor owes under other support orders, and shall prioritize these payments in accordance with section 18. If the obligor does not owe support under an additional support order, the Collection and Disbursement Unit shall apply the payments to any fees or debts owed to the IV-D agency and return the balance of the undeliverable payments, if any, to the obligor."

(o) Section 16 (D.C. Official Code § 46-215) is amended by striking the phrase "of withholding issued by the Court" and inserting the phrase "to withhold issued by the IV-D agency" in its place.

Amend
§ 46-215

(p) Section 17 (D.C. Official Code § 46-216) is amended as follows:

(1) Subsection (a) is amended by striking the word "Court" and inserting the phrase "IV-D agency" in its place.

Amend
§ 46-216

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

"(b) The IV-D agency shall serve an order to withhold on the obligor's new employer within 2 business days after receipt of information regarding the obligor's new place of employment, or within 2 business days after the date information regarding the obligor is entered into the District of Columbia Directory of New Hires pursuant to section 27f, whichever occurs first."

Amend
§ 46-217

(q) Section 18(b) (D.C. Official Code § 46-217(b)) is amended to read as follows:

“(b) If current support payments do not exceed the limits of section 303(b) of the Consumer Credit Protection Act, the Collection and Disbursement Unit shall prorate payments toward health insurance coverage, medical support, arrearages, and other costs and fees among the orders and prioritize these payments in accordance with section 108 of the Medical Support Establishment and Enforcement Amendment Act of 2004, effective March 30, 2004 (D.C. Law 15-130; D.C. Official Code § 46-251.08), and applicable federal requirements.”

(r) Section 19 (D.C. Official Code § 46-218) is amended to read as follows:

Amend
§ 46-218

“Sec. 19. Voluntary income withholding.

“(a) An obligor may obtain voluntary income withholding by filing with the IV-D agency a request for withholding and, if the support order is from another jurisdiction, a certified copy of the support order.

“(b) Upon receipt of a request under subsection (a) of this section, the IV-D agency shall serve an order to withhold on the holder specified in the obligor’s request. Payments shall be made through the Collection and Disbursement Unit.”

(s) Section 20 (D.C. Official Code § 46-219) is amended as follows:

Amend
§ 46-219

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

(A) Strike the phrase “employee or” wherever it appears.

(B) Strike the word “child” after the phrase “purposes of paying”.

(2) Subsection (b) is amended by striking the phrase “the notice to the holder pursuant to section 12,” and inserting the phrase “a notice or order to withhold,” in its place.

(3) Subsection (d) is amended by striking the word “child” after the phrase “duty of”.

(t) Section 21 (D.C. Official Code § 46-220) is amended by striking the word “order” after the phrase “satisfy the withholding”.

Amend
§ 46-220

(u) Section 22 (D.C. Official Code § 46-221) is amended by striking the phrase “notice of withholding” and inserting the phrase “notice or order to withhold” in its place.

Amend
§ 46-221

(v) Section 23 (D.C. Official Code § 46-222) is amended to read as follows:

Amend
§ 46-222

“Sec. 23. Interstate withholding.

“(a) Upon receipt of notice from another state that withholding is required to enforce a support order, including all documents and information necessary to carry out the withholding, the IV-D agency shall implement the withholding in accordance with section 8a.

“(b) If the IV-D agency determines that the obligor is no longer employed in the District of Columbia, the IV-D agency shall provide the initiating jurisdiction with the name and address of the obligor and the obligor’s new employer, if known.

“(c) The IV-D agency, upon receiving a certified copy of a modification of a support order entered or registered in the District of Columbia, shall initiate necessary procedures to amend or modify a withholding that is based on the support order that has been modified.”

(w) Section 24 (D.C. Official Code § 46-223) is amended to read as follows:

Amend
§ 46-223

“Sec. 24. Initiation of withholding in other jurisdictions.

“(a) When an obligor under a support order derives income in another jurisdiction, the IV-D agency, the Court, or any other appropriate person or entity may serve a notice or order to withhold on a holder in the jurisdiction where the obligor receives income.

“(b) In any case being enforced by the IV-D agency pursuant to title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), where the IV-D agency determines that the obligor derives income in another jurisdiction and that interstate withholding is necessary to enforce the support order, the IV-D agency shall, within 20 days of this determination, notify the IV-D agency in the jurisdiction in which the obligor derives income to implement interstate withholding. The notice shall include all information necessary to carry out the withholding, including:

- “(1) The amount requested to be withheld;
- “(2) A copy of the support order with all modifications; and
- “(3) A statement of arrears, if appropriate.”.

(x) Section 25(c) (D.C. Official Code § 46-224(c)) is amended by striking the phrase “subsection (a)” and inserting the phrase “subsection (b)” in its place.

Amend
§ 46-224

(y) Section 25b (D.C. Official Code § 46-224.02) is amended to read as follows:
“Sec. 25b. Parent locator service.

Amend
§ 46-224.02

“(a) The IV-D agency is established as the District’s centralized Parent Locator Service to locate parents of children in need of support.

“(b) An officer or employee of the District shall cooperate with the IV-D agency to determine the location of a parent who is not supporting his or her child. The officer or employee shall provide any pertinent information that relates to the location, income, or property of a parent, notwithstanding any District statute, ordinance, or rule that makes the information confidential.

“(c) A company, corporation, partnership, association, union, organization, or entity doing business in the District shall provide the IV-D agency with the following available information, if the IV-D agency certifies that the information shall be used to locate a parent of a child in need of support and that the information obtained will be treated as confidential by the IV-D agency unless the parent’s name is published or reported to a consumer credit reporting agency pursuant to section 26:

- “(1) Full name of the parent;
- “(2) Name and address of the parent’s employer;
- “(3) Social security number of the parent;
- “(4) Date of birth of the parent;
- “(5) Home address of the parent;
- “(6) Amount of wages earned by the parent; and
- “(7) Number of dependents claimed by the parent on state and federal income

withholding forms.

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“(d) A person may not knowingly refuse to give the IV-D agency information that will assist the IV-D agency in locating the parent of a child.

“(e) A person who knowingly refuses to provide information or provides false information that has been requested pursuant to subsection (c) of this section, upon conviction, shall be imprisoned for not more than 3 months, fined not more than \$1,000, or both.”

(z) Section 26b (D.C. Official Code § 46-225.02) is amended to read as follows:

Amend
§ 46-225.02

“Sec. 26b. Criminal contempt remedy for failure to pay child support.

“(a) The Mayor or a party who has a legal claim to child support may initiate a criminal contempt action for failure to pay the support by filing a motion in the civil action in which the support order was established.

“(b)(1) Upon a finding by the Court that an obligor has willfully failed to obey a lawful support order, the Court may:

“(A) Commit the obligor to jail for a term not to exceed 180 days;

“(B) Order the obligor to participate in a rehabilitative program, if the Court determines that participation would assist the obligor in complying with the support order and access to such program is available;

“(C) Order the obligor to accept appropriate available employment or participate in job search and placement activities; or

“(D) Place the obligor on probation under such conditions as the Court may determine and in accordance with the provisions of the criminal procedure law.

“(2) The Court may direct that an obligor's commitment may be served upon certain specified days or parts of days. The Court may suspend all or part of a sentence and may, at any time within the term of the sentence, revoke the suspension and commit the obligor for the remainder of the original sentence. A period of commitment shall not prevent the Court from committing the obligor for a subsequent failure to comply with a support order.

“(3) For the purposes of paragraph (1)(B) of this subsection, the term "rehabilitative program" shall include work preparation and skill programs, non-residential alcohol and substance abuse programs, and educational programs.

“(c) The Court shall order the obligor to pay the petitioner's attorney's fees as well as court costs, unless good cause can be demonstrated on the record against this result.

“(d) For purposes of this section, failure to pay child support, as ordered, shall constitute prima facie evidence of a willful violation. This presumption may be rebutted if the obligor was incarcerated, hospitalized, or disabled during the period of nonsupport. These circumstances do not constitute an exhaustive list of circumstances that may be used to rebut the presumption of willfulness.

“(e) The Court shall not deny a request for relief pursuant to this section unless the facts and circumstances constituting the reasons for its determination are set forth in a written memorandum of decision.”

(aa) Section 27 (D.C. Official Code § 46-226) is amended as follows:

Amend
§ 46-226

(1) Subsection (a) is amended by striking the phrase "notice of income withholding," and inserting the phrase "notice or order to withhold," in its place.

(2) Subsection (b) is amended by striking the phrase "an income withholding notice" and inserting the phrase "a notice or order to withhold" in its place.

(bb) Section 27c (D.C. Official Code § 46-226.03) is amended as follows:

Amend
§ 46-226.03

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

(A) Paragraph (2) is amended by inserting a comma after the word "company".

(B) Paragraph (4)(H) is amended by striking the phrase "Department of Public Works, Bureau of Motor Vehicle Services;" and inserting the phrase "Department of Motor Vehicles;" in its place.

(C) Paragraph (6) is amended to read as follows:

"(6) Order income withholding, including the amount of periodic support payments and any additional amount for health insurance coverage, medical support, overdue support payments, and other costs or fees required under a support order;"

(2) Subsection (b) is amended by striking the period at the end and inserting the phrase ", except that the IV-D agency shall provide notice of withholding to the obligor only as required pursuant to section 10." in its place.

(3) Subsection (c) is amended by adding the sentence "This subsection shall not apply to IV-D agency actions related to the withholding of earnings or other income under this act." at the end.

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

(A) Strike the phrase "Family Division of the Superior" in the first sentence.

(B) Strike the word "Superior" wherever it appears in the third sentence.

(5) Subsection (f) is amended by striking the word "Superior" wherever it appears.

(cc) Section 27f (D.C. Official Code § 46-226.06) is amended as follows:

Amend
§ 46-226.06

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

"(f) Within 2 business days after the date a report under subsection (b) of this section is entered into the District of Columbia Directory of New Hires, the IV-D agency shall transmit an order to withhold to the employer in accordance with this act, unless the employee's income is not subject to withholding."

(2) Subsection (i) is amended by striking the word "Superior".

(3) Subsection (k) is amended by striking the word "Superior".

(dd) Section 27g(a) (D.C. Official Code § 46-226.07(a)) is amended by striking the sentence "For the purposes of this section, the term "business day" means a day on which District government offices are open for regular business."

Amend
§ 46-226.07

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(ee) Section 27i (D.C. Official Code § 46-226.09) is amended as follows:

Amend
§ 46-226.09

(1) Strike the phrase "assistance under TANF" and insert the phrase "public assistance" in its place.

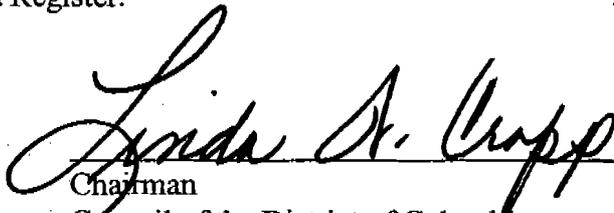
(2) Strike the word "Superior".

Sec. 4. Fiscal impact statement.

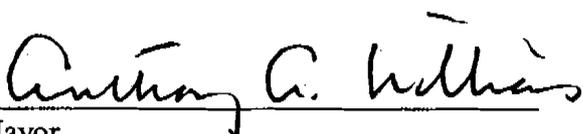
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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)(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 27, 2006

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AN ACT

D.C. ACT 16-303

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2006*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Spring
Supp.West Group
Publisher

To amend, on a temporary basis, Chapter 28 of Title 47 of the District of Columbia Official Code to alter the composition of the Board of Real Estate and the Board of Real Estate Appraisers; to repeal the requirement that individuals and firms practicing as public accountants, but not providing services that require a license, registration, and permit as a certified public accountant or certified public accounting firm, continue to register with or obtain a permit from the Board of Accountancy, and to allow non-licensees to control up to 49% of the financial interests and voting rights of all partners, officers, shareholders, members, or managers of firms organized to offer certified public accounting services within the District of Columbia; to allow the Board of Real Estate Appraisers to comply with the licensure and regulatory requirements established by the Appraisal Subcommittee, The Appraisal Foundation, and the Appraisal Qualifications Board pursuant to federal law; to reinstate the Appraisal Education Fund; and to clarify that certain real estate licensure exemptions apply only to natural persons.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Non-Health Related Occupations and Professions Licensure Temporary Act of 2006".

Sec. 2. Chapter 28 of Title 47 of the District of Columbia Official Code is amended as follows:

- (a) The table of contents is amended as follows:
- (1) Strike the phrase "47-2853.45. Registration of firms of public accountants." and insert the phrase "47-2853.45. Repealed." in its place.
 - (2) Add the phrase "47-2853.154. Appraisal Education Fund." after the phrase "47-2853.153. Certain representations prohibited."
- (b) Section 47-2853.01 is amended by adding a new paragraph (9) to read as follows:
- "(9) "Natural person" means a human being."
- (c) Section 47-2853.06 is amended as follows:

Note,
§ 47-2853.01

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

Note,
§ 47-2853.06

“(b) There is established a Board of Accountancy to consist of 5 members. Of the members of the Board, one shall be a consumer member and 4 shall be licensed as certified public accountants who, at the time of their appointments, have been engaged in the practice of public accountancy as certified public accountants in the District for a period of not less than 5 years. The Board shall regulate the practice of public accountants and certified public accountants.”

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

“(g) There is established a Board of Real Estate Appraisers consisting of 5 members, of whom 3 shall be real estate appraisers licensed and in good standing in the District with not less than 3 years experience in real estate appraising immediately preceding his or her appointment to the Board, one shall be a real estate broker licensed and in good standing in the District, and one shall be a consumer member. In addition to assuming the powers enumerated in § 47-2853.08, the Board shall regulate the practice of real estate appraisal, including the functions of a state appraiser certifying and licensing agency under Title XI of the Financial Institutions Recovery, Reform, and Enforcement Act of 1989, approved August 9, 1989 (103 Stat. 183;12 U.S.C. §§ 3331 through 3351).”

Note,
§ 47-2853.42

(d) Section 47-2853.42 is amended as follows:

(1) Paragraph (2) is amended by striking the phrase “written examinations” and inserting the word “examination” in its place.

(2) Paragraph (3) is amended by striking the phrase “a written examination” and inserting the phrase “an examination.” in its place.

(e) Section 47-2853.43 is amended as follows:

Note,
§ 47-2853.43

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

(A) Strike the phrase “and 47-2853.45”.

(B) Strike the phrase “, 47-2853.45,”.

(C) Strike the colon at the end of the lead-in text and insert the phrase “licensed as a certified public accountant under this part.” in its place.

(D) Paragraphs (1) and (2) are repealed.

(2) Subsection (b) is amended by striking the phrase “§§ 47-2853.45 and” and inserting the section symbol in its place.

(3) Subsection (d)(1) is amended by striking the phrase “§§ 47-2853.45 and” and inserting the section symbol in its place.

Note,
§ 47-2853.44

(f) Section 47-2853.44 is amended to read as follows:

“(a) A firm engaged in the District in the practice of certified public accounting may register with the Board as a firm of certified public accountants if it meets the following requirements:

“(1) At least one member thereof is a certified public accountant of the District in good standing;

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"(2) Each member thereof must be a certified public accountant of the District or of a state in good standing;

"(3) At least one member or the resident manager in charge of an office of the firm in the District and each member thereof personally engaged within the District in the practice of public accounting as a member thereof must be a certified public accountant of the District in good standing;

"(4) Notwithstanding any other provision of law:

"(A) At least 51% of the firm of certified public accountants, in terms of financial interests and voting rights of all partners, officers, shareholders, members, or managers, belongs to individuals licensed as certified public accountants in the District or in any other state;

"(B) Partners, officers, shareholders, members, or managers, whose principal place of business is in the District, or who perform professional services in the District, hold a valid license issued under this part; and

"(C) Although firms may include non-licensee owners, the firm and its ownership must comply with rules promulgated by the Board;

"(5) Any firm of certified public accountants as defined in this part may include non-licensee owners; provided, that:

"(A) The firm designates a licensee of the District who is responsible for the proper registration of the firm and identifies that individual to the Board;

"(B) All non-licensee owners are active individual participants in the firm of certified public accountants or affiliated entities; and

"(C) The firm complies with such other requirements as the Board may impose by rule;

"(6) Any individual licensee who is responsible for supervising services requiring licensure as a certified public accountant and signs or authorizes someone to sign the accountant's report on the financial statements on behalf of the firm shall meet the competency requirements set out in the professional standards for such services; and

"(7) Any individual licensee who signs or authorizes someone to sign the accountants' report on the financial statements on behalf of the firm shall meet the competency requirement of paragraph (6) of this subsection."

"(b) Subject to the exception provided in subsection (a)(4) of this section, a firm that is a corporation organized for the practice of certified public accounting shall also comply with the provisions of Chapter 4 of Title 29, governing the issuance, ownership, and transferability of shares and be in compliance with such regulations as may be issued for such corporations.

"(c) A firm which is registered pursuant to this section and which holds a permit issued by the Board may use the words "certified public accountants" or the abbreviation "CPA" in connection with its firm name. Notification shall be given to the Board within one month after the admission or withdrawal of a member or shareholder in practice in the District from any

firm so registered. Firms shall not offer certified public accounting services unless registered pursuant to this section.

“(d) An applicant firm for initial issuance or renewal of a permit to practice under this section shall be required to register each office of the firm within the District with the Board and to show that all attest and compilation services as defined herein rendered in the District are under the charge of a person holding a valid license in the District issued under Subchapter I-B, or the corresponding provision of prior law or some other state.

“(e) An applicant firm for initial issuance or renewal of permits under this section shall, in its application, list all states (including the District) in which the firm has applied for or holds permits as a certified public accounting firm and list any past denial, revocation, or suspension of a permit by the District or any other state, and each holder of or applicant for a permit under this section shall notify the Board in writing, within 30 days after its occurrence, of any change in the identities of partners, officers, shareholders, members, or managers whose principal place of business is in the District, any change in the number or location of offices within the District, any change in the identity of the persons in charge of such offices, and any issuance, denial, revocation, or suspension of a permit by any other state.

“(f) Firms that fall out of compliance with the provisions of this section due to changes in firm ownership or personnel, after receiving or renewing a permit, shall take corrective action to bring the firm back into compliance as quickly as possible. The Board may grant a reasonable period of time for a firm to take such corrective action. Failure to bring the firm back into compliance within a reasonable period as defined by the Board shall result in the suspension or revocation of the firm permit.”

(g) Section 47-2853.45 is repealed.

Note, Repeal
§ 47-2853.45

(h) Section 47-2853.46 is amended by striking the phrase “; or by a public accountant or a firm of public accountants;”.

Note,
§ 47-2853.46
Note,
§ 47-2853.47

(i) Section 47-2853.47(a) is amended by striking the phrase “public accounting” and inserting the phrase “certified public accounting” in its place.

Note,
§ 47-2853.151

(j) Section 47-2853.151 is amended by striking the phrase “real estate” and inserting the phrase “real property and real estate” in its place.

Note,
§ 47-2853.152

(k) Section 47-2853.152 is amended to read as follows:

“§ 47-2853.152. Eligibility requirements.

“(a) The Board shall establish by regulation the education, experience, and examination requirements that individuals must meet or exceed as conditions for obtaining licensure, certification, or registration as an appraiser trainee, a licensed residential real property appraiser, a certified residential real property appraiser, or a certified general real property appraiser.

“(b) The licensure requirements established by the Board shall comply with this part and shall meet or exceed any applicable federal requirements that are necessary in order that the federal financial institution's regulatory agencies recognize and accept licenses for licensed residential real estate appraisers, certified residential real estate appraisers, and certified general

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real estate appraisers issued by the Board. If the federal requirements change and the Board's regulations do not meet the minimum federal standards, the Board may substitute the federal standards established by the Appraisal Qualifications Board and the Appraisal Standards Board of the Appraisal Foundation when reviewing an application for licensure, certification, or registration until the Board is able to amend its regulations.

"(c) The Board shall establish by regulation the requirements that individuals licensed in jurisdictions other than the District of Columbia as a certified residential real property appraiser or a certified general real property appraiser must satisfy prior to obtaining a temporary license from the Board. The Board's requirements shall comply with applicable federal law, but the Mayor may require the applicant to pay a license fee to the Department and may place restrictions on the validity of the temporary license.

"(d) The Board shall establish by regulation provisions for the supervision of appraiser trainees, provisions for defining and enforcing the standards of professional appraiser practice, and provisions for the disposition of complaints from any person or from any federal agency or instrumentality regarding improper appraiser conduct.

"(e) The Board shall establish continuing education requirements necessary for renewal or reinstatement of any license, certification, or registration that meet or exceed the continuing education requirements established under the authority of federal law.

"(f) By regulation, the Board may establish and enforce practice requirements or standards pursuant to District law and may enforce practice requirements or standards established under the authority of federal law."

(1) Section 47-2853.153 is amended as follows:

(1) Subsection (a) is amended by striking the words "or certification" and "or certificate".

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

(A) Strike the phrase "real estate" and insert the phrase "real property or real estate" in its place.

(B) Strike the phrase "use of the term" and insert the phrase "use of the term" "certified" in its place.

(C) Strike the phrase "or certification".

(3) Subsection (c) is amended by striking the phrase "real estate" and inserting the phrase "real estate or real property" in its place.

(4) Subsection (d) is amended by striking the phrases "or certificate" and "or certified" wherever they appear.

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

"(e) Any person who is not licensed or certified under this subchapter may assist a licensed or certified real estate appraiser in the performance of an appraisal, if he or she registers with the Board as a Appraiser Trainee, complies with the registration and practice requirements established by the Board by regulation, and is actively and personally supervised by the licensed

Note,
§ 47-2853153

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or certified real estate appraiser. Any appraisal report rendered in connection with the appraisal and drafted by the appraisal trainee shall be reviewed and signed by the licensed or certified real estate appraiser.”

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

(A) Strike the phrase “or certified” wherever it appears.

(B) Strike the phrase “If a licensed or certified real estate appraiser” and insert the phrase “If a licensee or appraiser trainee” in its place.

(7) Subsection (h) is amended by striking the phrase “real estate” and inserting the phrase “real estate or real property” in its place.

(m) A new section 47-2853.154 is added to read as follows:

“§ 47-2853.154. Appraisal Education Fund.

Note,
§ 47-2853.154

“(a) There is established a fund designated as the Appraisal Education Fund (“Fund”), which shall be separate from the General Fund of the District of Columbia and shall be used by the Board for the purpose of raising the standards of practice and the competency of licensees and certificate holders by:

“(1) Promoting the advancement of education and research for the benefit of any person issued a license or certificate under this chapter;

“(2) Underwriting educational seminars, workshops, and any other similar form of educational project for the benefit of any person issued a license or certificate under this chapter;

“(3) Contracting for particular education or other projects intended to further the purposes of this chapter; and

“(4) Defraying the expenses to discharge the administrative and regulatory duties as prescribed by this part; provided, that the Fund shall not be used to discharge the administrative and regulatory duties of any other District government agency, board, or commission, and shall be used solely to carry out the functions of this part.

“(b) No revenues deposited into this continuing, nonlapsing fund may be obligated or spent in any year without a Congressional appropriation. Revenues in this continuing, nonlapsing special account that are carried over into a succeeding fiscal year may not be obligated or spent in the succeeding year without a new Congressional appropriation that permits such obligation or expenditure.

“(c) Any person issued or renewing a license under this chapter shall pay, in addition to licensing and renewal fees established by the Mayor, a sum to be established by the Mayor for deposit into the Fund.

“(d) Any civil penalties imposed by the Board or the Office of Administrative Hearings pursuant to this chapter shall be deposited in the Fund.

“(e) The Board may, by regulation, establish minimum and maximum balances for the Fund, procedures for continuing and discontinuing assessing licensees, and other provisions relevant to the operation of the Fund.

“(f) If a licensee fails to pay the amount assessed by the Mayor within the time prescribed by rule, his or her license shall be automatically suspended. The Board shall send a notice of the suspension, by certified mail, to the address of record within 5 days after the suspension. The license shall be restored only upon the actual receipt by the Mayor of the delinquent assessment.

“(g) The Fund shall be continuing. Revenues deposited into the Fund shall not revert to the General Fund of the District of Columbia at the end of any fiscal year or at any other time, but shall be continually available for the uses and purposes set forth in this subchapter, subject to authorization by Congress in an appropriations act.”

(n) Section 47-2853.181(2) is amended by striking the word “person” wherever it appears and inserting the phrase “natural person” in its place.

Note,
§ 47-2853.181

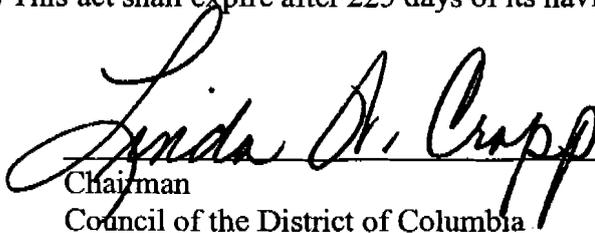
Sec. 3. Fiscal impact statement

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)).

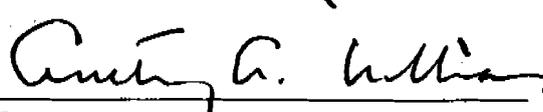
Sec. 4. Effective date.

(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.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED

February 27, 2006
Codification District of Columbia Official Code, 2001 Edition

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-304

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2006*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Spring
Supp.West Group
Publisher

To amend, on a temporary basis, Title 47 of the District of Columbia Official Code to repeal a provision which would inadvertently repeal a tax increase imposed by the Ballpark Omnibus Financing and Revenue Act of 2004, to add provisions of an amendment that were not reflected in the enrollment of the Tax Abatement Adjustment for Housing Priority Area Act of 2004, to add a missing word to section 857.04(b)(3)(A), to correct a cross-reference; to correct the name of an entity that was given a tax exemption, to correct the lot number of another entity which were given real property tax exemptions, to re-codify the limitation on deduction for royalty payments by corporations, to correct the designation of the utility taxes to be deposited in the Ballpark Revenue Fund, to correct the basic tax rate for electricity users; to amend the Fiscal Year 2006 Budget Support Act to correct and re-codify a provision regarding real property exemptions for nonprofit organizations and to correct paragraph numbering; to amend the Arena Tax Amendment Act of 1994 to clarify and provide the real property tax exemption of the MCI Arena in accordance with a certain executed and recorded ground lease; to amend a resolution to include a cross reference that was inadvertently omitted; to amend the Uniform Disposition of Unclaimed Property Act of 1980 to add a missing word; and to clarify the effective date of an amendatory provision for the taxation of heating oil.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Finance and Revenue Technical Amendments Temporary Amendment Act of 2006".

Sec. 2. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-368.03(d)(2) is repealed.

(b) Section 47-857.04 is amended as follows:

(1) Subsection (a) is amended by striking the phrase "December 31, 2004" and inserting the phrase "September 30, 2004" in its place.

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

"(b)(1) For the purposes of this subsection, the term "downtown area" means:

"(A) The area described in section 199 of title 10 of the District of

Note,
§ 47-386.03
Note,
§ 47-857.04

ENROLLED ORIGINAL

Columbia Municipal Regulations (10 DCMR § 199) and designated on the District of Columbia Generalized Land Use Policies Map; and

"(B) Eligible area #2.

"(2) If a project eligible for the real property tax abatement under this section breaks ground on or after January 1, 2005 (as certified by the project architect and the Mayor), the tax abatement may be applied, assigned, conveyed, or otherwise transferred ("transferred") by the owner of the real property or project (or by the owner's designee) and the time period at which the tax abatement commences may be delayed until the transfer and shall continue for 10 years after the date of transfer; provided, that:

"(A) The tax abatement shall be \$0.89 per rentable, or usable, residential FAR square foot of the eligible real property; provided, that if the project known as Quincy Court, located at 1117 10th Street, N.W., requests participation under § 47-857.04(b) by a letter to the Deputy Mayor for Planning and Economic Development, or his or her successor, prior to December 31, 2005, the tax abatement shall be \$0.905 per rentable, or usable, residential FAR square foot of the eligible real property;

"(B) The tax abatement may be transferred by the owner:

"(i) To reduce real property taxes imposed upon any residential project in the downtown area or eligible area #2; or

"(ii) To reduce real property taxes imposed upon any commercial project in the downtown area or eligible area #2; and

"(3) The tax abatement may be transferred within:

"(A) Five years after receipt by the eligible project of a final certificate of occupancy issued for the entirety of the project; or"

"(B) Within one year after the final certificate of occupancy is issued for the project to which the abatement is transferred."

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

"(c) The Mayor shall be deemed to have certified the groundbreaking if the Deputy Mayor for Planning and Economic Development, or his or her successor, issues a letter certifying the groundbreaking or 20 business days pass after the date of the receipt of a request for the certification by the Deputy Mayor for Planning and Economic Development, or his or her successor, from the project developer; provided, that the request includes a certification by the project architect of the groundbreaking date of the residential project and the Deputy Mayor for Planning and Economic Development, or his or her successor, does not reject the request or request further information."

(c) Section 47-857.06(d)(2) is amended as follows:

(1) The undesignated text is amended by striking the phrase "there shall be allowed an abatement of \$710,000 per year of the real property tax imposed by § 47-811 on the Wax Museum project (to be allocated between the K Street Building and L Street Building as set forth in paragraph (3) of this subsection)" and inserting the phrase "there shall be allowed an

Note,
§ 47-857.06

abatement of \$664,000 per year of the real property tax imposed by § 47-811 on the Wax Museum project (to be allocated between the K Street Building and L Street Building as set forth in paragraph (4) of this subsection)" in its place.

(2) Subparagraph (A)(iii) is amended by striking the word "and".

(3) Subparagraph (B)(iii) is amended by striking the period at the end and inserting the phrase "; and" in its place.

(4) A new subparagraph (C) is added to read as follows:

"(C) If the residential project known as Quincy Court, located at 1117 10th Street, N.W., requests participation under § 47-857.04(b) by a letter to the Deputy Mayor for Planning and Economic Development, or his or her successor, prior to December 31, 2005, the annual amount of the abatement of real property tax imposed by § 47-811 on the Wax Museum project (to be allocated between the K Street Building and L Street Building as set forth in paragraph (4) of this subsection) shall be \$675,000."

(d) The table of contents for Chapter 10 of Title 47 of the District of Columbia Official Code is amended by striking the phrase "lots 34" and inserting the phrase "lots 33" in its place.

(e) Section 47-1065 is amended as follows:

(1) Subsection(a)(1) is amended by striking the phrase "Golden Rule Place" and inserting the name "Golden Rule Plaza" in its place.

(2) By striking the phrase "lots 34" wherever it appears and inserting the phrase "lots 33" in its place.

(f) Section 47-1803.03 of the District of Columbia Official Code is amended as follows:

(1) Subsection (a) is amended by adding a new paragraph (19) to read as follows:

"(19) *Royalty payments.* ---

"(A) Royalty payments, if the royalty payments are directly or indirectly paid, accrued, or incurred to a related member during the taxable year and deductible in calculating federal taxable income.

"(B) The disallowance of the deduction under subparagraph (A) of this paragraph shall not apply if and to the extent that the payments satisfy any of the following conditions:

"(i) The related member during the same taxable year directly or indirectly paid, received, accrued, or incurred the amount of the obligation to or from a person or entity that is not a related member, and the transaction was done for a valid business purpose and the payments are made at arm's length;

"(ii) The related member receiving the royalty payments acquired the intangible assets for which royalty payments are being made from a person or entity that was not a related member, the transaction was done for a valid business purpose, and the royalty payments are made at arm's length;

"(iii) The royalty payments are paid or incurred to a related

Note,
§ 47-1065

Note,
§ 47-1803.03

member organized under the laws of a country other than the United States, and the country has entered into a comprehensive income tax treaty with the United States; or

“(iv) The related member receiving the royalty payments is subject to a tax measured by its net income or receipts in a state or possession of the United States imposing a statutory tax rate of at least 4.5%; provided, that a related member receiving the royalty payment shall not be considered to be subject to a tax merely by virtue of the related member’s inclusion in a combined or consolidated return in one or more states.

“(C) For the purposes of this paragraph, the term:

“(i) "Majority interest" means:

“(I) In the case of a corporation, more than 50% of the total combined voting power of all classes of stock of the corporation, or more than 50% of the capital, profits, or beneficial interest in the voting stock of the corporation; or

“(II) In the case of a partnership, association, trust or other entity, more than 50% of the capital, profits, or beneficial interest in the partnership, association, trust or other entity.

“(ii) "Related entity" means (I) a stockholder who is an individual, or a member of the stockholder's family enumerated in section 318 of the Internal Revenue Code of 1986, if the stockholder and the members of the stockholder's family own, directly, indirectly, beneficially or constructively, in the aggregate, at least 50% of the value of the taxpayer's outstanding stock; (II) a stockholder, or a stockholder's partnership, limited liability company, estate, trust, or corporation, if the stockholder and the stockholder's partnerships, limited liability companies, estates, trusts, and corporations own directly, indirectly, beneficially or constructively, in the aggregate, at least 50% of the value of the taxpayer's outstanding stock; or (III) a corporation, or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under the attribution rules of section 318 of the Internal Revenue Code of 1986, if the taxpayer owns, directly, indirectly, beneficially or constructively, at least 50% of the value of the corporation's outstanding stock. The attribution rules of section 318 of the Internal Revenue Code of 1986 shall apply for purposes of determining whether the ownership requirements of this paragraph have been met.

“(iii) "Related member" means:

“(I) A person that, with respect to the taxpayer any time during the taxable year, is a related entity;

“(II) A component member, as defined in section 1563(b) of the Internal Revenue Code of 1986;

“(III) A controlled group of which the taxpayer is also a component; or

“(IV) Is a person to or from whom there is attribution of stock ownership in accordance with section 1563(e) of the Internal Revenue Code of 1986.

ENROLLED ORIGINAL

"(iv) "Royalty payments" mean payments directly connected to the use, maintenance, or management of licenses, trademarks, copyrights, trade names, trade dress, service marks, mask works, trade secrets, patents, and any other similar types of intangible assets as are set forth in regulations promulgated by the Chief Financial Officer, including amounts allowable as interest deductions under § 47-1803.02(a)(2), to the extent that such amounts are directly or indirectly for, related to, or in connection with the use, maintenance, or management of such intangible assets.

"(v) "State" shall include the District of Columbia.

"(vi) "Valid business purpose" means one or more business purposes, other than the avoidance or reduction of taxation, which, alone or in combination, constitute the primary motivation for some business activity or transaction, which activity or transaction changes in a meaningful way, apart from tax effects, the economic position of the taxpayer."

(2) Subsection (b)(7) is repealed.

(g) Section 47-2501 is amended as follows:

Note,
§ 47-2501

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

(2) Subsection (a-2) is amended by striking the phrase "One-eleventh of the total tax collected" and inserting the phrase "One-eleventh of the total tax collected from nonresidential customers" in its place.

(3) Subsection (d-1)(1)(B) is amended as follows:

(A) Sub-subparagraph (i) is amended by striking the phrase "a tax of \$0.0077" and inserting the phrase "a tax of \$0.007" in its place.

(B) Sub-subparagraph (ii)(I) is amended to read as follows:

"(ii)(I) Pay to the Mayor a tax of \$0.0007 for each kilowatt-hour of electricity delivered to nonresidential end-users in the District of Columbia for the preceding calendar month."

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

(h) Section 47-3902(d) is amended by striking the phrase "One-eleventh of the total tax collected" and inserting the phrase "One-eleventh of the total tax collected from nonresidential customers" in its place.

Note,
§ 47-3902

Sec. 3. Section 3 of the Tax Abatement Adjustment for Housing Priority Area Act of 2004, effective April 12, 2005 (D.C. Law 15-329; 52 DCR 5831), is repealed.

Sec. 4. The Fiscal Year 2006 Budget Support Act of 2005, effective October 20, 2005 (D.C. Law 16-33; 52 DCR 7503), is amended as follows:

(a) Section 1182 is amended to read as follows:

"Sec. 1182. Section 47-3505 of the District of Columbia Official Code is amended by

Note,
§ 47-3505

ENROLLED ORIGINAL

adding a new subsection (f) to read as follows:

“(f)(1) Subject to the requirements of paragraphs (2) and (3) of this subsection, any nonprofit organization that has been denied exemption from District of Columbia real property taxes pursuant to § 47-1002 and has acquired property to develop more than 10 units of housing for affordable or lower income homeownership households in the District of Columbia and subdivides the acquired property into more than 10 units shall have 2 years from the date of the subdivision of the property to hold the property as exempt from the recordation, transfer, and real property taxes associated with the acquisition and development of the property for low-income or affordable housing.

“(2) Recordation, transfer, and real property tax assessments associated with the acquisition of a property under paragraph (1) of this subsection shall not be assessed against a nonprofit organization that acquires property and subdivides it for resale into more than 10 units to low-income home owners when the first low-income home owner purchases a home within 2 years of the subdivision of the real property into lots on the records and cadastral maps of the Office of Tax and Revenue.

“(3) Real property owned or acquired by a nonprofit organization shall be exempt from recordation, transfer and real property taxes if the nonprofit organization subdivides the property into more than 10 units of low-income housing and completes the sale of all units of low-income housing on the property within 4 years from the date of acquisition.”.

(b) Section 1286 is amended to read as follows:

“Sec. 1286. Section 47-864(b)(1)(B)(i) of the District of Columbia Official Code is amended to read as follows:

Note,
§ 47-864

“(i) For tax year 2006:

“(I) The current tax year's taxable assessment shall be determined by subtracting \$22,000 from 110% of the prior tax year's taxable assessment;

“(II) The prior tax year's taxable assessment for taxable real property located in triennial groups 1 and 2, as designated by the Office of Tax and Revenue, that has been owned and occupied continuously by the same owner since October 1, 2001, shall be recalculated by applying a 12% cap as of October 1, 2001; and

“(III) This sub-subparagraph shall apply as of October 1, 2005;”.

Sec. 5. Section 3 of the Arena Tax Amendment Act of 1994, effective September 28, 1994 (D.C. Law 10-189; 41 DCR 5857), is amended to read as follows:

“(a) Notwithstanding any other law, that portion of the real property, described as lot 0047 in square 0455, in preparation for occupation and use, under construction for occupation or use, or occupied and used as a multi-purpose arena and related amenities shall be exempt from real property taxation, possessory interest taxation and business improvement district taxation.

“(b) The exemption provided by this section shall apply so long as the Land Disposition Agreement - Ground Lease, by and between The District of Columbia Redevelopment Land Agency, The District of Columbia, and DC Arena, LP, dated as of December 29, 1995 and recorded with the Recorder of Deeds on January 5, 1996 as instrument number 9600001285, remains in effect.”.

Sec. 6. Section 2 of the Unsolicited Proposal Submitted by Washington Properties, Inc./Square 673 Partners for the Negotiated Disposition of 59 M Street, N.E., Resolution of 1994, effective December 6, 1994 (Res. 10-475; 41 DCR 8157), is amended by striking the phrase “pursuant to the District Owned Surplus Real Property Amendment Act of 1989, effective March 14, 1990 (D.C. Law 8-96; D.C. Code § 9-401)” and inserting the phrase “pursuant to section 1(b)(3) and (6) of An Act authorizing the sale of certain real estate in the District of Columbia no longer needed for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 9-401(b)(3) and (6))” in its place.

Sec. 7. Section 117(d) of the Uniform Disposition of Unclaimed Property Act of 1980, effective March 5, 1981 (D.C. Law 3-160; D.C. Official Code § 41-117(d)), is amended by striking the phrase “filed later than October 1” and inserting the phrase “filed no later than October 1” in its place.

Note,
§ 41-117

Sec. 8. The Finance and Revenue Technical Corrections Temporary Amendment Act of 2005, effective June 17, 2005 (D.C. Law 16-7; 52 DCR 4148), is amended by adding a new section 4a to read as follows:

“Sec. 4a. Applicability.

“Section 2(d) shall apply for the period beginning May 1, 2003 and ending December 31, 2004.”.

Sec. 9. Applicability.

(a) Section 2(a) and (g)(1) through (3) shall apply as of January 1, 2005.

(b) Section 2(d) and (e) shall apply as of April 1, 2004.

(c) Section 2(h) shall apply as of April 8, 2005.

(d) Section 5 shall apply as of September 28, 1994.

(e) Section 6 shall apply as of December 6, 1994.

(f) Section 7 shall apply as of October 1, 2004.

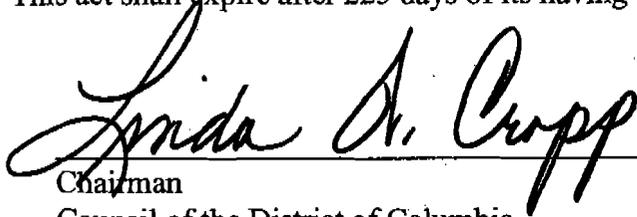
Sec. 10. Fiscal impact statement.

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. 11. 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.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 27, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-305

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Spring
Supp.

West Group
Publisher

To authorize, on a temporary basis, the Department of Mental Health to complete ongoing negotiations of collective bargaining agreements.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Department of Mental Health Collective Bargaining Agreements Temporary Act of 2006".

Sec. 2. Notwithstanding section 1717(b) 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 § 1-617.17(b)), the Department of Mental Health may complete ongoing negotiations of collective bargaining agreements.

Note,
§ 1-617.17

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director for the Council of the District of Columbia 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)).

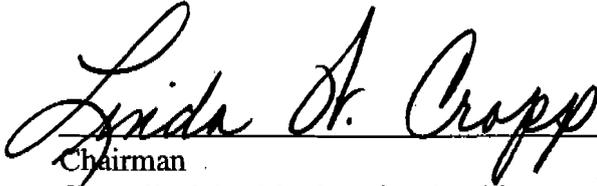
Sec. 4. Effective date.

(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

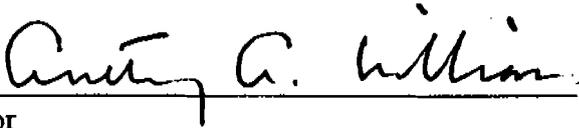
ENROLLED ORIGINAL

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
February 27, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-306

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2006

To approve, on an temporary basis, a Purchase Agreement and Memorandum of Understanding to secure the January 2006 issuance of the previously-approved DC USA Parking Garage Project Revenue Bonds.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "DC USA Parking Garage Bond Security Documents Approval Temporary Act of 2006".

Sec. 2. (a) Pursuant to section 451(b)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code §1-204.51(b)(1)), the Council hereby approves (1) the Purchase Agreement by and between the National Capital Revitalization Corporation ("NCRC") and DC USA Operating Company, LLC ("Developer"), and (2) the Memorandum of Understanding by and between NCRC and the Office of the Deputy Mayor for Planning and Economic Development ("DMPED") related to and as security for the issuance of \$46.9 million of DC USA Parking Garage Revenue Bonds to be issued by NCRC in January 2006.

(b) The Purchase Agreement between NCRC and Developer obligates \$39.35 million of bond proceeds to fund construction and acquisition of the DC USA parking garage. The National Capital Revitalization Corporation DC USA Project Revenue Bonds Approval Resolution of 2005, effective November 1, 2005 (Res. 16-349; 52 DCR ____) ("Bond Approval Resolution"), approved the bond issue to fund the acquisition of the DC USA parking garage.

(c) The Memorandum of Understanding between NCRC and DMPED allocates \$2 million of bond proceeds to fund the Columbia Heights Small Business Assistance Program. The Tax Increment Revenue Bonds DC-USA Project Emergency Approval Resolution of 2004, effective July 13, 2004 (Res. 16-653; 51 DCR 8080), established the Small Business Assistance Program and the allocation of TIF revenue to fund the Program. The Bond Approval Resolution approved the bond issue to fund the Program.

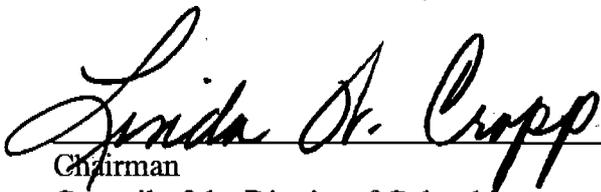
ENROLLED ORIGINAL

Sec. 3. 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)).

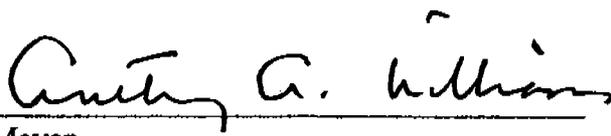
Sec. 4. The Secretary to the Council shall transmit a copy of this act, upon its adoption, to the President and Chief Executive Officer of NCRC.

Sec. 5. (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.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 27, 2006

ENROLLED ORIGINAL

AN ACT
 D.C. ACT 16-307

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
 MARCH 2, 2006

*Codification
 District of
 Columbia
 Official Code*

2001 Edition

2006 Spring
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West Group
 Publisher

To establish, on an emergency basis, a dedicated fund and grant program for nonprofit providers of emergency shelter to victims of domestic violence.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Victims of Domestic Violence Fund Establishment Emergency Act of 2006".

Sec. 2. Victims of Domestic Violence Fund.

(a) There is hereby established within the general fund of the District of Columbia a segregated, nonlapsing dedicated fund, known as the Victims of Domestic Violence Fund ("Fund"). Moneys shall be deposited into the Fund from sources identified pursuant to District law. Moneys may also be deposited from the District's Victims Services Fund, any federal grant or other federal funds, or from any other sources, both private and public, that may be used for the purposes of the Fund.

(b) The Fund shall be administered by the Director of the Department of Human Services. At the end of each fiscal year, the Director shall make a grant of the full amount of the Fund in equal allotments, to licensed nonprofit providers of emergency shelter housing for victims of domestic violence in the District of Columbia.

Sec. 3. Fiscal impact statement.

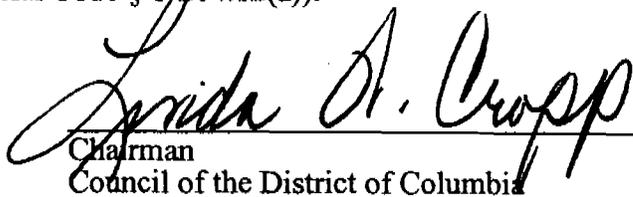
The Council adopts the fiscal impact statement of the Budget Director, dated February 6, 2006, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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
March 2, 2006