

APR - 7 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-308

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 23, 2006

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2006 Summer  
Supp.

West Group  
Publisher

To symbolically designate the 300 block of 13½ Street, N.W., as Walter E. Washington Way, in Ward 2.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Walter E. Washington Way Designation Act of 2006".

Sec. 2. Pursuant to sections 401 and 403a of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01 and 9-204.03a), the Council symbolically designates the 300 block of 13½ Street, N.W., as "Walter E. Washington Way".

Note,  
§ 9-204.01

Sec. 3. The Secretary to the Council shall transmit a copy of this act, after it becomes effective, to the Director of the District Department of Transportation and to the Surveyor of the District of Columbia.

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)).

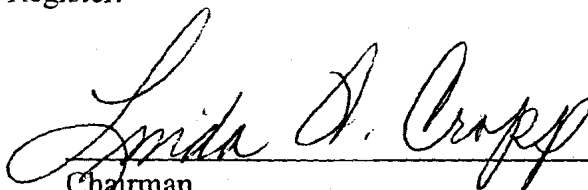
Sec. 5. Effective date.

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

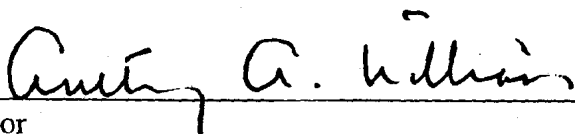
APR - 7 2006

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
March 23, 2006

AN ACT  
D.C. ACT 16-309

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
MARCH 23, 2006

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2006 Summer  
Supp.

West Group  
Publisher

To symbolically designate the 400 block of T Street, N.W., as the Home of Walter Washington Way, in Ward 1.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Home of Walter Washington Way Designation Act of 2006".

Sec. 2. Pursuant to sections 401 and 403a of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01 and 9-204.03a), the Council symbolically designates the 400 block of T Street, N.W., as "Home of Walter Washington Way".

Note,  
§ 9-204.01

Sec. 3. The Secretary to the Council shall transmit a copy of this act, after it becomes effective, to the Director of the District Department of Transportation and to the Surveyor of the District of Columbia.

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.

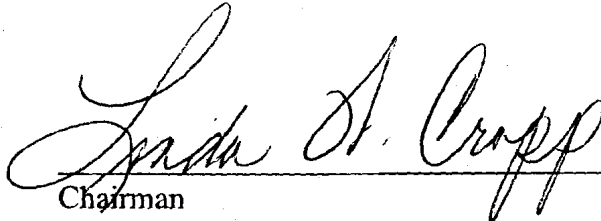
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

APR - 7 2006

DISTRICT OF COLUMBIA REGISTER

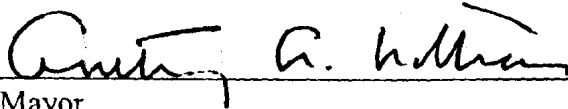
ENROLLED ORIGINAL

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



Chairman

Council of the District of Columbia



Mayor

District of Columbia

APPROVED

March 23, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-310

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 23, 2006

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2006 Summer  
Supp.

West Group  
Publisher

To symbolically designate the 300 Block of Burns Street, S.E. as Terry Hairston Run, in Ward 7.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Terry Hairston Run Designation Act of 2006".

Sec. 2. Pursuant to section 401 and 403a of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01 and 9-204.03a), the Council symbolically designates the 300 block of Burns Street, S.E., as "Terry Hairston Run".

Note,  
§ 9-204.01

Sec. 3. The Secretary to the Council shall transmit a copy of this act, after it becomes effective, to the Director of the District Department of Transportation.

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.

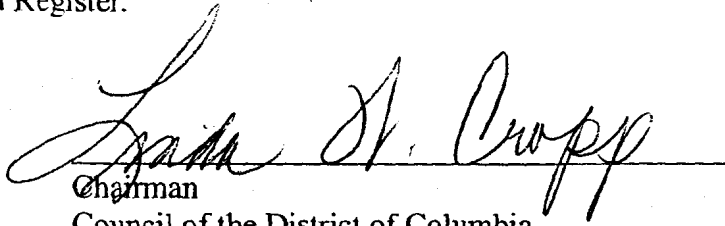
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

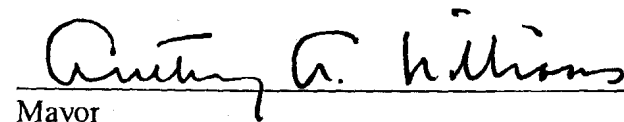
APR - 7 2006

**DISTRICT OF COLUMBIA REGISTER**

**ENROLLED ORIGINAL**

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

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED  
March 23, 2006

ENROLLED ORIGINAL

AN ACT  
D.C. ACT 16-311

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
MARCH 23 2006

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2006 Summer  
Supp.

West Group  
Publisher

To designate the park bounded by Columbia Road, N.W., 19<sup>th</sup> Street, N.W., and Wyoming Avenue, N.W., as the Carolyn Llorente Memorial Park, in Ward 1.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Carolyn Llorente Memorial Designation Act of 2006".

Sec. 2. Pursuant to section 401 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-204.01), the Council designates the park bounded by Columbia Road, N.W., 19<sup>th</sup> Street, N.W., and Wyoming Avenue, N.W., as the "Carolyn Llorente Memorial Park".

Note,  
§ 9-204.01

Sec. 3. The Secretary to the Council shall transmit a copy of this act, after it becomes effective, to the Director of the Department of Parks and Recreation and to the Surveyor of the District of Columbia.

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)).

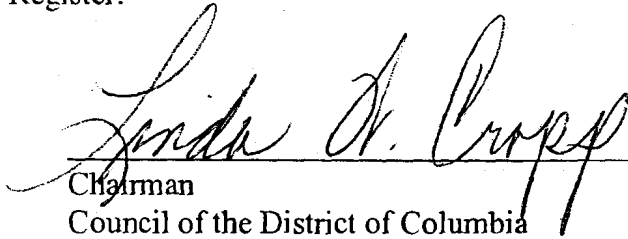
Sec. 5. Effective date.

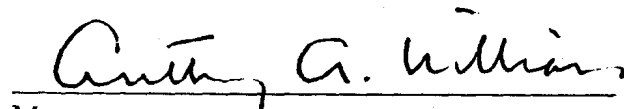
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED  
March 23, 2006



APR - 7 2006

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

AN ACT  
D.C. ACT 16-312

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
MARCH 23, 2006

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2006 Summer  
Supp.

West Group  
Publisher

To amend the District of Columbia Bus Shelter Act of 1979 to extend the term of the bus shelter franchise agreement to 20 years.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Bus Shelter Amendment Act of 2006".

Sec. 2. Section 3(d) of the District of Columbia Bus Shelter Act of 1979, effective May 10, 1980, (D.C. Law 3-67; D.C. Official Code § 9-1152(d)), is amended by striking the phrase "for a period of 10 years." and inserting the phrase "for a period of 20 years, to expire on December 31, 2025. After December 31, 2025, the term shall be 10 years." in its place.

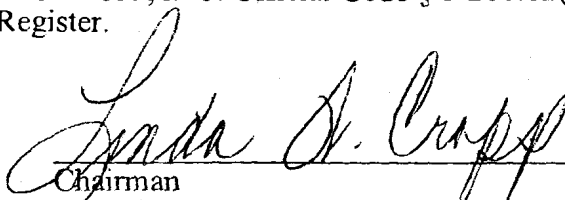
Amend  
§ 9-1152

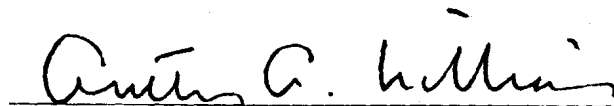
Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

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

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
March 23, 2006  
Codification District of Columbia Official Code, 2001 Edition

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## ENROLLED ORIGINAL

## AN ACT

## D.C. ACT 16-313

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 23, 2006

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2006 Summer  
Supp.West Group  
Publisher

To establish within the District government an Office on African Affairs and the Commission on African Affairs.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Office and Commission on African Affairs Act of 2006".

Sec. 2. Establishment of the Office on African Affairs.

There is established an Office on African Affairs ("Office"). The Office shall ensure that a full range of health, education, employment, and social services are available to the African communities in the District, monitor service delivery to those communities, and make recommendations to the Mayor to promote the welfare of those communities.

Sec. 3. Appointment of the Executive Director; staff; functions.

(a) The Office shall be headed by an Executive Director ("Director") who shall be appointed by the Mayor with the advice and consent of the Council. The Director shall be a full-time position, for which annual compensation shall be fixed in accordance with Title X-A of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective June 10, 1998 (D.C. Law 12-124; D.C. Official Code § 1-610.51 *et seq.*).

(b) The Office shall have staff as approved by appropriations and federal or private grants.

(c) The Director shall:

- (1) Serve as an advocate for African communities in the District;
- (2) Assist community organizations in developing and submitting grant applications;
- (3) Provide information and technical assistance on programs and services to the African communities to the Mayor, the Council, other District agencies and departments, and the community;
- (4) Respond to recommendations and policy statements from the Commission on African Affairs ("Commission");

## ENROLLED ORIGINAL

(5) File an annual report on the operations of the Office with the Mayor and the Council;

(6) Identify areas for service improvement and bring these areas to the attention of the Mayor and the Commission, with recommendations for meeting these needs, including conducting or funding research and demonstration projects to test the recommendations;

(7) Ensure the necessary control, evaluation, audit, and reporting on programs funded through the Office;

(8) Accept volunteer services and funds from the public and private sectors to supplement the budget of the Office in carrying out its planning duties and responsibilities; and

(9) Apply for, receive, and expend gifts or grants of money to carry out the duties and responsibilities of the Office.

Sec. 4. Establishment of the Commission on African Affairs.

There is established a Commission on African Affairs ("Commission") to advise the Mayor, the Council, the Director of the Office on African Affairs, and the public on the views and needs of the African communities in the District.

Sec. 5. Commission organization; members; meetings.

(a) The Commission shall consist of 15 public voting members appointed by the Mayor, with the advice and consent of the Council. Members shall be appointed with due consideration for representation from established public, nonprofit, and volunteer community organizations concerned with the African communities, and members of the public who have shown dedication to and knowledge of the needs of the African communities.

(b) Voting members shall serve terms of 3 years; except, that of the initial members, 5 shall be appointed for a term of 3 years, 5 shall be appointed for a term of 2 years, and 5 shall be appointed for a term of one year. Members may be reappointed, but may serve no more than 2 consecutive full terms. Terms for the initial Commission members shall begin on the date a majority of the members are sworn in, which shall become the anniversary date for all subsequent appointments. When a vacancy develops on the Commission, the Mayor shall appoint, with the advice and consent of the Council, a successor to fill the unexpired portion of the term.

(c) There shall be 11 *ex-officio* nonvoting members, including the following Directors or their designees:

- (1) Department of Employment Services;
- (2) Department of Human Services;
- (3) Department of Health;
- (4) Department of Housing and Community Development;
- (5) Department of Public Works;
- (6) Department of Consumer and Regulatory Affairs;

## ENROLLED ORIGINAL

- (7) Emergency Management Agency;
- (8) Department of Parks and Recreation;
- (9) Superintendent of Education of the District of Columbia;
- (10) Chief of the Metropolitan Police Department; and
- (11) Chief of the Fire and Emergency Medical Services Department.

(d) *(Ex-officio)* members shall develop and implement policies and programs in their agencies to ensure that the purposes of this act are fulfilled. They shall meet with the Director at least quarterly each year to assist the Director in coordinating plans and policies which are beneficial to the African communities of the District.

(e) The Mayor shall appoint the chairperson of the Commission from among the voting members. All members shall serve without compensation. Expenses incurred by the Commission or its members shall be authorized by the Chairperson and become an obligation against District appropriations and other federal funds designated for that purpose.

(f) The Commission shall develop its own rules of procedure.

(g) The Commission shall meet at least every other month. The meetings shall be held in the District and shall be open to the public. A quorum to transact business shall consist of a majority plus one of the voting members.

#### Sec. 6. Functions of the Commission.

The Commission shall:

- (a) Serve as an advocate for African persons in the District;
- (b) Review and submit to the Mayor, the Council, and the Office, and make available to the public, an annual report that includes an analysis of the needs of the African communities in the District;
- (c) Cooperate with federal, state and private agencies concerned with activities pertaining to the African communities;
- (d) Conduct or participate in public hearings and other forums to determine views of the African communities and other members of the public on matters affecting health, safety and welfare of those communities;
- (e) Bring to the attention of the Mayor and the Office cases of neglect, abuse and incidents of bias against members of the African communities in the administration of District and federal laws;
- (f) Review and comment on proposed District and federal legislation, regulations, policies, and programs and make policy recommendations on issues affecting the health, safety, and welfare of the African communities;
- (g) Develop policy and provide continuing review of the planning undertaken by the Office; and
- (h) Make reasonable requests for information necessary to aid the Commission in the discharge of its responsibilities.

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Sec. 7. Applicability.

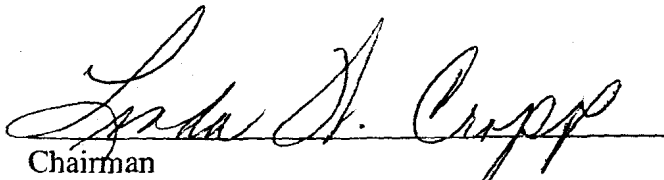
This act is subject to its inclusion in the Fiscal Year 2007 Budget and Financial Plan.

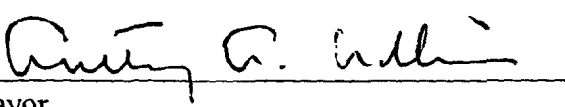
Sec. 8. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.2(c)(3)).

Sec. 9. Effective date.

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 §1-206.2(c)(1)), and publication in the District of Columbia Register.

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED  
March 23, 2006

## ENROLLED ORIGINAL

AN ACT  
D.C. ACT 16-314

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 23, 2006*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2006 Summer  
Supp.West Group  
Publisher

To amend An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes to require the Mayor to include in a proposed resolution for the disposition of real property an analysis of economic factors and the manner in which economic factors were evaluated and to use economic factors for evaluating a request for proposals or competitive sealed proposals.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Real Property Disposition Economic Analysis Amendment Act of 2006".

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

Amend  
§ 10-801

(a) Subsection (b) is amended by striking the phrase "that contains a description" and inserting the phrase "that contains a finding that the real property is no longer required for public purposes and a description" in its place.

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

"(b-1)(1) A proposed resolution to provide for the disposition of real property transmitted to the Council pursuant to subsection (b) of this section shall be accompanied by an analysis prepared by the Mayor of the economic factors that were considered in proposing the disposition of the real property, including, when appropriate the chosen method of disposition, and how competition was maximized.

"(2) The analysis under this subsection shall describe the manner in which economic factors were weighted and evaluated, including estimates of the monetary benefits and costs to the District that will result from the disposition. These benefits shall include revenues, fees, and other payments to the District, as well as the creation of jobs."

(c) Subsection (c) is amended by striking the phrase "shall be deemed approved." and inserting the phrase "shall be deemed disapproved." in its place.

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

"(e-1) In the case of any real property to be disposed under this section through a

## ENROLLED ORIGINAL

request for proposals or competitive sealed proposals, the Mayor shall include economic factors, including revenues, fees, and other payments to the District, as one of the criteria to evaluate the request for proposals or competitive sealed proposals.”.

Sec. 3. Fiscal impact statement.

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

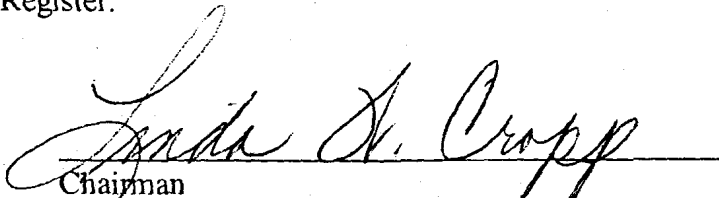
Sec. 4. Applicability.

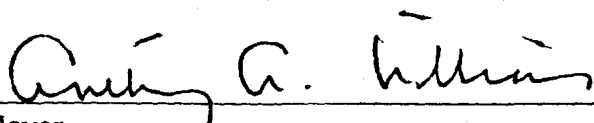
This act shall apply to resolutions submitted to the Council after the effective date of this act.

Note,  
§ 10-801

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  
March 23, 2006

ENROLLED ORIGINAL

AN ACT  
D.C. ACT 16-315

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 23, 2006

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2006 Summer  
Supp.

West Group  
Publisher

To require, on a temporary basis, the Director of the Department of Health to select and contract with a vendor to conduct an air-quality study of Lamond-Riggs.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this bill may be cited as the "Lamond-Riggs Air Quality Study Temporary Act of 2006".

Sec. 2. Notwithstanding the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*), the Director of the Department of Health shall within 30 days of the effective date of the Lamond-Riggs Air Quality Study Emergency Act of 2006, effective February 27, 2006 (D.C. Act 16-284; 53 DCR \_\_\_\_), select and contract with a vendor to conduct an air quality study of Lamond-Riggs, also known as Riggs Park, which shall be paid for from the \$300,000 that is available from the Environmental Health Administration within the Department of Health and has been appropriated for the purpose of Lamond-Riggs Environmental Remediation by the District of Columbia Appropriations Act, 2006, approved November 30, 2005 (Pub. L. No. 109-115; 119 Stat. 2396).

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.

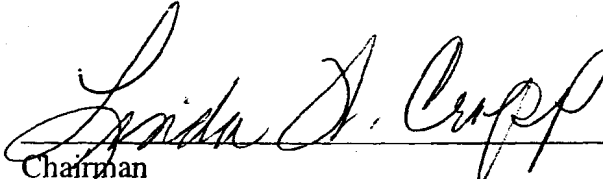
(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved




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 on the 225th day after its having taking effect.

  
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Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
March 23, 2006

## ENROLLED ORIGINAL

AN ACT  
D.C. ACT 16-316IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
MARCH 23, 2006*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2006 Summer  
Supp.West Group  
Publisher

To establish, on a temporary 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 Temporary 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.

(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

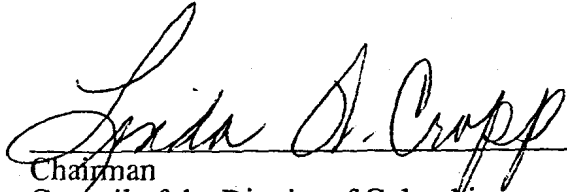
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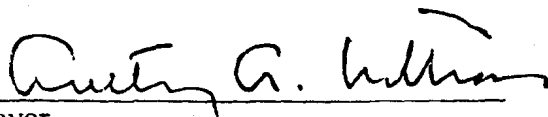
DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

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

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

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED  
March 23, 2006

## ENROLLED ORIGINAL

AN ACT  
D.C. ACT 16-317

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 23, 2006

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2006 Summer  
Supp.West Group  
Publisher

To impose, on a temporary basis, a \$300 million cap on the District's contribution to the project budget for hard costs and a \$175 million cap on the District's contribution to the project budget for certain soft costs of the proposed ballpark, and to approve the proposed lease agreement between Baseball Expos, L.P., and the District of Columbia Sports and Entertainment Commission under specified conditions for the new Ballpark in the District.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Ballpark Hard and Soft Costs Cap and Ballpark Lease Conditional Approval Temporary Act of 2006".

Sec. 2. (a)(1) For the purposes of this act, the term "hard costs" means the direct construction and Builders Contingency costs estimated as \$295,075,993 and \$24,924,007, respectively, in the revised budget for the Ballpark transmitted by the Sports and Entertainment Commission to the Council on February 3, 2006.

*Note,  
§ 10-1601.05*

(2) For the purposes of this act, the term "soft costs" means the soft, ancillary, contingency, completion guarantee fee, and financing fee costs, excluding the land acquisition, environmental remediation, relocation, and demolition costs, estimated at \$111,615,782, and excluding the \$24 million utilized for the renovation of RFK Stadium, as reflected in the revised budget for the Ballpark transmitted by the Sports and Entertainment Commission to the Council on February 3, 2006.

(b) The District's contribution of bond proceeds from public financing to the project budget for hard costs and soft costs of the Ballpark, as that term is defined in section 105 (a)(1) of the Ballpark Omnibus Financing and Revenue Act of 2004, effective April 8, 2005 (D.C. Law 15-320; D.C. Official Code § 10-1601.05(a)(1)), shall not exceed \$300 million and \$175,184,218, respectively, excluding the costs for land acquisition, environmental remediation, relocation, and demolition currently estimated at approximately \$111,615,782, as reflected in the revised projected budget for the Ballpark transmitted by the Sports and Entertainment Commission to the Council on February 3, 2006.

(c) The expenditure limits of \$300 million and \$175,184,218 include in their calculation public dollars from whatever source expended by the District government or any of its independent agencies or instrumentalities.

Sec. 3. (a) Pursuant to section 451(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(b)), the District of Columbia Sports and Entertainment Commission ("Commission") transmitted to the Council for review and approval a revised proposed contract, CA 16-185, the revised proposed lease agreement between the Commission and Baseball Expos, L.P. ("Team"), for a new ballpark stadium in the District, and related exhibits, Non-Relocation Agreement, and Construction Administration Agreement ("CAA"), as modified by a revised transmittal to the Council on February 3, 2006 ("Stadium Lease").

(b)(1) Notwithstanding any other provision of law, and subject to section 2, the Council approves the Stadium Lease between the Commission and the Team, on the condition that prior to March 7, 2006, the Mayor and the Sports Commission submit documentation to the Council, with a certification by the District's Chief Financial Officer, that the Sports Commission and the Team have agreed that any amount of the hard costs for the Ballpark in excess of \$300 million and the soft costs in excess of \$175,184,218 shall be paid by:

- (A) The Team;
- (B) Savings realized from value engineering; or
- (C)(i) Federal;
- (ii) Private; or
- (iii) Other non-District government funds, except that District

government non-General Fund funds may be used if required by the bond indenture to finance the Ballpark project.

(2) The bond indenture fees needed to finance the Ballpark project, referred to in paragraph (1)(C)(iii) of this subsection, includes the approximate \$37 million in baseball revenue collected in 2005 (plus interest), the approximate \$30 million interest earned from the borrowing, and the approximate \$9 million premium received on the sale of the Ballpark bonds. These fees shall not exceed the total cap set forth in this act.

(3) Any revenue derived from development rights on the Ballpark Site, as that term is defined in section 105(a)(2) of the Ballpark Omnibus Financing and Revenue Act of 2004, effective April 8, 2005 (D.C. Law 15-320; D.C. Official Code § 10-1601.05(a)(2)), by the Anacostia Waterfront Corporation or any District governmental entity, independent agency or instrumentality shall not be used for any overruns on the hard and soft costs of the Ballpark but may be used for any overruns on the land acquisition and remediation costs that are documented.

(4) The Council hereby authorizes the sources listed in paragraph (1) of this subsection to be used to cover any amount of the hard costs of the Ballpark in excess of \$300 million and any amount of the soft costs in excess of \$175,184,218.

(c) If the documentation required in subsection (b) of this section is not submitted by the Mayor and the Commission to the Council by close of business on March 6, 2006, the Stadium Lease between the Commission and the Team is disapproved.

**Sec. 4. Development rights.**

(a) The District government, or one of its instrumentalities such as the Anacostia Waterfront Corporation, shall control development rights on the north side of the Ballpark Site and all but 210,000 (Floor Area Ratio) square feet of development rights reserved for Team purposes on the south side of the Ballpark Site. Development on the east side of the Ballpark Site, on First Street, S.E., shall generate revenue to the District and shall be developed in accordance with a plan approved by the Council.

(b) Any excess revenues derived from development monies that are not used for costs overruns for land acquisition and environmental remediation shall be deposited into the Community Benefits Fund.

**Sec. 5. Monthly reports.**

The Commission shall submit a monthly report of expenditures to the Council no later than the 15<sup>th</sup> of each month.

**Sec. 6. Conforming amendment.**

Section 103 of the Ballpark Omnibus Financing and Revenue Act of 2004, effective April 8, 2005 (D.C. Law 15-320; D.C. Official Code § 10-1601.03), is amended by adding a new subsection (j) at the end to read as follows:

Note,  
§ 10-1601.03

“(j) Except as provided in sections 2 and 3 of the Ballpark Hard and Soft Costs Cap and Ballpark Lease Conditional Approval Temporary Act of 2006, passed on 1<sup>st</sup> reading on February 7, 2006 (Engrossed version of Bill 16-621), no General Fund revenues shall be spent on the hard and soft costs for the construction of the Ballpark, as reflected in the revised budget for the Ballpark transmitted by the Sports and Entertainment Commission to the Council on February 3, 2006.”.

**Sec. 7. Fiscal impact statement.**

The Council adopts the fiscal impact statement prepared by the Office of the Chief Financial Officer, dated February 7, 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)).

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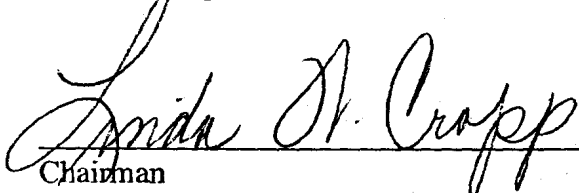
DISTRICT OF COLUMBIA REGISTER

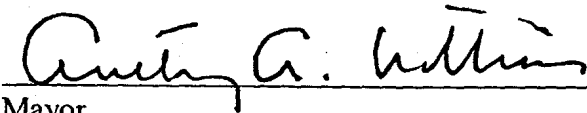
ENROLLED ORIGINAL

Sec. 8. 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  
March 23, 2006

## ENROLLED ORIGINAL

AN ACT  
D.C. ACT 16-318

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 23, 2006*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2006 Summer  
Supp.West Group  
Publisher

To amend, on a temporary basis, An Act Authorizing the sale of certain real estate in the District of Columbia no longer needed for public purposes to authorize the Board of Education to sell and convey a portion of the School Without Walls property and density rights to the George Washington University for the purpose of renovating and expanding the School Without Walls pursuant to a development partnership.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "School Without Walls Development Project Temporary Amendment Act of 2006".

Sec. 2. Section 1 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 § 10-801), is amended by adding a new subsection (n) to read as follows:

*Note,  
§ 10-801*

"(n) Notwithstanding any other provision of law, or any rule of law, the Board is authorized to sell and convey to the George Washington University ("GWU") approximately 8,600 square feet of land located on a portion of the property identified as Lot 829 in Square 80 and known as the School Without Walls public high school ("School Without Walls") that is currently used as a parking lot, to sell and convey to GWU certain density rights not used by the District of Columbia Public Schools ("DCPS") at Lot 829, Square 80, and to enter into and execute all agreements necessary to consummate these sales; provided, that DCPS reports to the Mayor and Council on the design, budget, and spending plan prior to commencement of the renovation project and DCPS and GWU have entered into a development partnership agreement, approved by the Board, to renovate and expand the School Without Walls. The terms of the agreement shall include:

"(1) GWU shall purchase a portion of the School Without Walls property currently used as a parking lot and comprising approximately 8,600 square feet of land area from DCPS along with density rights not used by DCPS;

"(2) GWU and DCPS shall agree to a purchase price of the density rights, including the School Without Walls parking lot, which shall be expressed as the value per square foot of residential gross floor area, both as determined pursuant to an appraisal process agreed upon by both parties;

"(3) The Board is responsible for all costs associated with the development project incurred by DCPS for the renovation and expansion of the School Without Walls that exceed the purchase price and are not covered by GWU pursuant to the agreement; and



ENROLLED ORIGINAL

"(4) All proceeds of the sale of the portion of the School Without Walls property and the density rights shall remain with DCPS and be used to renovate and expand the existing school building on the remaining School Without Walls property."

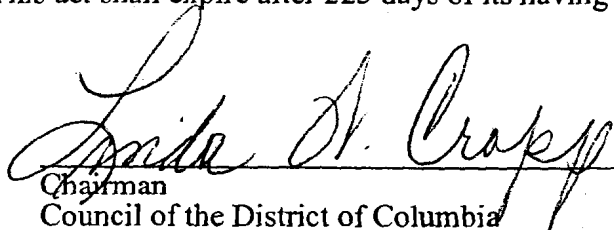
Sec. 3. Fiscal impact statement.

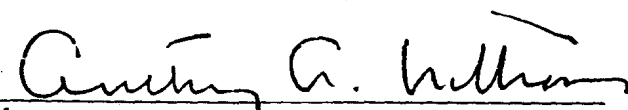
The Council adopts the February 3, 2006 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

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

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

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED  
March 23, 2006

## ENROLLED ORIGINAL

AN ACT  
D.C. ACT 16-319

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 23, 2006*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2006 Summer  
Supp.West Group  
Publisher

To require Metropolitan Police Department officers and other authorized law enforcement officers to demand proof of insurance from motorists operating a motor vehicle in the District of Columbia, to require the Metropolitan Police Department to include insurance information in all traffic accident reports, and to require the Metropolitan Police Department to prepare an annual report regarding the effectiveness of enforcement of compulsory motor vehicle insurance requirements; to amend the Compulsory/No Fault Motor Vehicle Insurance Act of 1982 to require insurers to provide District of Columbia residents who purchase motor vehicle insurance with an Insurance Identification Card, and to revise the penalties for the failure of a motorist to produce proof of insurance on demand by a law enforcement officer; to amend the District of Columbia Traffic Adjudication Act of 1978 to provide that motor vehicle operators and owners may contest by mail charges of operating or permitting to be operated a motor vehicle for which the required insurance was not in effect.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Vehicle Insurance Enforcement Amendment Act of 2006".

## TITLE I

## Sec. 101. Definitions.

For the purposes of this title, the term:

- (1) "Accident" means an untoward and unforeseen occurrence out of the maintenance or use of:
- (A) A motor vehicle;
  - (B) A vehicle operated or designed for operation upon a highway by power other than muscular power with respect only to any pedestrian or any occupant of that vehicle other than the owner or operator of that vehicle; or
  - (C) Any other vehicle covered by the insurance coverage required by section 7 of the Compulsory/No Fault Motor Vehicle Insurance Act of 1982, effective September 18, 1982 (D.C. Law 4-155; D.C. Official Code § 31-2406).

## ENROLLED ORIGINAL

(2) "Insurance Identification Card" means a current document issued by an insurer as proof of insurance for a motor vehicle that lists the name of the insurer, the policy number, the name of the insured, the period of coverage for the insurance, and the make, model, and vehicle identification number.

(3) "Insurer" means any person, company, or professional association licensed in the District of Columbia that provides motor vehicle liability protection or any self-insurer.

(4) "Law enforcement officer" means any officer of the Metropolitan Police Department, whether salaried or reserve, or of any other law enforcement agency operating in the District of Columbia with which the Metropolitan Police Department has an agreement authorizing its officers to enforce the provisions of this title.

(5) "Motor vehicle" means any device propelled by an internal-combustion engine, electricity, or steam, including any non-operational vehicle that is being restored or repaired. The term "motor vehicle" does not include traction engines used exclusively for drawing vehicles in fields, road rollers, vehicles propelled only upon rails and tracks, electric personal assistive mobility devices, as defined by section 2(1) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12)), and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour.

(6) "Operator" means a person who drives or is in actual physical control of a motor vehicle or who is exercising control over or steering a motor vehicle being pushed or towed by a motor vehicle.

(7) "Owner" means any person, corporation, firm, agency, association, organization, or federal, state, or local government agency or other authority or other entity having the property or title to a vehicle or bicycle used or operated in the District; any registrant of a vehicle used or operated in the District; or any person, corporation, firm, agency, association, organization, or federal, state, or local government agency or authority or other entity in business or renting or leasing vehicles or bicycles to be used or operated in the District.

(8) "Proof of insurance" means a valid Insurance Identification Card for a District of Columbia resident or its equivalent for the resident of another state. Other documentation from an insurance company that constitutes reasonable proof of valid insurance being in effect shall be adequate evidence of proof of insurance.

(9) "Self-insurer" means any person having received a certificate of self-insurance issued by the Mayor pursuant to section 79 of the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954 (68 Stat. 139; D.C. Official Code § 50-1301.79).

Sec. 102. Demand for proof of motor vehicle insurance.

(a) Except when circumstances related to safety, law enforcement, or emergency medical care make it impracticable to do so, a law enforcement officer shall demand proof of insurance from the operator of any motor vehicle that:

## ENROLLED ORIGINAL

(1) Has been involved in a traffic accident to which the law enforcement officer has responded; or

(2) Has been lawfully stopped by the law enforcement officer.

(b)(1) The failure of the operator of a motor vehicle to present proof of insurance upon demand, in violation of section 15(a)(7) of the Compulsory/No Fault Motor Vehicle Insurance Act of 1982, effective September 18, 1982 (D.C. Law 4-155; D.C. Official Code § 31-2413(a)(7)) ("Act"), shall create a rebuttable presumption that the motor vehicle is being operated without required insurance being in effect, in violation of section 15(a)(3) of the Act.

(2) If the operator of a motor vehicle is unable to present proof of insurance upon demand, the law enforcement officer shall issue notices of infraction for violations of section 15(a)(3) and (a)(7) of the Act.

(c) A law enforcement officer may not stop a motor vehicle solely for the purpose of demanding proof of insurance.

Sec. 103. Inclusion of insurance information on traffic accident reports.

(a) A law enforcement officer responding to the scene of a motor vehicle accident and completing a traffic accident report shall note the following information on the traffic accident report:

(1) The insurer or provider of insurance for the operator of each motor vehicle involved in the accident; and

(2) The insurer or provider of insurance for each motor vehicle involved in the accident.

(b)(1) Except as provided in paragraph (2) of this subsection, within 90 days of the effective date of this act, the Metropolitan Police Department shall utilize traffic accident report forms that contain adequate space on the form to identify the name of the insurer or provider of insurance for each motorist and motor vehicle involved in a motor vehicle accident. The word "Insurance" shall appear adjacent to the space on the form provided for the required insurance information.

(2) Until the Metropolitan Police Department makes the form specified in paragraph (1) of this subsection available to officers, officers shall enter the insurance information required by subsection (a) of this section in the narrative section of the existing traffic accident report form known as a PD-10. Until the supply of existing PD-10 forms in the inventory of the Metropolitan Police Department are depleted, officers may enter the required insurance information in the narrative section of the PD-10.

Sec. 104. Report on enforcement of compulsory insurance requirements.

(a) The Metropolitan Police Department shall annually publish and submit to the Council and to the Department of Insurance, Securities, and Banking a report on the effectiveness of enforcement of the requirements of compulsory motor vehicle insurance. The Mayor shall direct the appropriate agencies to provide the Metropolitan Police Department with

## ENROLLED ORIGINAL

the information needed to compile the report. The report shall include:

(1) Statistics regarding:

(A) The number of notices of infraction ("NOI") issued for failure to produce proof of insurance upon demand, and the number of such NOIs subsequently dismissed; and

(B) The number of NOIs for failure to maintain the required insurance, and the number of such NOIs subsequently dismissed; and

(2) An evaluation of the effectiveness of enforcement, including any recommendations for improvements to enforcement of compliance with compulsory insurance requirements.

(b) The report shall be on a calendar-year basis and shall be transmitted to the Council and the Department of Insurance, Securities, and Banking by January 31<sup>st</sup>, with the first report due January 31, 2007.

## TITLE II

Sec. 201. The Compulsory/No Fault Motor Vehicle Insurance Act of 1982, effective September 18, 1982 (D.C. Law 4-155; D.C. Official Code § 31-2401 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 31-2402) is amended by adding a new paragraph (9A) to read as follows:

Amend  
§ 31-2402

"(9A) "Insurance Identification Card" means a document issued by an insurer as proof of insurance for a motor vehicle that lists the name of the insurer, the policy number, the name of the insured, the period of coverage for the insurance, and the make, model, and vehicle identification number.

(b) Section 7(a) (D.C. Official Code § 31-2406(a)) is amended by adding a new paragraph (2A) to read as follows:

Amend  
§ 31-2406

"(2A) For policies issued or reissued after January 1, 2007, insurers shall be required to provide at least 2 copies of an Insurance Identification Card to the policyholder of the vehicle registered in the District of Columbia. The Insurance Identification Card must be carried in the insured motor vehicle for production upon demand. The insurer shall provide additional copies of the Insurance Identification card upon request of the insured."

(c) Section 15 (D.C. Official Code § 31-2413) is amended as follows:

Amend  
§ 31-2413

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

(A) Paragraph (3) is amended by striking the word "knowingly".

(B) Paragraph (4) is repealed.

(C) Paragraph (7) is amended by striking the word "evidence" and inserting the phrase "an Insurance Identification Card, its equivalent in another state, or other evidence establishing" in its place.

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

"(a-1) A violation of subsection (a)(7) of this section shall create a rebuttable

## ENROLLED ORIGINAL

presumption of a violation of subsection (a)(3) of this section.”

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

(A) Paragraph (1) is amended as follows:

(i) Designate the existing text as subparagraph (A).

(ii) The newly designated subparagraph (A) is amended to read as follows:

“(A) A person who commits an offense under subsection (a)(3) of this section shall be subject to both the regulatory scheme established in section 4(d)(2) and to a civil fine of \$500, or a license suspension for up to 30 days, or both, for the first offense, and an increase of 50% of the civil fine for the second and each subsequent offense, or a license suspension for up to 60 days, or both, pursuant to sections 104 and 105 of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code §§ 50-2301.04 and 50-2301.05).”

(iii) New subparagraphs (B) and (C) are added to read as follows:

“(B) A motor vehicle owner or operator shall be permitted to contest by mail or in person the charge of operating or permitting to be operated a motor vehicle without required insurance being in effect with respect to that motor vehicle pursuant to subsection (a)(3) of this section. For the purposes of contesting the charge, the owner or operator shall be permitted to present as evidence establishing that the required insurance was in effect with respect to the motor vehicle any of the following:

“(i) An Insurance Identification Card;

“(ii) An insurance policy;

“(iii) Any other evidence that constitutes reasonable proof that the required insurance was in effect; or

“(iv) Copies of any documents described in sub-subparagraphs (i) through (iii) of this subparagraph.

“(C) Unless the hearing examiner has reasonable doubt about the veracity of the evidence presented pursuant to subparagraph (B)(i) and (ii) of this paragraph, submission of either shall be sufficient to dismiss the charge of operating or permitting to be operated a motor vehicle without required insurance being in effect with respect to that motor vehicle pursuant to subsection (a)(3) of this section.”

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

“(3) A person who commits an offense under subsection (a)(7) of this section shall be subject both to the regulatory scheme established in section 4(d)(2) and to a civil fine of \$30.”

Sec. 202. Section 205(b) of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2302.05(b)), is amended as follows:

Amend  
§ 50-2302.05

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

## ENROLLED ORIGINAL

(b) New paragraphs (2) and (3) are added to read as follows:

“(2) A motor vehicle owner or operator shall be permitted to contest by mail the charge of operating or permitting to be operated a motor vehicle without required insurance being in effect with respect to that motor vehicle pursuant to section 15(a)(3) of the Compulsory/No Fault Motor Vehicle Insurance Act of 1982, effective September 18, 1982 (D.C. Law 4-155; D.C. Official Code § 31-2413(a)(3)). For the purposes of contesting the charge, the owner or operator shall be permitted to present as evidence establishing that the required insurance was in effect with respect to the motor vehicle any of the following:

“(A) An Insurance Identification Card;

“(B) An insurance policy;

“(C) Any other evidence that constitutes reasonable proof that the required insurance was in effect; or

“(D) Copies of any documents described in subparagraphs (A) through (C) of this paragraph.

“(3) Unless the hearing examiner has reasonable doubt about the veracity of the evidence presented pursuant to paragraph (2)(A) and (B) of this subsection, submission of either shall be sufficient to dismiss the charge of operating or permitting to be operated a motor vehicle without required insurance being in effect with respect to that motor vehicle pursuant to section 15(a)(3) of the Compulsory/No Fault Motor Vehicle Insurance Act of 1982, effective September 18, 1982 (D.C. Law 4-155; D.C. Official Code § 31-2413(a)(3)).”.

## TITLE III

Sec. 301. Fiscal impact statement.

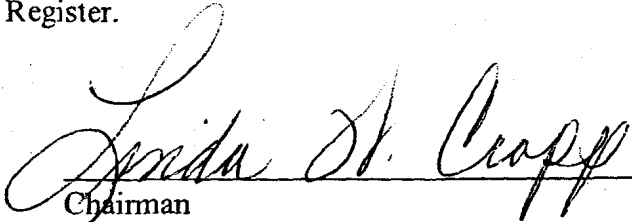
The Council adopts the February 6, 2006 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

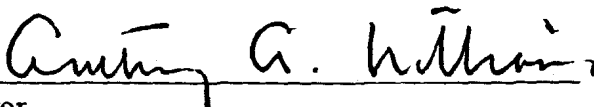
Sec. 302. Effective date.

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

ENROLLED ORIGINAL

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

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED  
March 23, 2006



AN ACT

D.C. ACT 16-320

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 23, 2006

To approve, on an emergency basis, Contract Nos. PO136421, POTO-2005-C-0021, POTO-2005-T-0038, and POTO-2005-T-0100 for maintenance of the Department of Unemployment Tax Accounting System and to authorize payment for the services received under those contracts.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract Nos. PO136421, POTO-2005-C-0021, POTO-2005-T-0038, and POTO-2005-T-0100 Approval and Payment Authorization Emergency Act of 2006".

Sec. 2. Notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), Contract Nos. PO136421, POTO-2005-C-0021, POTO-2005-T-0038, and POTO-2005-T-0100 with Northrop Grumman Information Technology for maintenance of the Department of Unemployment Tax Accounting System are approved, and payment in the amount of \$2,312,742.15 is authorized for services received under those contracts.

Sec. 3. Fiscal impact statement.

The Council adopts the attached fiscal impact statement 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)).

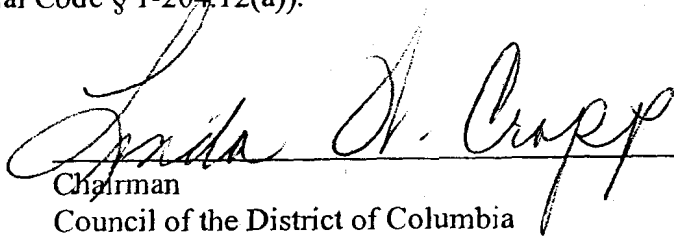
Sec. 4. Effective date.

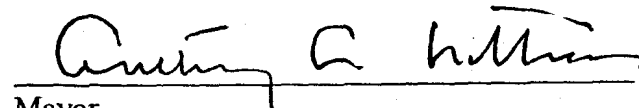
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

APR - 7 2006

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 23, 2006

## AN ACT

D.C. ACT 16-321

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 23, 2006Codification  
District of  
Columbia  
Official Code

2001 Edition

2006 Summer  
Supp.West Group  
Publisher

To amend, on an emergency basis, the Office of Administrative Hearings Establishment Act of 2001 to expand its jurisdiction to infractions of rules promulgated pursuant the Department of Transportation Establishment Act of 2002; to amend the Department of Transportation Establishment Act of 2002 to authorize the District Department of Transportation to plan, develop, finance, and operate local transit facilities, and to establish the Local Transit Facilities Fund; and to amend Title 18 of the District of Columbia Municipal Regulations to establish the routes, fares, and forms of payment for the DC Circulator passenger bus service, and to establish a fine for boarding a DC Circulator bus without a valid form of payment.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District Department of Transportation DC Circulator Emergency Amendment Act of 2006".

Sec. 2. Section 6(a) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code §2-1831.03(a)), is amended as follows:

Note,  
§ 2-1831.03

- (a) Paragraph (7) is amended by striking the word "and" after the semicolon.
- (b) Paragraph (8) is amended by striking the period at the end of the text and inserting the phrase "; and" in its place.

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

"(9) All adjudications involving infractions of rules established pursuant to section 9c, 9d, 9e, and 9f of the Department of Transportation Establishment Act of 2002, effective March 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921 *et seq.*)" and chapter 15 of Title 18 of the District of Columbia Municipal Regulations.

Sec. 3. The Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.01 *et seq.*), is amended as follows:

- (a) Section 2 (D.C. Official Code § 50-921.01) is amended by striking the phrase "and coordinating the transportation system," and inserting the phrase ", coordinating, and operating the transportation system, including local transit facilities," in its place.

Note,  
§ 50-921.01

## DISTRICT OF COLUMBIA REGISTER

## ENROLLED ORIGINAL

(b) Add a new section 2a to read as follows:

"Sec. 2a. Definitions.

"For the purposes of this act, the term:

"(1) "Department" means the District Department of Transportation.

"(2) "DC Circulator" means a local transit facility passenger bus service that provides a network of fixed-route bus service within the District of Columbia.

"(3) "Local transit facility" means all real and personal property necessary or useful to render transit service within the District of Columbia, by means of rail, bus, watercraft, aircraft, or any other mode of travel on tracks, rights of way, bridges, tunnels, subways, or any other thoroughfare and includes stations, terminals, ports, and parking areas and all equipment, fixtures, buildings, structures, and services incidental to or required in connection with the local transit service.

"(4) "Ticket" means passes, tokens, or any other form of payment, including those sold in bulk for resale, that may be used in lieu of cash.

"(5) "Transit Fund" means the Local Transit Facilities Fund established by section 9d.

"(6) "WMATA" means the Washington Metropolitan Area Transit Authority created pursuant to the Washington Metropolitan Area Transit Regulation Compact, approved November 6, 1966 (80 Stat. 1324; D.C. Official Code § 9-1107.01)."

(c) Section 5(2) (D.C. Official Code § 50-921.04(2)) is amended as follows:

(1) Subparagraph (J) is amended by striking the ultimate word "and".

(2) Subparagraph (K) is amended by striking the phrase "travel;" and inserting the phrase "travel; and" in its place.

(3) Add a new subparagraph (L) to read as follows:

"(L) Operate, develop, and finance the DC Circulator."

(d) Add new sections 9c, 9d, 9e, and 9f to read as follows:

"Sec. 9c. Local transit facilities.

"(a) The Department shall have the power to:

"(1) Construct, acquire, own, operate, maintain, control, sell, and convey real and personal property and any interest therein by contract, purchase, lease, license, mortgage, or otherwise as is necessary or useful in connection with local transit facilities or related activities;

"(2) Plan, develop, finance, operate, control, and regulate all local transit facilities owned or controlled by the District, including concomitant fares, charges, tickets, and fines;

"(3) Sell space on and within local transit facilities for the display of advertisements and enter into one or more agreements with entities to sell such space on and within local transit facilities in return for a fee, a percentage of such revenues, or as a donation of services approved by the Mayor; and

"(4) Enter into contracts with WMATA for the procurement, construction, operation, and maintenance of local transit facilities.

"(b) During any period of time in which a contract with WMATA is in effect, payments or revenues received pursuant to subsection (a) of this section may be, with the written consent of the Chief Financial Officer for the District of Columbia and pursuant to the terms of the contract, deposited in a WMATA account and used by WMATA to offset its costs of contract performance, but only to the extent that Congress has appropriated funds to the District to perform or procure those services.

Note,  
§ 50-921.04

"(c) Except as otherwise provided by subsection (b) of this section, all revenues collected under this section shall be deposited in the Transit Fund established by section 9d.

"Sec. 9d. Local Transit Facilities Fund establishment.

"There is hereby established the Local Transit Facilities Fund as a nonlapsing, revolving special purpose revenue fund, the funds of which shall be for the Department to pay for goods, services, property, or for any other authorized purpose, subject to authorization by Congress into which shall be deposited all revenue collected pursuant to section 9c by the District, WMATA, or their agents, and all monetary gifts intended to be used to assist in the funding of local transit facilities.

"Sec. 9e. Fares; structure; purpose.

"(a) Insofar as practicable, and consistent with the provision of adequate service at reasonable fares, the rates and fares and service shall be fixed by the Department, so as to result in revenues that shall:

"(1) Pay the operating expenses and provide for repairs, maintenance, and depreciation of the local transit facilities owned or controlled by the District;

"(2) Provide for payment of all principal and interest on outstanding revenue bonds; and

"(3) Provide funds for any purpose the Department considers necessary and desirable to carry out the purposes of this section.

"(b) Nothing in subsection (a) of this section shall prevent the Department from offering tickets at no cost or at discounted prices as part of the Department's marketing of the local transit facilities.

"Sec. 9f. Rulemaking; enforcement.

"(a) The Mayor, or his designee, may promulgate, amend, or repeal rules to implement the provisions of the District Department of Transportation DC Circulator Emergency Amendment Act of 2006, including the manner and amount of any fares, fees, or fines, pursuant to the Mayor's authority under Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*).

"(b) Civil fines, penalties, and fees may be imposed as sanctions for infraction of any rule promulgated under subsection (a) of this section pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*).".

Sec. 4. Title 18 of the District of Columbia Municipal Regulations is amended as follows:

DCMR

(a) A new Chapter 15 is added to read as follows:

"CHAPTER 15 DC CIRCULATOR

"1500 GENERAL PROVISIONS

"1500.1 There is established a passenger bus service to provide a network of fixed-route bus services within the District of Columbia, to be known as the "DC Circulator."

"1500.2 The purpose of the DC Circulator is to relieve transportation congestion and improve the mobility of residents, workers, and tourists.

"1501 ROUTES

## DISTRICT OF COLUMBIA REGISTER

## ENROLLED ORIGINAL

- "1501.1 The following routes are established for the DC Circulator:
- "(a) Capitol Hill Loop – Union Station to points in the Capitol Hill neighborhood, which may include the Capitol South and Navy Yard Metro Stations;
  - "(b) East-West Loop – Union Station, Massachusetts Avenue, N.W., the Washington Convention Center, and Georgetown;
  - "(c) Georgetown Loop – Georgetown, Foggy Bottom Metro Station, Rosslyn Metro Station, and other points bordering the Georgetown neighborhood;
  - "(d) Monuments Loop – Monuments and museums on the National Mall;
  - "(e) North-South Loop – Mt. Vernon Square, 7<sup>th</sup> or 9<sup>th</sup> Street, NW, the National Mall, and Water Street, SW; and
  - "(f) Smithsonian Loop – Constitution Avenue, 4<sup>th</sup> Street, Independence Avenue, and 17<sup>th</sup> Street.
- "1501.2 The routes established in § 1501.1 may operate 7 days a week between the hours of 5:00 a.m. and midnight.
- "1502 FARES
- "1502.1 The fares to board a DC Circulator bus shall be as follows:
- "(a) Persons between the ages of five (5) and sixty-four (64): One dollar (\$1.00)
  - "(b) Persons sixty-five (65) years of age and older: Fifty cents (50¢)
  - "(c) Persons who present a valid MetroAccess card: Free of charge
- "1502.2 A person sixty-five (65) years of age and older may pay the fare established in § 1502.1(b) upon presenting the DC Circulator bus driver or fare collector with valid photo identification or a valid Medicare card.
- "1502.3 Passes that permit unlimited daily, three-day, weekly, monthly, or yearly use of the DC Circulator may be sold as follows:
- "(a) Daily Pass \$3.00
  - "(b) Three-Day Pass \$7.00
  - "(c) Weekly Pass \$11.00
  - "(d) Monthly Pass \$40.00
  - "(e) Yearly Pass \$450.00
- "1502.4 Except for children under the age of five (5) years old and uniformed District, Capitol, and National Park Service police officers, no person shall board a DC Circulator bus without:
- "(a) Depositing the applicable fare into the bus fare box;
  - "(b) Touching the target point of the bus fare reader with a funded rechargeable fare card;
  - "(c) Presenting a valid DC Circulator pass;
  - "(d) Displaying a valid DC Circulator, Metrobus, or Metrorail

- pass, WMATA student farecard, or MetroAccess Card;
- “(e) Displaying a DC Circulator, Metrobus, or Metrorail transfer issued less than 2 hours prior to boarding; or
- “(f) Displaying a transfer from a bus, train, or other vehicle upon the execution of an agreement between the Department and the owner or operator of such vehicle regarding the use of transfers.

**“1599 DEFINITIONS**

“1599.1 When used in this chapter, the following terms shall have the meaning ascribed:

“Department – District Department of Transportation.

“Metrobus – A bus operated by the Washington Metropolitan Area Transit Authority.

“Metrorail – A train operated by the Washington Metropolitan Area Transit Authority.

“Rechargeable fare media – a plastic, permanent farecard issued by the Department or WMATA embedded with a computer chip that keeps track of the fare value of the farecard. A WMATA SmartTrip Card is an example of a rechargeable fare media.

“WMATA or Metro – the Washington Metropolitan Area Transit Authority.”.

(b) Subsection 2603.1 (18 DCR § 2603.1) is amended by adding the following:

“Boarding a DC Circulator bus without depositing payment, using a rechargeable fare card, presenting a DC Circulator pass, or displaying a valid pass, transfer, or MetroAccess card (§ 1502.4)

\$25.00.”.

**Sec. 5. 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. 6. Effective date.**

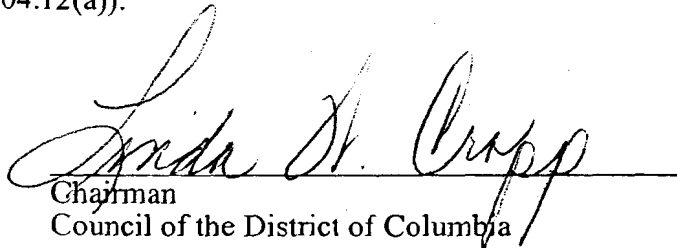
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the

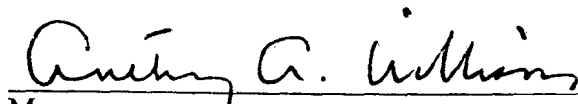
APR - 7 2006

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

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 23, 2006



AN ACT  
D.C. ACT 16-322

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 23, 2006

To approve, on an emergency basis, 36 mental health services contracts for various services to mental health consumers for fiscal years 2004 and 2005, and to authorize payment for the services received under those contracts.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Mental Health Services Provider Contracts Approval and Payment Authorization Emergency Act of 2006".

Sec. 2. Notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05(a)), the following contracts for adult residential services are approved and payment is authorized for services received under those contracts:

No.	Contract number	Contractor	Amount	Total
1.	RM-05-HCRS-1001	Anchor Mental Health Association		
		Base Year FY'05	200,196.36	
				200,196.36
2.	RM-04-HCM-208	Anchor Mental Health Association		
		Base Year FY'05	2,627,052.59	
				2,627,052.59
3.	RM-05-HCRS-1002	Careco, Inc. (Adult Residential)		
		Base Year FY'05	1,814,637.92	
				1,814,637.92
4.	RM-04-HCM-224	Careco, Inc. (MHRS)		
		Base Year FY'05	166,950.29	
				166,950.29
5.	RM-05-HCRS-1003	Coates & Lane Enterprises, Inc.		
		Base Year FY '05	1,603,095.58	
				1,603,095.58
6.	RM-04-HCM-203	Coates & Lane Enterprises, Inc.		
		Base Year FY '05	527,996.62	
				527,996.62
7.	RM-04-HCRS-1004	Community Connections, Inc. (Adult		
		Base Year FY'05	2,692,892.16	
				2,692,892.16

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No.	Contract number	Contractor	Amount	Total
8.	RM-04-HCM-204	Community Connections, Inc.		
		Base Year FY '05	8,394,072.41	
				8,394,072.41
9.	RM-05-HCRS-1005	Deaf Reach (Adult Residential)		
		Base Year FY '05	362,111.82	
				362,111.82
10.	RM-04-HCM-213	Deaf Reach (MHRS)		
		Base Year FY '05	415,275.49	
				415,275.49
11.	RM-04-EM-0001	Devereux - Hurt Home		
		3 <sup>rd</sup> Extension - March 2005 -	143,693.18	
				143,693.18
12.	RM-04-HCM-220	Family Preservation Services		
		Base Year FY '05	2,645,919.62	
				2,645,919.62
13.	RM-04-HCM-216	Fihankra Place (MHRS)		
		Base Year FY '05	893,781.78	
				893,781.78
14.	RM-04-HCM-215	First Home Care Corporation		
		Base Year FY '05	3,066,477.21	
				3,066,477.21
15.	RM-04-HCSE-0006	Green Door (Supported		
		Base Year FY '05	113,788.80	
				113,788.80
16.	RM-04-HCM-202	Green Door (MHRS)		
		Base Year FY '05	4,274,902.26	
				4,274,902.26
17.	RM-04-HCM-223	Kidd International (MHRS)		
		Base Year FY '05	111,566.21	
				111,566.21
18.	RM-05-HCRS-1007	Life Stride, Inc. (Adult Residential)		
		Base Year FY '05	2,032,242.53	
				2,032,242.53
19.	RM-04-HCM-214	Life Stride, Inc. (MHRS)		
		Base Year FY '05	3,103,460.82	
				3,103,460.82
20.	RM-04-HCM-210	Lutheran Social Services (MHRS)		
		Base Year FY '05	682,426.51	
				682,426.51
21.	RM-04-HCM-225	Marshall Heights Community		
		Base Year FY '05	967,720.39	
				967,720.39
22.	RM-04-HCM-201	McClendon Center Specialty		
		Base Year FY '05	659,802.13	
				659,802.13

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No.	Contract number	Contractor	Amount	Total
23.	RM-04-HCM-229	MD/DC Family Resources (MHRS)		
		Base Year FY '05	298,660.67	
				298,660.67
24.	RM-04-HCM-235	Pathways to Housing (MHRS)		
		Base Year FY '05	154,375.44	
				154,375.44
25.	RM-04-HCM-231	Planned Parenthood (MHRS)		
		Base Year FY '05	166,472.67	
				166,472.67
26.	RM-04-HCM-207	Psychiatric Center Chartered		
		Base Year FY '05	1,516,326.87	
				1,516,326.87
27.	RM-04-HCM-211	Psychotherapeutic Outreach Services		
		Base Year FY '05	1,597,117.82	
				1,597,117.82
28.	RM-04-HCM-218	Scruples Corporation (MHRS)		
		Base Year FY '05	682,486.98	
				682,486.98
29.	RM-04-HCM-206	The Center for Mental Health		
		Base Year FY '05	3,462,694.98	
				3,462,694.98
30.	RM-04-HCM-216	Universal HealthCare Management		
		Base Year FY '05	1,309,709.84	
				1,309,709.84
31.	RM-04-HCM-209	Washington Hospital Center		
		Base Year FY '05	1,910,360.95	
				1,910,360.95
32.	RM-04-HCM-212	Woodley House, Inc. (MHRS)		
		Base Year FY '05	874,739.29	
				874,739.29
33.	RM-05-HCRS-1009	Woodley House, Inc. (Adult)		
		Base Year FY '05	479,994.30	
				479,994.30
34.	RM-05-HCCB-0001	Woodley House - Crisis Beds		
		Base Year '05	449,648.00	
				449,648.00
35.	RM03SS2221R	Psychotherapeutic Outreach Services		
		FY '04	216,669.50	
				216,669.50
36.	None	Foundations for Home and		
		FY '04	227,442.51	
				227,442.51

## DISTRICT OF COLUMBIA REGISTER

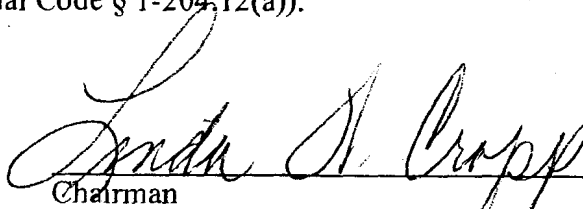
ENROLLED ORIGINAL


## Sec. 3. 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. 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  
APPROVED  
March 23, 2006

## ENROLLED ORIGINAL

AN ACT  
D.C. ACT 16-323IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
MARCH 23, 2006*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2006 Winter  
Supp.West Group  
Publisher

To amend, on an emergency basis, due to Congressional review, the Compulsory/No Fault Motor Vehicle Insurance Act of 1982, An Act To provide for the regulation of finance charges for the retail installment sales of motor vehicles in the District of Columbia and for other purposes, An Act To provide for the annual inspection of all motor vehicles in the District of Columbia, An Act To provide for the recording and releasing of liens by entries on certificates of title for motor vehicles and trailers and for other purposes, the Motor Vehicle Safety Responsibility Act of the District of Columbia, the District of Columbia Revenue Act of 1937, the Rental Vehicle Tax Reform Act of 1978, the District of Columbia Implied Consent Act, the District of Columbia Traffic Adjudication Act of 1925, the District of Columbia Traffic Adjudication Act of 1978, the District of Columbia Motor Vehicle Parking Facility Act of 1942, and Title 18 of the District of Columbia Municipal Regulations, to define "electric personal assistive mobility device", to exempt electric personal assistive mobility devices from the definitions of "motor vehicle", and to authorize the Mayor to promulgate regulations to exempt electric personal assistive mobility devices from the requirements pertaining to motor vehicles.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Motor Vehicle Definition Electric Personal Assistive Mobility Device Exemption Congressional Review Emergency Amendment Act of 2006".

Sec. 2. Section 3(17) of the Compulsory/No Fault Motor Vehicle Insurance Act of 1982, effective September 18, 1982 (D.C. Law 4-155; D.C. Official Code § 31-2402(17)), is amended to read as follows:

Note,  
§ 31-2402

"(17) The term "motor vehicle" means any device propelled by an internal-combustion engine, electricity, or steam, including any non-operational vehicle that is being restored or repaired. The term "motor vehicle" does not include traction engines used exclusively for drawing vehicles in fields, road rollers, vehicles propelled only upon rails and tracks, electric personal assistive mobility devices, as defined by section 2(1) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-

2201.02(12)), and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour."

Sec. 3. Section 1(6) of An Act To provide for the regulation of finance charges for retail installment sales of motor vehicles in the District of Columbia, and for other purposes, approved April 22, 1960 (74 Stat. 69; D.C. Official Code § 50-601(6)), is amended to read as follows:

Note,  
§ 50-601

"(6) "Motor vehicle" means any automobile, mobile home, motorcycle, truck, truck tractor, trailer, semi-trailer, or bus. The term "motor vehicle" shall not include any boat trailer, any vehicle propelled or drawn exclusively by muscular power, any vehicle designed to run only on rails or tracks, electric personal assistive mobility devices, as defined by section 2(1) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12)), and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour."

Sec. 4. Section 8 of an Act to provide for the annual inspection of all motor vehicles in the District of Columbia, approved February 18, 1938 (52 Stat. 78; D.C. Official Code § 50-1108), is amended to read as follows:

Note,  
§ 50-1108

"Sec. 8. As used in this act the term "motor vehicle" means all vehicles propelled by internal-combustion engines, electricity, or steam. The term 'motor vehicle' shall not include traction engines, road rollers, vehicles propelled only upon rails or tracks, electric personal assistive mobility devices, as defined by section 2(1) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12)), and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour."

Sec. 5. Section 1 of An Act To provide for the recording and releasing of liens by entries on certificates of title for motor vehicles and trailers, and for other purposes, approved July 2, 1940 (54 Stat. 736; D.C. Official Code § 50-1201), is amended as follows:

Note,  
§ 50-1201

(a) The undesignated subsections are designated as subsections (a) through (i).

(b) The newly designated subsection (i) is amended to read as follows:

"(i) "Motor vehicle" shall mean all vehicles propelled by internal-combustion engines, electricity, or steam. The term "motor vehicle" shall not include traction engines, road rollers, vehicles propelled only upon rails or tracks, electric personal assistive mobility devices, as defined by section 2(1) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12)), and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour."

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Sec. 6. Section 2(4) of the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954 (68 Stat. 120; D.C. Official Code § 50-1301.02(4)), is amended to read as follows:

Note,  
§ 50-1301.02

"(4) Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails. The term 'motor vehicle' shall not include electric personal assistive mobility devices, as defined by section 2(1) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12)), and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour."

Sec. 7. Section 1(a) of Title IV of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 679; D.C. Official Code § 50-1501.01(1)), is amended to read as follows:

Note,  
§ 50-1501.01

"(a) The term "motor vehicle" means any vehicle propelled by internal-combustion engine, electricity, or steam, including any non-operational vehicle that is being restored or repaired. The term "motor vehicle" shall not include road rollers, farm tractors, vehicles propelled only upon stationary rails or tracks, electric personal assistive mobility devices, as defined by section 2(1) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12)), and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour."

Sec. 8. Section 2(b) of the Rental Vehicle Tax Reform Act of 1978, effective March 6, 1979 (D.C. Law 2-157; D.C. Official Code § 50-1505.01(2)), is amended to read as follows:

Note,  
§ 50-1505.01

"(b) The term "motor vehicle" means any device propelled by an internal-combustion engine, and designed to carry passengers. The term "motor vehicle" shall not include road rollers, farm tractors, trucks, motorcycles, motorized bicycles, vehicles with a seating capacity of ten or more persons, vehicles propelled only upon rails and tracks, electric personal assistive mobility devices, as defined by section 2(1) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12)), and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour."

Sec. 9. Section 1(8) of the District of Columbia Implied Consent Act, approved October 21, 1972 (86 Stat. 1016; D.C. Official Code § 50-1901(8)), is amended to read as follows:

Note,  
§ 50-1901

"(8) The term "motor vehicle" means all vehicles propelled by internal combustion engines, electricity, or steam. The term "motor vehicle" shall not include electric personal assistive mobility devices, as defined by section 2(1) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-

## ENROLLED ORIGINAL

2201.02(12)), and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour."

Sec. 10. The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.01 *passim*), is amended as follows:

(a) Section 2 (D.C. Official Code § 50-2201.02) is amended as follows:

Note,  
§ 50-2201.02

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

"(a) The term "motor vehicle" means all vehicles propelled by internal-combustion engines, electricity, or steam. The term "motor vehicle" shall not include traction engines, road rollers, vehicles propelled only upon rails or tracks, electric personal assistive mobility devices, as defined by subsection (1) of this section, and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour."

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

"(1) The term "Electric Personal Assistive Mobility Device" or "EPAMD" means a device, designed to transport only one person, with an electric propulsion system that limits the maximum speed of the device to 10 miles per hour or less."

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

"Sec. 6a. Regulations for electric personal assistive mobility devices.

"(a) The Mayor shall promulgate regulations to exempt electric personal assistive mobility devices from the regulations governing motor vehicles.

"(b) Regulations promulgated pursuant to this section shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, holidays, and days of Council recess. If the proposed rules are not approved within the 45-day period of review, the rules shall be deemed disapproved."

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

"Sec. 9a. Age requirement for operation of an electric personal assistive mobility device.

"No person under 16 years of age may operate an electric personal assistive mobility device in the District of Columbia."

(d) Section 7(f) (D.C. Official Code § 50-1401.01(f)) is amended to read as follows:

Note,  
§ 50-1401.01

"(f) For purposes of this section and sections 8 and 13 the term "motor vehicle" means all vehicles propelled by internal-combustion engines, electricity, or steam. The term "motor vehicle" shall not include traction engines, road rollers, vehicles propelled only upon rails or tracks, electric personal assistive mobility devices, as defined by section 2(1), and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour."

Sec. 11. Section 102(e-1) of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.02(5A)), is

Note,  
§ 50-2301.02



amended to read as follows:

"(e-1) The term "motor vehicle" means all vehicles propelled by an internal-combustion engine, electricity, or steam. The term "motor vehicle" shall not include traction engines, road rollers, vehicles propelled only upon stationary rails or tracks, electric personal assistive mobility devices, as defined by section 2(1) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12)), and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour."

Sec. 12. Section 2 of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved February 16, 1942 (56 Stat. 91; D.C. Official Code § 50-2602), is amended to read as follows:

Note,  
§ 50-2602

(a) The undesignated paragraphs are designated as paragraphs (1) through (5).

(b) The newly designated paragraph (5) is amended to read as follows:

"(5) The term "motor vehicle" means any device propelled by an internal-combustion engine, electricity, or steam. The term "motor vehicle" shall not include traction engines, road rollers, vehicles propelled only upon rails or tracks, electric personal assistive mobility devices, as defined by section 2(1) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12)), and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour."

Sec. 13. Title 18 of the District of Columbia Municipal Regulations (Vehicles and Traffic) is amended as follows:

DCMR

(a) Chapter 12 is amended as follows:

(1) Subsection 1200.4 is amended to read as follows:

"1200.4 No operator's permit shall be required for the operation of a bicycle or an electric personal assistive mobility device."

(2) Subsection 1200.6 is amended to read as follows:

"1200.6 No points shall accrue toward the loss or suspension of a motor vehicle operator's permit by reason of a violation committed while operating a bicycle, sidewalk bicycle, or an electric personal assistive mobility device."

(3) Subsection 1200.8 is amended to read as follows:

"1200.8 No person, except for impoundment by the Mayor, shall tamper with any bicycle or electric personal assistive mobility device which has been locked, placed in a rack, or otherwise secured. Any person found tampering with any bicycle or electric personal assistive mobility device may be required to pay a fine of \$100."

(4) Subsections 1201.2, 1201.9, 1201.10, 1201.11, and 1201.12 are amended to read as follows:

## ENROLLED ORIGINAL

"1201.2 A person shall operate a bicycle, sidewalk bicycle or electric personal assistive mobility device in a safe and non-hazardous manner so as not to endanger himself or herself or any other person."

"1201.9 There shall be no prohibition against any person riding a bicycle or electric personal assistive mobility device upon a sidewalk within the District, so long as the rider does not create a hazard; provided, that no person shall ride a bicycle or operate an electric personal assistance mobility device upon a sidewalk within the Central Business District except on those sidewalks expressly designated by Order of the Mayor, nor shall any person ride a bicycle upon a sidewalk in any area outside of the Central Business District if it is expressly prohibited by Order of the Mayor and appropriate signs to such effect are posted.

"1201.10 Any person riding a bicycle or electric personal assistive mobility device upon a sidewalk shall yield the right-of-way to pedestrians, and shall travel at a speed no greater than the posted speed limit of the adjacent roadway; provided, that such speed is safe for the conditions then existing on the sidewalk.

"1201.11 A person propelling a bicycle or operating an electric personal assistive mobility device upon and along a sidewalk or while crossing a roadway in a crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances, except that the bicyclist or electric personal assistive mobility device operator must yield to pedestrians on the sidewalk or crosswalk.

"1201.12 The operator of a bicycle or electric personal assistive mobility device emerging from, or entering an alley, driveway, or building, shall upon approaching a sidewalk, or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway, to the extent necessary to safely enter the flow of traffic."

(b) Subsection 2217.5 of Chapter 22 is amended to read as follows:

"2217.5 No vehicle except buses proceeding on a designated bus route, bicycles, electric personal assistive mobility devices, and authorized emergency vehicles shall travel on those streets or portions of streets designated as bus streets or bus lanes except as provided in §§ 2217.6, 2217.7, 4005 and 4006."

(c) Chapter 40 is amended as follows:

(1) Subsection 4005.1 is amended to read as follows:

"4005.1 The traffic lane closest to the right hand curb on the streets listed in this subsection shall be designated a Restricted Lane and reserved for the use of buses, carpools, taxicabs, bicycles, motorized bikes, motorcycles, electric personal assistive mobility devices, or other designated vehicles during the hours and on the days indicated."

(2) Subsection 4006.1 is amended to read as follow:

"4006.1 No vehicles shall travel on bus streets except buses proceeding on designated bus routes, bicycles, electric personal assistive mobility devices, or authorized emergency

## DISTRICT OF COLUMBIA REGISTER

## ENROLLED ORIGINAL

vehicles, except as otherwise provided in this section."

(d) Chapter 99 is amended by adding the following new definition to section 9901:

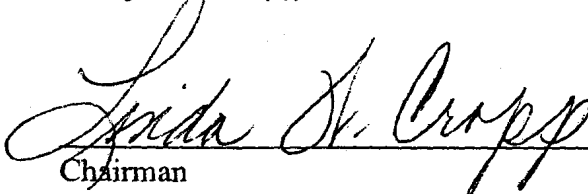
"Electric Personal Assistive Mobility Device" or "EPAMD" means a device, designed to transport only one person, with an electric propulsion system that limits the maximum speed of the device to 10 miles per hour or less."

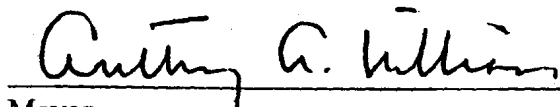
Sec. 14. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director to the Council of the District of Columbia for the Motor Vehicle Definition Electric Personal Assistive Mobility Device Exemption Temporary Amendment Act of 2006, signed by the Mayor on January 26, 2006 (D.C. Act 16-271; 53 DCR \_\_\_\_), 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. 15. 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 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  
March 23, 2006

AN ACT  
D.C. ACT 16-324

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
MARCH 23, 2006

*Codification  
 District of  
 Columbia  
 Official Code*

2001 Edition

2006 Summer  
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 Publisher

To amend, on an emergency basis, due to Congressional review, the District of Columbia Traffic Act, 1925 to accommodate a new federal tax exemption associated with the purchase of low-emissions motor vehicles.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this Act may be cited as the "Low-Emissions Motor Vehicle Tax Exemption Congressional Review Emergency Amendment Act of 2006".

Sec. 2. Section 6(j)(3)(J) of the District of Columbia Traffic Act, 1925, effective March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.03(j)(3)(J)), is amended to read as follows:

Note,  
 § 50-2201.03

"(J) The following low-emissions motor vehicles:

"(i) A new clean fuel or electric vehicle titled in the District of Columbia before January 1, 2006, determined by the United States Internal Revenue Service to be eligible for a federal tax deduction or credit pursuant to 26 U.S.C. §§ 30 and 179A; and

(ii) A new fuel cell, lean burn technology, hybrid, or alternative fuel motor vehicle titled in the District of Columbia on or after January 1, 2006; provided, that the owner presents proof, to the satisfaction of the Mayor, that the purchase of the vehicle entitles that owner to a federal tax credit pursuant to the Energy Policy Act of 2005, approved August 8, 2005 (Pub. L. No. 109-58; 119 Stat. 594)."

Sec. 3. Section 3(b)(1) of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 680; D.C. Official Code § 50-1501.03(b)(1)), is amended by striking the phrase "Class IV (A clean fuel or electric vehicle determined by the United States Internal Revenue Service to be eligible for a federal tax deduction or credit pursuant to 26 U.S.C. §§ 30 and 179A for the tax year during which it is being registered)" and inserting the phrase "Class IV (A new clean fuel or electric vehicle titled before January 1, 2006, determined by the United States Internal Revenue Service to be eligible for a federal tax deduction or credit pursuant to 26 U.S.C. §§ 30 and 179A; and a new fuel cell, lean burn technology, hybrid, or alternative fuel motor vehicle titled on or after January 1, 2006; provided, that the owner presents proof, to the satisfaction of the Mayor, that the purchase of the vehicle entitles the owner to a federal tax credit pursuant to the Energy Policy Act of 2005. This provision shall only apply to the first 2 years of the vehicle's registration, after which the vehicle shall be treated as a Class I, Class II, or Class III, whichever is applicable.)" in its place.

Note,  
 § 50-1501.03

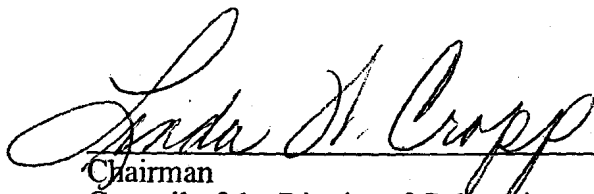
Sec. 4. Fiscal impact statement.


The Council adopts the fiscal impact statement for the Low-Emissions Motor Vehicle

Tax Exemption Temporary Amendment Act of 2005, signed by the Mayor on January 26, 2006 (D.C. Act 16-274; 53 DCR \_\_\_\_), 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 a 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. 813; D.C. Official Code § 1-206.02(a)).

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED  
March 23, 2006

## AN ACT

## D.C. ACT 16-325

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 23, 2006*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2006 Summer  
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Publisher

To prohibit, on an emergency basis, due to Congressional review, large shipments of certain extremely hazardous materials through or near the United States Capitol in order to reduce the risk of attacks by terrorists, to allow for the issuance of permits authorizing such shipment in special cases, and to require the Mayor to issue regulations to implement the provisions of this act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Terrorism Prevention in Hazardous Materials Transportation Congressional Review Emergency Act of 2006".

## Sec. 2. Findings.

The Council of the District of Columbia finds that:

(1) A terrorist attack on a large-quantity hazardous material shipment near the United States Capitol ("Capitol") would be expected to cause tens of thousands of deaths and a catastrophic economic impact of \$5 billion or more.

(2) The threat of terrorism facing District of Columbia residents and workers in the vicinity of the Capitol requires an urgent response that recognizes and addresses the unique status of this area in American politics and history, and the risk of terrorism that results from this status.

(3) While the federal government has occupied the field of en route security and routing in the aviation context, it has not addressed the subject of rail car routing for security purposes. Moreover, the federal government has not acted to address the terrorist threat resulting from the transportation of ultra-hazardous materials within 2 miles of the Capitol, the White House, and the United States Supreme Court, unique terrorist targets.

(4) Shippers of ultra-hazardous materials do not need to route large quantities of ultra-hazardous chemicals near the Capitol in order to ship these chemicals to their destinations, and alternative routes would substantially decrease the aggregate risk posed by terrorist attacks.

(5) Requiring permits for ultra-hazardous shipments from a Capitol Exclusion Zone that encompasses all points within 2.2 miles of the Capitol would impose no significant burden on interstate commerce.

## Sec. 3. Definitions.

For the purposes of this act, the term:

(1) "Capitol Exclusion Zone" means all points within 2.2 miles of the United States Capitol building; provided, that the Capitol Exclusion Zone shall not extend beyond the geographic boundaries of the District of Columbia.

(2) "Emergency" means an unanticipated, temporary situation that threatens the

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## ENROLLED ORIGINAL

immediate safety of individuals or property, as determined by the District of Columbia Department of Transportation.

(3) "Person" means an individual or a commercial entity.

(4) "Practical alternative route" means a route:

(A) Which lies entirely outside the Capitol Exclusion Zone; and

(B) Whose use would not make shipment of the materials in question

cost-prohibitive.

#### Sec. 4. Prohibition on shipments of hazardous materials.

Except in cases of emergency, it shall be illegal in the Capitol Exclusion Zone, without a permit, to:

(1) Transport any of the following:

(A) Explosives of Class 1, Division 1.1, or Class 1, Division 1.2, as designated in 49 C.F.R. § 173.2, in a quantity greater than 500 kilograms;

(B) Flammable gasses of Class 2, Division 2.1, as designated in 49 C.F.R. § 173.2, in a quantity greater than 10,000 liters;

(C) Poisonous gasses of Class 2, Division 2.3, as designated in 49 C.F.R. § 173.2, in a quantity greater than 500 liters, and belonging to Hazard Zones A or B, as defined in 49 C.F.R. § 173.116; and

(D) Poisonous materials, other than gasses, of Class 6, Division 6.1, in a quantity greater than 1,000 kilograms, and belonging to Hazard Zones A or B, as defined in 49 C.F.R. § 173.133; or

(2) Operate a vehicle or move a rail car which:

(A) Is capable of containing explosives of Class 1, Division 1.1, or Class 1, Division 1.2, as designated in 49 C.F.R. § 173.2, in a quantity greater than 500 kilograms, and has exterior placarding or other markings indicating that it contains such materials;

(B) Is capable of containing flammable gasses of Class 2, Division 2.1, as designated in 49 C.F.R. § 173.2, in a quantity greater than 10,000 liters, and has exterior placarding or other markings indicating that it contains such materials;

(C) Is capable of containing poisonous gasses of Class 2, Division 2.3, as designated in 49 C.F.R. § 173.2, in a quantity greater than 500 liters, and belonging to Hazard Zones A or B, as defined in 49 C.F.R. § 173.116, and has exterior placarding or other markings indicating that it contains such materials; or

(D) Is capable of containing poisonous materials, other than gasses, of Class 6, Division 6.1, in a quantity greater than 1,000 kilograms, and belonging to Hazard Zones A or B, as defined in 49 C.F.R. § 173.133, and has exterior placarding or other markings indicating that it contains such materials.

#### Sec. 5. Permits.

(a) The District of Columbia Department of Transportation may issue permits authorizing the transportation of materials listed in section 4 upon a demonstration that there is no practical alternative route. A permit may require adoption of safety measures, including time-of-day restrictions.

(b) The District of Columbia Department of Transportation may collect fees for the permits in accordance with the rules issued under section 7.

(c) Permit fees collected pursuant to this section shall not exceed the cost of implementing and enforcing this act.

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## Sec. 6. Penalties.

(a) Any person who violates section 4 or rules issued under section 7 shall be subject to a civil penalty not to exceed:

- (1) \$10,000 for a first offense; or
- (2) \$25,000 for any subsequent offense.

(b) The fines assessed and collected under subsection (a) of this section shall be deposited into the General Fund of the District of Columbia.

## Sec. 7. Rules.

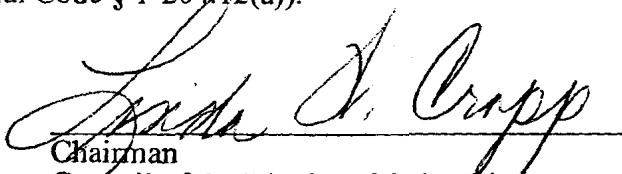
The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), and in consultation with the District of Columbia Department of Transportation, the Emergency Management Agency, the Fire and Emergency Medical Services Department, and the Metropolitan Police Department, shall issue rules to implement the provisions of this act, including a schedule of permit fees to support analysis, communications to shippers and carriers, and the enforcement program.


## Sec. 8. Fiscal impact statement.

The Council adopts the fiscal impact statement for the Second Terrorism Prevention in Hazardous Materials Transportation Emergency Act of 2005, effective December 22, 2005 (D.C. Act 16-266; 53 DCR 245), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

## Sec. 9. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), 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  
March 23, 2006



APR - 7 2006

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-326

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 23, 2006

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2006 Summer  
Supp.

West Group  
Publisher

To amend, on an emergency basis, due to Congressional review, Chapter 46 of Title 47 of the District of Columbia Official Code to provide for tax exemptions for the DC-USA development project.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "DC-USA Economic Development Congressional Review Emergency Act of 2006".

Sec. 2. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding the section designation "47-4606. DC-USA development project—tax exemptions." at the end.

(b) A new section 47-4606 is added to read as follows:

"47-4606. DC-USA development project—tax exemptions.

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

"(1) "DC-USA Project" means the acquisition, development, construction, installation, and equipping of the multi-use retail and parking garage project to be located in square 2674, lots 719, 720, 812, 832, 863, 866, 869, 870, 871, and 872 and the portions of the public alley system in square 2674 that reverted to lots 719, 720, 863, 870, and 872 pursuant to the Closing of Public Alleys on Square 2674, S.O. 01-2426, Act of 2004, effective March 17, 2005 (D.C. Law 15-254; 51 DCR 11429), and the Plat of Alley Closing filed with the Surveyor of the District in Book 199, Page 88, including the successor record or assessment and taxation lots to be developed by Developer, consisting of:

"(A) Approximately 487,000 square feet of retail space, including approximately 180,000 square feet of retail space to be owned and operated as a department store by Target Corporation;

"(B) An underground parking garage for approximately 1,000 automobiles; and

## ENROLLED ORIGINAL

“(C) Other ancillary improvements.

“(2) “Developer” means DC USA Operating Co. LLC.

“(3) “Development Sponsor” means the National Capital Revitalization Corporation, any subsidiary thereof, or assignee thereof.

“(4) “Parking Garage Unit” means the underground parking garage for approximately 1,000 automobiles which will be one of 3 commercial condominium units comprising the DC-USA Project.

“(b) The DC-USA Project shall be exempt from the tax imposed by §§ 42-1103 and 47-903.

“(c)(1) The sales and rental of tangible personal property to be incorporated in or consumed in the course of the development, construction, equipping, and furnishing of the DC-USA Project, whether or not the sale, material, rental, or nature of the property is incorporated as a permanent part of the DC-USA Project, shall be exempt from the tax imposed by § 47-2002.

“(2) The sales tax exemption granted by paragraph (1) of this subsection shall apply upon the conveyance of the real property to the Developer by the Development Sponsor.

“(3) The sales tax exemption granted by paragraph (1) of this subsection shall terminate upon the issuance of a Certificate of Occupancy for the DC-USA Project.

“(d)(1) The DC-USA Project shall be exempt from the tax imposed by Chapter 8.

“(2) The real property tax exemption granted by paragraph (1) of this subsection shall apply upon the conveyance of the real property to the Developer by the Development Sponsor.

“(3) The real property exemption granted by paragraph (1) of this subsection shall terminate upon the conveyance of the Parking Garage Unit from the Developer to the Development Sponsor.

“(e) The amount of taxes exempt pursuant to subsections (c) and (d) of this section shall not exceed, in the aggregate, \$1,029,000.

“(f) The amount of all taxes exempt pursuant to this section shall be in addition to any other tax relief or assistance from any other source applicable to the DC-USA Project, including exemptions and incentives provided in § 47-3802 .”.

### Sec. 3. Applicability.

This act shall apply as of March 22, 2006.

### Sec. 4. Fiscal impact statement.

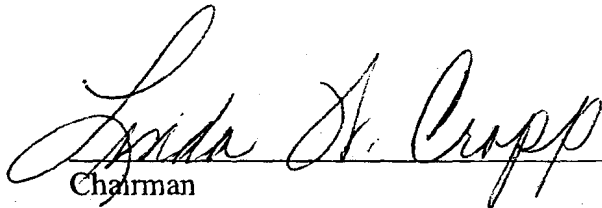
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

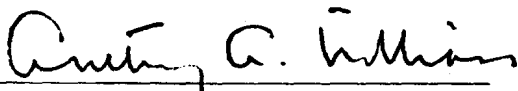
APR - 7 2006

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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  
March 23, 2006

## ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-327

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 23, 2006Codification  
District of  
Columbia  
Official Code

2001 Edition

2006 Summer  
Supp.West Group  
Publisher

To amend, on an emergency basis, due to Congressional review, the Rental Housing Act of 1985 to ensure that no tenant is evicted under section 501(f) unless for the *bona fide* statutory purpose of making alterations or renovations to the rental unit which cannot safely be made while the rental unit is occupied, to ensure the "absolute right" of any tenant so evicted to rerent the rental unit, and, if the alterations or renovations are necessary to bring the rental unit into substantial compliance with the housing regulations, to ensure the right of any tenant so evicted to rerent the rental unit at the same rate.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may cited as the "Tenant Evictions Congressional Review Emergency Amendment Act of 2006".

Sec. 2. Section 501(f) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3505.01(f)), is amended as follows:

Note,  
§ 42-3505.01

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

"(1)(A) A housing provider may recover possession of a rental unit for the immediate purpose of making alterations or renovations to the rental unit which cannot safely or reasonably be accomplished while the rental unit is occupied, so long as:

"(i) The plans for the alterations or renovations have been previously filed with the Rent Administrator;

"(ii) The Rent Administrator has expressly determined that the proposed alterations and renovations cannot safely be made while the rental unit is occupied;

"(iii) The Rent Administrator has expressly determined whether the alterations and renovations are necessary to bring the rental unit into compliance with the housing code and that the tenant shall have the right to rerent the rental unit at the same rate; and

"(iv) The housing provider at the time the application is made to the Rent Administrator has given the tenant:

"(I) Notice of the application;

"(II) Notice of all tenant rights in the event that the application is approved, including a list of sources of technical assistance as published in the District of Columbia Register by the Mayor;

"(III) A summary of the plan for the alterations and renovations to be made; and

## ENROLLED ORIGINAL

"(IV) Notice that the plan in its entirety is on file and available for review at the office of the Rent Administrator and at the rental office.

"(B) As part of the application under this subsection, the housing provider shall submit to the Rent Administrator for review and approval, and to the Chief Tenant Advocate, the following plans and documents:

"(i) A copy of the notice that the housing provider has circulated informing the tenant of the application under this subsection;

"(ii) A draft of the notice to vacate to be issued to the tenant in the event that the application is approved by the Rent Administrator;

"(iii) A plan for the alterations and renovations, including:

"(I) A timetable for the relocation of the tenant from the rental unit, the completion of all necessary construction, and the relocation of the tenant back into the rental unit; and

"(II) The dates upon which the housing provider shall submit to the Rent Administrator periodic progress reports, which shall be due at least once every 60 days until the alterations and renovations are complete and each tenant is notified that he or she may move back into his or her rental unit.

"(iv) A relocation plan for each tenant that provides:

"(I) The amount of the relocation assistance payment for each unit;

"(II) The list of units within the housing provider's portfolio of rental accommodations made available to each dispossessed tenant;

"(III) A list of tenants with their relocation addresses and telephone numbers as available; and

"(IV) A plan to maintain such records as are necessary to track the location of any tenant displaced under this subsection and to keep the tenant apprised of the progress of the alterations and renovations.

"(C) The housing provider shall serve on the tenant a 120-day notice to vacate in advance of action to recover possession of the rental unit. The notice to vacate and all other notices and communications to the tenant from the housing provider and from the Rent Administrator shall be published in the languages described in section 4(a) of the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1933(a)). The notice to vacate shall:

"(i) Comply with and notify the tenant of each of the tenant's rights under this subsection, including the absolute right to rerent the rental unit, the right to rerent the rental unit at the same rate if the Rent Administrator has determined that the alterations or renovations are necessary to bring the rental unit into substantial compliance with the housing regulations, and the right to relocation assistance under the provisions of Title VII;

"(ii) Include a list of sources of technical assistance as published in the District of Columbia Register by the Mayor;

"(iii) Request that the tenant apprise the housing provider, the Rent Administrator, and the Chief Tenant Advocate of any change in address and telephone number until the tenant is notified that he or she may move back into his or her rental unit."

(b) A new paragraph (5) is added to read as follows:

"(5) The Rent Administrator shall rescind the approval of any application under this subsection upon determining that the housing provider has not made good faith efforts to comply with this subsection. The Rent Administrator shall rescind the approval of any

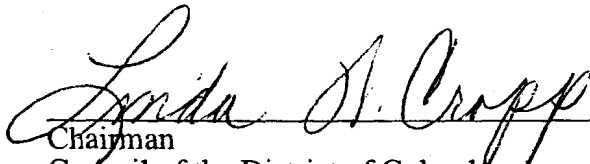
application under this subsection upon the housing provider's failure to obtain necessary building permits or failure to begin construction within 120 days after the rental unit or housing accommodation has been vacated, or within such lesser period of time the Rent Administrator determines is reasonable."

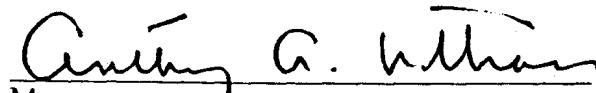
Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, beginning March 22, 2006, 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. 813; D.C. Official Code § 1-204.12(a)).

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED  
March 23, 2006

AN ACT  
D.C. ACT 16-328

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
MARCH 23, 2006

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2006 Summer  
Supp.

West Group  
Publisher

To amend, on an emergency basis, due to Congressional review, Chapter 10 of Title 47 of the District of Columbia Official Code to exempt from taxation real property owned by the New Columbia Community Land Trust, located at 20<sup>th</sup> and Channing Streets, N.E. that is used as a public green space and to provide equitable real property tax relief.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "New Columbia Community Land Trust 20<sup>th</sup> and Channing Streets, N.E. Tax Exemption Congressional Review Emergency Act of 2006".

Sec. 2. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding the section designation "47-1072. New Columbia Community Land Trust; lots 803, 804, 805, 806, 807, 808 in Square 4110."

(b) A new section 47-1072 is added to read as follows:

"§ 47-1072. New Columbia Community Land Trust; lots 803, 804, 805, 806, 807, and 808 in square 4110.

"(a) The real property located at lots 803, 804, 805, 806, 807, and 808 in square 4110 shall be exempt from taxation so long as the property is owned by the New Columbia Community Land Trust and the property is used as a public green space.

"(b) The Council orders that all unpaid real property taxes, interest, penalties, fees, and other related charges assessed against real property located at lots 803, 804, 805, 806, 807, and 808 in square 4110, shall be forgiven; provided, that if the property is used or sold for any purpose other than the provision of affordable housing, the sum of all such unpaid real property tax and penalties and all real property taxes accruing thereafter, plus 5% interest, shall be paid to the District of Columbia out of the proceeds from the sale."

Sec. 3. The Office of the Chief Financial Officer shall include the fiscal effect of this act in its February 15, 2006 revenue estimates, subject to the priorities in section 1042 of the Fiscal Year 2006 Budget Support Act of 2005, effective October 20, 2005 (D.C. Law 16-33; 52 DCR 7503).

## ENROLLED ORIGINAL

## Sec. 4. Applicability.

This act shall take effect subject to:

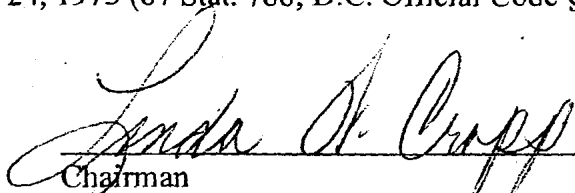
- (1) The inclusion of its fiscal effect in an approved budget and financial plan;
- and
- (2) The payment by the New Columbia Community Land Trust of all legal and administrative costs of the purchaser at tax sale of the property located at lots 803, 804, 805, 806, 807, and 808 in square 4110 from the tax sale of the property.

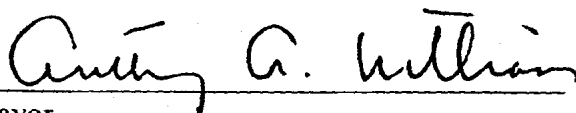
## Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Council 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. 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), and shall remain in effect for no longer than 90 days, beginning March 22, 2006, 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  
March 23, 2006



AN ACT  
D.C. ACT 16-329

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 23, 2006

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2006 Summer  
Supp.

West Group  
Publisher

To amend, on a emergency basis, due to Congressional review, the Washington Convention Center Authority Act of 1994 to extend the terms of the appointees of the Washington Convention Center Authority Advisory Committee until December 31, 2006.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Washington Convention Center Authority Advisory Committee Congressional Review Emergency Amendment Act of 2006".

Sec. 2. Section 218(g) of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.18(g)), is amended to read as follows:

Note,  
§ 10-1202.18

"(g) The Committee shall continue to advise the Authority until December 31, 2006, at which time it shall be dissolved."

Sec. 3. Applicability.

This act shall apply as of March 22, 2006.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Council 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.

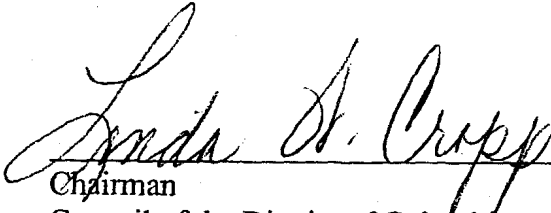
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section


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DISTRICT OF COLUMBIA REGISTER

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 23, 2006

## AN ACT

## D.C. ACT 16-330

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 23, 2006*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2006 Summer  
Supp.West Group  
Publisher

To amend, on an emergency basis, Chapter 10 of Title 47 of the District of Columbia Official Code to provide a real property tax exemption and equitable real property tax relief to real property located at lot 58, square 1966 to be used as a community garden.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Triangle Community Garden Equitable Real Property Tax Exemption and Relief Emergency Act of 2006".

Sec. 2. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding the section designation "47-1074. Triangle Community Garden; lot 58, square 1966."

(b) A new section 47-1074 is added to read as follows:

"§ 47-1074. Triangle Community Garden; lot 58, square 1966.

"(a) The real property located at lot 58, square 1966 shall be exempt from taxation so long as the real property is used as a community garden.

"(b)(1) The Council orders that all unpaid real property taxes, interest, penalties, fees, and other related charges assessed against real property located at lot 58, square 1966, shall be forgiven and the amount necessary to redeem the real property under § 47-1361(a)(1) shall be deposited with the Chief Financial Officer on behalf of the owner; provided, that all other amounts necessary to redeem the real property under § 47-1361 are paid from any source to the Chief Financial Officer on behalf of the owner; provided further, that if the real property is used for any purpose other than as a community garden, the sum of all such unpaid real property tax and penalties and all real property taxes accruing thereafter, plus 5% interest, shall be paid to the District of Columbia; provided further, that this subsection shall constitute a lien against the real property to secure the repayment of such amounts.

"(2) Any person who uses the real property as a community garden shall have standing to redeem the real property on behalf of the owner."

Sec. 3. Funding of act and reservation of unallocated revenue.

The fiscal effect of this act shall be funded from the unallocated revenue in the February, 2006 revised quarterly revenue estimate of the Chief Financial Officer.

Sec. 4. Applicability.

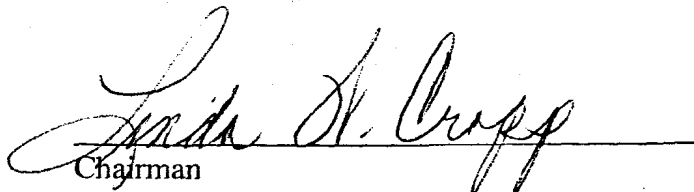
This act shall take effect subject to the payment by the Triangle Community Garden Land Trust of all legal and administrative costs of the purchaser at tax sale of the property located at lot 58, square 1966 from the tax sale of the property.

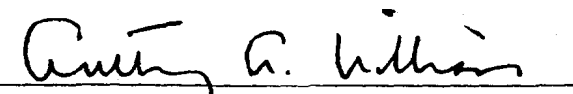
Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact of the Council 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. 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), 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  
March 23, 2006

## ENROLLED ORIGINAL

## AN ACT

D.C. ACT 16-331

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 23, 2006*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2006 Summer  
Supp.West Group  
Publisher

To establish, on an emergency basis, due to Congressional review, the Contracting and Procurement Reform Task Force to improve the District's contracting and procurement laws and regulations, review the District's procurement and ethics provisions, review best practices nationally, and make findings and recommendations to the Mayor and Council.

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 Establishment Congressional Review Emergency Act of 2006".

Sec. 2. Establishment of the Contracting and Procurement Reform Task Force; duties.

(a) There is established the Contracting and Procurement Task Force ("Task Force").

(b) The Task Force shall perform the following duties:

(1) Review the recommendations of all audit reports regarding contracting and procurement issued by the District of Columbia Office of the Inspector General ("OIG") and the District of Columbia Auditor within the past 5 years;

(2) Review and analyze the District's contracting and procurement laws and regulations;

(3) Review and analyze all reports required by law of the District of Columbia Office Contracting and Procurement ("OCP");

(4) Review recommendations of the Center for Innovation and Reform to improve contracting and procurement procedures in the District;

(5) Make a determination as to whether OCP and District agencies have followed the recommendations of the OIG, the Auditor, and the Committee on Government Operations to improve the contracting and procurement process in the District;

(6) Review the District's ethics and disciplinary provisions concerning contracting and procurement;

(7) Review the District's contracting and procurement laws relating to sole source awards, no-bid contracts, task orders, oral contract agreements, direct voucher authorizations and payments, and emergency awards; and

(8) Review contracting and procurement laws and regulations, nationally, and recommend improvements to the District's contracting and procurement procedures.

## Sec. 3. Goals.

The Task Force shall consider the following goals and policy objectives:

- (1) Assess and improve the District's contracting and procurement process;
- (2) Establish appropriate laws to decrease the over-utilization of sole-source contract awards;
- (3) Enhance the District's ethics and disciplinary provisions regarding contracting and procurement;
- (4) Make recommendations concerning the training or required re-training of current District contracting and procurement officials;
- (5) Assess the District's use of emergency contract awards;
- (6) Make recommendations to ensure that contracting and procurement processes result in timely competition;
- (7) Review and make recommendations regarding the District's use of task orders and its impact on fair and open competition;
- (8) Make recommendations concerning the District's contract ratification procedures and use of oral contracts; and
- (9) Reforming the District of Columbia's contracting and procurement process pursuant to best practices nationally.

## Sec. 4. Task Force Membership.

- (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."

(b) Members shall serve without compensation. The members shall elect a Chairperson from among the voting members.

## Sec. 5. Appointment of Task Force members.

(a) The Council shall appoint 5 voting members of the Task Force. The Committee on Government Operations shall submit the names of 5 nominees to the Council for approval by resolution. The Mayor shall appoint 2 voting members. Task Force members shall be appointed by February 1, 2006.

## Sec. 6. Meetings.

The Task Force shall meet as necessary to conduct its official business. A majority of the voting members shall constitute a quorum. The Task Force may act by an affirmative vote of at least 5 of its voting members.

## Sec. 7. Powers.

All offices, agencies and instrumentalities of the District government shall fully Cooperate with the Task force and provide requested information and documents.

ENROLLED ORIGINAL

Sec. 8. Report.

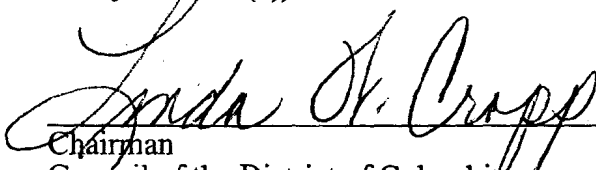
(a) No later than August 1, 2006, the Task Force shall issue a report to the Council and the Mayor to improve the contracting and procurement process in the District.

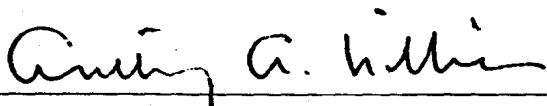
Sec. 9. Fiscal impact statement.

The Council adopts the fiscal impact statement for Bill 16-546 as the fiscal impact statement for Bill 16-546 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. 10. 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  
March 23, 2006

## ENROLLED ORIGINAL

AN ACT  
D.C. ACT 16-332IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
MARCH 23, 2006*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2006 Summer  
Supp.West Group  
Publisher

To amend, on an emergency basis, the Department of Youth Rehabilitation Services Establishment Act of 2004 to require the Mayor, or the Mayor's designee, to exercise contracting and procurement authority independent of the District of Columbia Procurement Practices Act of 1985 for the purposes of completing the Oak Hill Youth Center capital project to build a new facility for the rehabilitation of youth held in secure confinement, and to establish criteria to be considered by the Mayor, or the Mayor's designee, in awarding a contract for project design or construction; and to amend the District of Columbia Procurement Practices Act of 1985 to provide an exemption for the construction of a new facility for the rehabilitation of youth held in secure confinement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Oak Hill Construction Streamlining Emergency Amendment Act of 2006".

Sec. 2. Section 107 of the Department of Youth Rehabilitation Services Establishment Act of 2004, effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code § 2-1515.07), is amended by adding a new subsection (c) to read as follows:

*Note,  
§ 2-1515.07*

"(c) Notwithstanding the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*), the Mayor, or the Mayor's designee, shall, subject to budget authority appropriated in an approved multiyear capital budget plan, exercise all contracting and procurement authority necessary to construct a new facility for the rehabilitation of youth held in secure confinement while committed to the District, pursuant to the Detention and Commitment Facilities Improvement Act of 2004, effective March 17, 2005 (D.C. Law 15-261; D.C. Official Code § 24-941); provided, that the Mayor, or the Mayor's designee, shall consider the following criteria in awarding a contract for project design or construction to an offeror:

"(1) The timeliness with which the offeror can reasonably and satisfactorily fulfill the obligations of the proposed contract;

"(2) The offeror's proposed price;



## ENROLLED ORIGINAL

"(3) The offeror's technical approach and demonstrated expertise acquired from experience designing or constructing model, rehabilitation-oriented facilities for the detention or commitment of securely confined youth; and

"(4) The offeror's status as a business enterprise certified pursuant to section 2361 of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.31)."

Sec. 3. Section 320 of the District of Columbia Procurement Practices Act of 1985, effective April 12, 1997 (D.C. Law 11-259; D.C. Official Code § 2-303.20), is amended by adding a new subsection (s) to read as follows:

Note,  
§ 2-303.20

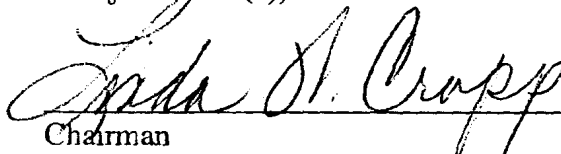
"(s) Nothing in this act shall affect the authority of the Mayor, or the Mayor's designee, to exercise procurement authority necessary to construct a new facility for the rehabilitation of youth held in secure confinement while committed to the District, pursuant to the Detention and Commitment Facilities Improvement Act of 2004, effective March 17, 2005 (D.C. Law 15-261; D.C. Official Code § 24-941)."

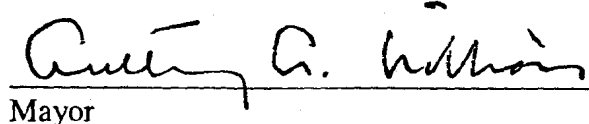
Sec. 4. Fiscal impact statement.

The Council adopts the March 7, 2006 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 § 2-204.12(a)).

  
Chairman  
Council of the District of Columbia

  
Mayor

District of Columbia

APPROVED

March 23, 2006  
Codification District of Columbia Official Code, 2001 Edition

## ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-333

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 23, 2006Codification  
District of  
Columbia  
Official Code

2001 Edition

2006 Summer  
Supp.West Group  
Publisher

To amend, on an emergency basis, due to Congressional review, the Office of Administrative Hearings Establishment Act of 2001 to delay the transfer to the Office of Administrative Hearings of the adjudicatory functions for all cases under the jurisdiction of the Rent Administrator in the Department of Consumer and Regulatory Affairs until October 1, 2006, and to reduce the terms of reappointed Administrative Law Judges from 10 years to 6 years.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Office of Administrative Hearings Rental Housing Congressional Review Emergency Amendment Act of 2006".

Sec. 2. The Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.01 *et seq.*), is amended as follows:

(a) Section 6(b-1)(1) (D.C. Official Code § 2-1831.03(b-1)(1)) is amended to read as follows:

Note,  
§ 2-1831.03

"(1) In addition to those agencies listed in subsections (a) and (b) of this section, as of October 1, 2006, this act shall apply to adjudicated cases under the jurisdiction of the Rent Administrator in the Department of Consumer and Regulatory Affairs."

(b) Section 7 (D.C. Official Code § 2-1831.04) is amended as follows:

Note,  
§ 2-1831.04

(1) Subsection (d) is amended by striking the phrase "10-year term" and inserting the phrase "6-year term" in its place.

(2) Subsection (e) is amended by striking the phrase "10-year term" and inserting the phrase "6-year term" in its place.

(c) Section 11(c) (D.C. Official Code § 2-1831.08(c)) is amended as follows:

Note,  
§ 2-1831.08

(1) Designate the existing text as paragraph (1).

(2) The newly designated paragraph (1) is amended to read as follows:

"(1) The initial term of office of an Administrative Law Judge appointed prior to December 6, 2005 shall be 2 years, at the end of which the Administrative Law Judge shall be

## ENROLLED ORIGINAL

eligible for reappointment by the Commission to a term of 10 years. After serving an initial reappointment term of 10 years, the Administrative Law Judge shall be eligible for reappointment by the Commission to a new term of 6 years.”.

(3) New paragraphs (2), (3), and (4) are added to read as follows:

“(2) The initial term of office of an Administrative Law Judge hired after December 5, 2005, shall be 2 years, at the end of which the Administrative Law Judge shall be eligible for reappointment by the Commission to a term of 6 years.

“(3) At the expiration of any 6-year term of office, an Administrative Law Judge shall be eligible for reappointment by the Commission to a new term of 6 years.

“(4) Non-reappointment of an Administrative Law Judge shall not be deemed to be discipline or removal of the Administrative Law Judge.”.

(d) Section 13(a) (D.C. Official Code § 2-1831.10(a)) is amended by striking the phrase “any 2-year or 10-year term” and inserting the phrase “any 2-year, 6-year, or 10-year term” in its place.

Note,  
§ 2-1831.10

(e) Section 19(b) (D.C. Official Code § 2-1831.16(b)) is amended by striking the second sentence and inserting the following in its place: “The Rental Housing Commission shall have jurisdiction to review orders of the Office in all adjudicated cases brought pursuant to the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*)”.

Note,  
§ 2-1831.16

### Sec. 3. Applicability.

This act shall apply as of March 22, 2006.

### Sec. 4. Fiscal impact statement.

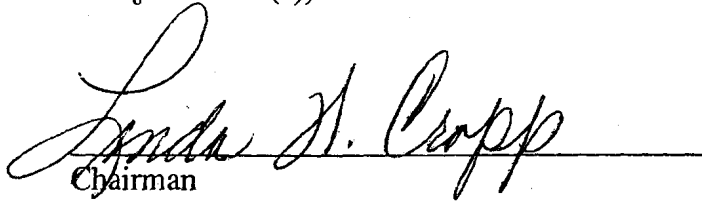
The Council adopts the fiscal impact statement in the committee report for the Office of Administrative Hearings Term Amendment Act of 2006, signed by the Mayor on January 26, 2006 (D.C. Act 16-269), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

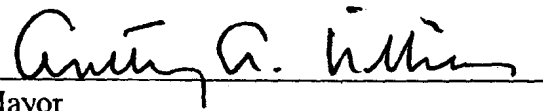
### Sec. 5. Effective date.

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

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 23, 2006

AN ACT  
D.C. ACT 16-334

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
MARCH 23, 2006

Codification  
District of  
Columbia  
Official Code

2001 Edition

2006 Summer  
Supp.

West Group  
Publisher

To amend, on an emergency basis, due to Congressional review, the District of Columbia Unemployment Compensation Act to comply with the federal SUTA Dumping Prevention Act of 2004 by preventing the manipulation of employer contribution rates.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Unemployment Compensation Contributions Federal Conformity Congressional Review Emergency Amendment Act of 2006".

Sec. 2. The District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat 947; D.C. Official Code § 51-101 *et seq.*) is amended as follows:

(a) Section 3 (D.C. Official Code §51-103) is amended as follows:

Note,  
§ 51-103

(1) Subsection (c)(7) is amended as follows:

(A) Subparagraph (A) is amended as follows:

(i) Strike the phrase "If all or substantially all of the business of any employer is transferred" and inserting the phrase "After December 31, 2005, if any employer transfers all or a portion of its trade or business to another employer" in its place.

(ii) Sub-subparagraph (i) is amended by striking the phrase "whether or not all or substantially all" and inserting the phrase "what portion" in its place.

(iii) Sub-subparagraph (ii) is amended by striking the phrase "all or substantially all" and inserting the phrase "a portion" in its place.

(B) Subparagraph (C)) is amended by striking the phrase "payroll assignable" and inserting the phrase "payroll or assets assignable" in its place.

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

"(m) Notwithstanding any other provision of this act, all assignments of contribution rates and transfers of experience in any year commencing after December 31, 2005 shall be in accordance with the following:

"(1) If any employer transfers all or a portion of its trade or business to another employer and at the time of transfer there exists any common ownership, management, or control of the 2 employers, the unemployment experience for that trade or business shall be transferred to the employer receiving the trade or business. The contribution rates of both employers shall be recalculated and made effective on the 1<sup>st</sup> day of the next rating year. Any penalties that may be imposed on the transfer under section 4 shall be retroactive to the beginning of the year in which the transfer occurred.

"(2) If a person is not subject to this act at the time it acquires the trade or business of an employer subject to this act, the unemployment experience of that trade or business shall not be transferred if the Director determines that the acquisition was solely or primarily for the purpose of obtaining a lower contribution rate. Instead, that person shall be

## ENROLLED ORIGINAL

assigned a new employer rate under subsection (c)(3)(A) of this section. The Director shall use objective criteria to determine whether the trade or business was acquired solely or primarily for the purpose of obtaining a lower contribution rate, including:

“(A) The cost of acquiring the trade or business enterprise;

“(B) Whether the trade or business was continued by the person after acquisition; and

“(C) How long the trade or business was continued or whether a substantial number of new employees were hired to perform duties unrelated to the trade or business activity prior to the acquisition.

“(3) The Director shall establish procedures to identify the transfer or acquisition of a trade or business for purposes of this act.”.

(b) Section 4 (D.C. Official Code § 51-104)) is amended by adding a new subsection (p) to read as follows: Note,  
§ 51-104

“(p)(1) For purposes of this subsection, the term:

“(A) “Knowingly” means having actual knowledge of or acting with deliberate ignorance or reckless disregard of the prohibitions under this subsection.

“(B) “Person” means an individual, a trust, estate, partnership, association, company, or corporation.

“(C) “Trade or business” includes the employer’s workforce.

“(D) “Violates or attempts to violate” includes acts evidencing an intent to evade, misrepresentation, or willful nondisclosure of material information.

“(2) Any person that knowingly violates or attempts to violate any provision of this act related to the calculation, determination, or assignment of contribution rates, or knowingly advises another person in a way that results in a violation of any of those provisions, shall be subject to the following penalties:

“(A) If the person is an employer subject to this act, the highest rate shall be assigned for the duration of the rate year in which the violation or attempted violation occurred and for the following 3 consecutive years; provided, that if the employer is already subject to the highest rate for the year that the violation or attempted violation occurred or if the increased rate would be less than 2% for that year, an additional 2% of taxable wages shall be imposed for that year and for the following 3 consecutive years.

“(B) If the person is not an employer subject to this act, a fine shall be imposed in the amount of \$5,000 for the 1<sup>st</sup> violation, and up to \$25,000 for each additional violation. Fines shall be enforced by civil action brought by the Director and shall be deposited in the Special Administrative Expense Fund established by section 14(b).

“(3) Any violation of this subsection may also be prosecuted on information brought by the Attorney General for the District of Columbia in the Superior Court. Any person that is convicted shall be guilty of a misdemeanor and shall be subject to a fine not to exceed \$5,000 or imprisoned not more than 180 days or both, together with the cost of prosecution.

“(4) This subsection shall be interpreted and applied in such a manner as to meet the minimum requirements contained in any guidance or regulations issued by the Secretary of Labor.”.

### 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 (84 Stat. 813; D.C. Official Code § 1-206.02 (c)(3)).

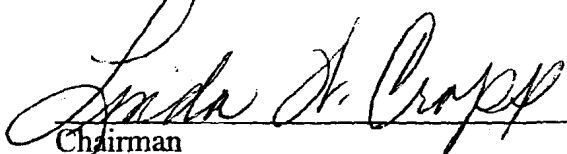
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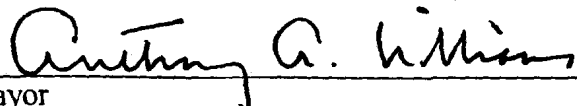
**DISTRICT OF COLUMBIA REGISTER**

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**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  
APPROVED  
March 23, 2006

## ENROLLED ORIGINAL

AN ACT  
D.C. ACT 16-335

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 24, 2006*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2006 Summer  
Supp.West Group  
Publisher

To require payment of a living wage by recipients of certain District contracts and government assistance; to create a Job Opportunity Bank to increase job opportunities for low-income, skills-deficient District residents; to amend the First Source Employment Agreement Act of 1984 to expand coverage; and to amend the Displaced Workers Protection Act of 1994 to extend protection to certain security guards.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Way to Work Amendment Act of 2006".

## TITLE I. LIVING WAGE.

## Sec. 101. Short title.

This title may be cited as the "Living Wage Act of 2006".

## Sec. 102. Definitions.

For purposes of this act, the term:

(1) "Affiliated employee" means any individual employed by a recipient who received compensation directly from government assistance or a contract with the District of Columbia government ("District Government"), including any employee of a contractor or subcontractor of a recipient who performs services pursuant to government assistance or contract.

(2) "Contract" means a written agreement between a recipient and the District government.

(3) "Government assistance" means a grant, loan, or tax increment financing that results in a financial benefit from an agency, commission, instrumentality, or other entity of the District government.

(4) "Living wage" means an hourly wage rate of \$11.75 per hour, regardless of whether health care benefits are provided.

(5) "Recipient" means any individual, sole proprietorship, partnership, association, joint venture, limited liability company, corporation, or any other form of business that enters into a contract with or receives government assistance from the District government.

## Sec. 103. Living wage payment.

(a) All recipients of contracts or government assistance in the amount of \$100,000 or more shall pay their affiliated employees no less than the living wage. All subcontractors of recipients of these contracts that receive funds of \$15,000 or more shall pay their affiliated



## ENROLLED ORIGINAL

employees no less than the living wage; provided, that this receipt of funds is from the contract funds received by the recipient from the District government. All subcontractors of recipients of government assistance shall pay their affiliated employees the living wage if the subcontractor receives \$50,000 or more from a recipient; provided, that this receipt of funds is from government assistance received by the recipient from the District of Columbia.

(b) The living wage shall be paid to employees of the District government commencing March 1, 2006; provided, that the wage of any such employee established under an existing collective bargaining agreement or by the recipients of a federal law or grant shall continue as long as that agreement, law, or grant remains in effect.

(c) The Department of Employment Services shall adjust this rate for the previous calendar year, on an annual basis by the annual average increase, if any, in the Consumer Price Index for all Urban Consumers in the Washington Metropolitan Statistical Area published by the Bureau of Labor Statistics of the United States Department of Labor up to 3%. This adjustment shall begin the 1<sup>st</sup> of January occurring at least one year following the enactment date of this title. The Department shall calculate the adjustment to the nearest multiple of \$.05 and shall publish the adjusted rate not later than March 1 of each year. Any annual adjustment in excess of 3% shall be approved by the Mayor.

(d) The Mayor shall publish any adjustment to the living wage rate in the District of Columbia Register no later than 45 days after the rate is adjusted.

(e) Funding for the implementation of this title shall be subject to annual appropriations.

**Sec. 104. Contents of contract; notice to subcontractors.**

(a) All contracts and government assistance subject to this title shall include the requirements under sections 103, 106, 107, and 108.

(b) Each recipient of a contract or government assistance shall notify each subcontractor subject to this title of the requirements as provided under subsection (a) of this section. The notification shall be in writing.

**Sec. 105. Exemptions.**

The following types of contracts, government assistance, and employment shall be exempt from the requirement of this title:

(1) Contracts or other agreements that are subject to wage level determinations required by federal law;

(2) Existing and future collective bargaining agreements, provided, that the future collective bargaining agreement results in the employee being paid no less than the established living wage;

(3) Contracts for electricity, telephone, water, sewer or other services delivered by a regulated utility;

(4) Contracts for services needed immediately to prevent or respond to a disaster or eminent threat to public health or safety declared by the Mayor;

(5) Contracts or other agreements awarded to recipients that provide trainees with

additional services including, but not limited to, case management and job readiness services; provided, that the trainees do not replace employees subject to this title;

(6) An employee under 22 years of age employed during a school vacation period, or enrolled as a full-time student, as defined by the respective institution, who is in high school or at an accredited institution of higher education and who works less than 25 hours per

## ENROLLED ORIGINAL

week; provided, that he or she does not replace employees subject to this title;

(7) Tenants or retail establishments that occupy property constructed or improved by receipt of government assistance from the District of Columbia; provided, that the tenant or retail establishment did not receive direct government assistance from the District;

(8) Employees of nonprofit organizations that employ not more than 50 individuals and qualify for taxation exemption pursuant to section 501(c)(3) of the Internal Revenue Code of 1954, approved August 16, 1954 (68A Stat. 163; 26 U.S. C. § 501(c)(3));

(9) Medicaid provider agreements for direct care services to Medicaid recipients; provided, that the direct care service is not provided through a home care agency, a community residence facility, or a group home for mentally retarded persons, as those terms are defined in section 2 of the Health-Care and Community Residence Facility, Hospice, and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code § 44-501); and

(10) Contracts or other agreements between managed care organizations and the Health Care Safety Net Administration or the Medicaid Assistance Administration to provide health services.”

#### Sec. 106. Notice.

Each recipient and subcontractor of a recipient shall provide to each affiliated employee covered by this title a fact sheet concerning the payment and enforcement requirements under sections 103 and 108, and shall also post a notice concerning these requirements in a conspicuous site in its place of business. The Mayor shall provide the fact sheet and notice to each recipient which shall include:

- (1) Notice of the living wage hourly rate;
- (2) A summary of the requirements under sections 103 and 107; and
- (3) Information concerning the enforcement of this title including the name, address, and telephone number of the individual or entity to which complaints of noncompliance should be made.

#### Sec. 107. Records.

All recipients and subcontractors shall retain payroll records created and maintained in the regular course of business under District of Columbia law for a period of at least 3 years from the payroll date for employees subject to section 103.

#### Sec. 108. Enforcement.

The payment of wages required under this title shall be consistent with and subject to the provisions of An Act To provide for the payment and collection of wages in the District of Columbia, approved August 3, 1956 (70 Stat. 976; D.C. Official Code § 32-1301 *et seq.*).

#### Sec. 109. Waiver.

The Mayor may exempt a recipient from the requirements of this title, subject to approval by the Council. Any entity requesting a waiver shall be required to demonstrate that the provisions of this title will pose a significant financial hardship on the recipient that will result in the layoff of a substantial number of employees, substantial downsizing, or the inability to meet payroll. All requests for waivers shall be written and state the rationale for the request. Any waiver granted by the Mayor shall be subject to Council review and approval, by act.

## Sec. 110. Rules

The Mayor shall issue rules to implement the provisions of this title.

## Sec. 111. Applicability.

(a) The requirements of this title shall apply to contracts and agreements for government assistance ("agreement") entered into after the effective date of this title, and shall not apply to any existing agreement entered into prior to that date. Where an agreement is renewed or extended after that date, that renewal or extension shall be deemed a new agreement and shall trigger coverage under this title if the terms of the renewed or extended agreement otherwise meet the requirements for coverage under this title.

(b) Notwithstanding the requirements of section 105(9), a home care agency, community residence facility, or group home for mentally retarded persons shall not be required to pay a living wage until implementing rules are published in the District of Columbia Register and any necessary state plan amendments are approved.

## TITLE II. JOB OPPORTUNITY BANK ESTABLISHMENT.

## Sec. 201. Short title.

This title may be cited as the "Job Opportunity Bank Establishment Act of 2006".

## Sec. 202. Definitions.

For purposes of this title, the term:

- (1) "Director" means the Director of the Department of Employment Services.
- (2) "Grantee" means any person or entity that receives a grant from the District to provide workforce development services.
- (3) "Job skills-deficient resident" means an individual resident of the District whose employment opportunities are restricted by deficiencies in education, work experience, work training, work skills, or the loss of certain occupations or industries from the economy of the District or the Washington Metropolitan Area and whose job skills deficiencies and residence is determined and certified by the Director.
- (4) "Low-income District resident" means an individual resident of the District whose personal or family income in the previous 6 months on an annualized basis does not exceed 200% of the lower living standard income level and whose income and residence is certified by the Director.
- (5) "Workforce Investment Council" means the body created pursuant to section 4 of the Workforce Implementation Act of 2000, effective July 18, 2000 (D.C. Law 13-150; D.C. Official Code §32-1603).

## Sec. 203. Establishment and administration of the Job Opportunity Bank.

(a) There is established a Job Opportunity Bank for the purpose of providing grants and other forms of financial assistance to increase job opportunities for low-income District residents to upgrade their job skills and provide customized skills training for new and incumbent workers employed by District employers.

(b) The Job Opportunity Bank shall be subject to the general policy guidance and direction of the Workforce Investment Council.

(c) The Workforce Investment Council shall serve in an advisory capacity to the Mayor and the Director in matters pertaining to the operation and administration of the Job Opportunity Bank.

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- (d) The Job Opportunity Bank shall be funded by annual appropriations.
- (e) The funds shall be administered by Director of the Department of Employment Services.
- (f) Subject to the availability of funds, the Director of the Department of Employment Services may fund applications for grants or other assistance.

## Sec. 204. Eligibility for grants.

The following individuals and groups shall be eligible to receive grants or other assistance from the Job Opportunity Bank:

- (1) Low-income District residents;
- (2) Job skills-deficient residents;
- (3) District businesses, business coalitions, or nonprofit organizations partnered with District businesses or business coalitions seeking to hire low-income District residents or job skills-deficient residents and develop a workforce from those individuals; or
- (4) District businesses, business coalitions, or nonprofit organizations partnered with District businesses or business coalitions seeking to upgrade the skills of their current workforce, composed of at least 51% District residents, in order to maintain the employment of the current workforce.

## Sec. 205. Grant applications and priorities.

- (a) Grant applications shall be made at the time and in the manner designated by the Director.
- (b) Grant applications shall include a detailed budget, cost benefit analysis, identifiable performance benchmarks, and a general description of the employment benefits to be derived by the recipient.
- (c) The Director shall accept simplified grant applications from District residents seeking basic employment or job training skills.
- (d) Grant applications made by District businesses, business coalitions and partnered-nonprofit organizations shall also include a proposed workforce development program model demonstrating an effective approach to increasing the employability of program participants or the retention of their current workforce and which is directly linked to existing or anticipated employment opportunities. Applications made pursuant to this subsection may be utilized to significantly enhance the skill levels and career opportunities of current employees who are residents of the District.
- (e) In evaluating grant applications for decisions as to funding, the Director shall give priority to those applications which the Director determines best serve low-income District residents or job skills-deficient residents in the following categories:
  - (1) Youths between 18 and 21 years of age;
  - (2) Recipients of Temporary Assistance to Needy Families;
  - (3) Dislocated workers;
  - (4) Ex-offenders;
  - (5) Veterans; and
  - (6) District residents deficient in job skills.
- (f) In determining whether to fund grant applications, the Director shall consider, in addition to the criteria set forth in subsections (d) and (e) of this section, the following:
  - (1) The amount of funds available in the Job Opportunity Bank;
  - (2) Available and reliable information concerning the current and future labor

## DISTRICT OF COLUMBIA REGISTER

## ENROLLED ORIGINAL

market;

(3) Non-duplication of funding available through section 112 of the Workforce Investment Act of 1998, approved August 7, 1998 (112 Stat. 936; 29 U.S.C. § 2822) and other federal, state, or local job development and job training programs; and

(4) Any prior experience of the applicant with job training or workforce development programs.

Sec. 206. Grant agreements.

Each grantee shall, as a condition for the receipt of funds from the Job Opportunity Bank, enter into a grant agreement with the Director, the form and contents of which shall be specified by the Director, which shall at least contain the following:

(1) The name, address, and telephone number of any individual grant recipient;  
(2) The name, address, telephone number, and identity of the corporate officers, principal owners, and registered agent of any incorporated grantee; and

(3) Acknowledgment by the recipient of the right of the Director to:  
(A) Monitor expenditure of funds;  
(B) Require reports from recipients regarding expenditures, progress, or performance in meeting identified benchmarks, and any other financial or operational information deemed necessary by the Director;

(C) Inspect the recipient's records to obtain the identified information;  
and

(D) Acknowledgment by the recipient that the Director may curtail or cancel payment of funds from the Job Opportunity Bank if the recipient does not comply with the requirements of this section.

Sec. 207. Grantee performance evaluation.

(a) The Director shall monitor and evaluate the performance of grantees. The Director may terminate or modify grant agreements if the Director determines that a grantee's performance is not in accordance with the grant. Grantees that have their grants cancelled or modified may appeal the Director's action pursuant to section 11 of the District of Columbia Administrative Procedures Act, approved October 21, 1968 (82 Stat. 1209; D.C. Official Code § 2-510).

(b) The Mayor shall issue rules to implement this title. The rules shall be issued within 120 days of the effective date of this title.

TITLE III. FIRST SOURCE EMPLOYMENT AGREEMENT ENHANCEMENT.

Sec. 301. Short title.

This title may be cited as the "First Source Employment Agreement Amendment Act of 2006".

Sec. 302. The First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.01 *et seq.*), is amended as follows:

(a) Section 2(1) (D.C. Official Code § 2-219.01(1)) is amended to read as follows:

"(1) 'Beneficiary' means:

"(A) The signatory to a contract executed by the Mayor which involves any District of Columbia government funds, or funds which, in accordance with a federal grant or otherwise, the District government administers, or the successful applicant for any street or

Amend  
§ 2-219.01

alley closing pursuant to the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-201.01 *et seq.*), and which details the number and description of all jobs created by a government-assisted project for which the beneficiary is required to use the First Source Register;

“(B) A beneficiary of a District government economic development action including contracts, grants, loans, tax abatements, land transfers for public redevelopment, or tax increment financing that results in a financial benefit of \$100,000 or more from an agency, commission, instrumentality, or other entity of the District government, including a financial or banking institution which serves as the repository for \$1 million or more of District of Columbia funds.

“(C) A retail or commercial tenant that is a direct beneficiary of a District government economic development action, including contracts, grants, loans, tax abatements, land transfers for public redevelopment, or tax increment financing in excess of \$100,000; provided, that obligations imposed by this title shall apply only for 5 years following the commencement of the tenant’s initial lease date of the real estate. Developers of a government-assisted project with retail and commercial tenants that directly benefitted from that assistance shall require those tenants to sign an agreement stating that the tenants will adhere to the requirements of this act for 5 years following the commencement of the tenant’s initial lease date.

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

“Sec. 4a. Special hiring agreements.

“Whenever the Mayor determines that the goal of increasing employment opportunities for District residents may be better served by establishing hiring goals in specific job categories for specific government-assisted projects, the Mayor may enter into agreements with beneficiaries or their contractors and subcontractors to provide for increased hiring in specific job categories. Compliance with this agreement shall be deemed compliance with the requirements of this act. Non-compliance with this agreement shall be treated in the same manner as a violation of any other requirement of this act.

“(b) The Mayor may direct the Director of each District agency, the Chief Procurement Officer, or each District contracting officer to develop and report on performance goals for each District agency in furtherance of the objectives of this act.”.

#### TITLE IV. DISPLACED WORKERS PROTECTION.

Sec. 401. Short title.

This act may be cited as the “Displaced Workers Protection Amendment Act of 2006”.

Sec. 402. Section 2(a) of the Displaced Workers Protection Act of 1994, effective April 26, 1994 (D.C. Law 10-105; D.C. Official Code § 32-101(a)), is amended by adding a new paragraph (4) to read as follows:

Amend  
§ 32-101

“(4) Employees hired by a contractor to perform security services in an office building, institution, or similar establishment; provided, that special police officers who are armed, and employees hired by a contractor to perform security services for the Board of Education or a public charter school shall not be included.”.

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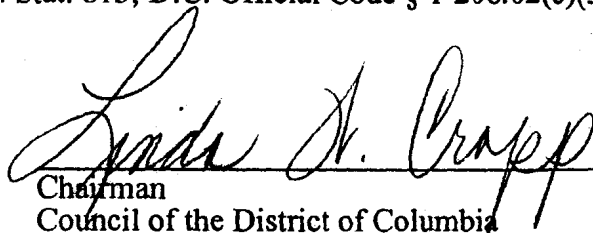
TITLE V. FISCAL IMPACT STATEMENT; EFFECTIVE DATE.

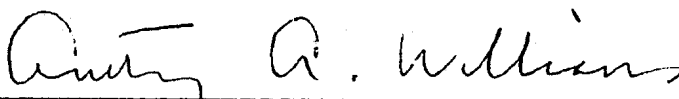
Sec. 501. Fiscal impact statement.

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 (84 Stat. 813; D.C. Official Code § 1-206.02 (c)(3)).

Sec. 502. 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 of Congressional review as provided in section 602 (c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (84 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
March 24, 2006

## ENROLLED ORIGINAL

AN ACT  
D.C. ACT 16-336IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
MARCH 23, 2006Codification  
District of  
Columbia  
Official Code

2001 Edition

2006 Summer  
Supp.West Group  
Publisher

To amend the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000 and the Vacant and Abandoned Properties Community Development and Disapproval of Disposition of Certain Scattered Vacant and Abandoned Properties Act of 2002 to clarify and broaden the classes of real property to be acquired by the Mayor in furtherance of the elimination of abandoned property and blighted conditions in District neighborhoods.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Home Again Initiative Community Development Amendment Act of 2006".

Sec. 2. Section 431 of the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000, effective April 27, 2001 (D.C. Law 13-281; D.C. Official Code § 42-3171.01), is amended as follows:

Amend  
§ 42-3171.01

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

"(1a) "Blighted Area" shall have the meaning as set forth in section 2(6) of the National Capital Revitalization Act of 1998, effective September 11, 1998 (D.C. Law 12-144; D.C. Official Code § 2-1219.01(6))."

(b) Paragraph (4) is amended to read as follows:

"(4) "Slum and blight" means one or more parcels of land, whether vacant or improved that are in a blighted area, or exhibit one or more characteristics of a blighted area."

Sec. 3. The Vacant and Abandoned Properties Community Development and Disapproval of Disposition of Certain Scattered Vacant and Abandoned Properties Act of 2002, effective April 2, 2003 (D.C. Law 14-267; D.C. Official Code § 10-831 *et. seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 10-831) is amended as follows:

Amend  
§ 10-831

(1) Subsection (a)(2) is amended by striking the phrase "a single-household residence or a multi-household residence of 5 or fewer units" and inserting the phrase "a single-



## ENROLLED ORIGINAL

household property or a multi-household property containing 25 or fewer single-household dwelling units" in its place.

(2) Subsection (b) is amended by striking the phrase "2006" and inserting the phrase "2011" in its place.

(b) Section 3 (D.C. Official Code § 10-832) is amended as follows:

Amend  
§ 10-832

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

"(b) A single-household property disposed of pursuant to this act shall be disposed of as part of a bundle of at least 5 properties and not more than 25 properties. A property improved as a multi-household property containing at least 5 single-household dwelling units and no more than 25 single-household dwelling units may be disposed of individually or as part of a bundle of up to 25 properties."

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

"(c) At least 30% of all single-household dwelling units, irrespective of whether they are single-household dwelling units contained in a multi-household property or in a single-household property, in each bundle of property disposed of pursuant to an RFP, or such greater proportion determined by the Mayor, shall be sold or rented at a price affordable to a household earning 60% or less of the area median income. If the number representing 30% of the single-household dwelling units is not a whole a number, the Mayor may round to the next lower whole number."

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

"(d) Each property shall be disposed of on an as-is basis."

(c) Section 4(a) (D.C. Official Code § 10-833(a)) is amended as follows:

Amend  
§ 10-833

(1) Paragraph (3) is amended by striking the phrase "offered for sale" and inserting the phrase "offered for sale or rental" in its place.

(2) Paragraph (4) is repealed.

(3) Paragraph (5) is repealed.

(d) Section 5 (D.C. Official Code § 10-834) is amended as follows:

Amend  
§ 10-834

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

(A) Strike the phrase "as part of the RFP for the disposition of a bundle of properties" and in insert the phrase "as part of the RFP for the disposition of a bundle of property" in its place.

(B) Paragraph (2) is amended by striking the phrase "rehabilitation and resale of the properties" and inserting the phrase "rehabilitation and resale or rental of the property" in its place.

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

"(b) If the Mayor offers a subsidy as part of an RFP, the subsidy shall be stated as a maximum available amount. The amount of subsidy requested and the affordability levels achieved shall be weighed when determining the points awarded to an offeror."

(e) Section 6 (D.C. Official Code § 10-835) is amended as follows:

Amend  
§ 10-835

(1) The lead-in sentence is amended by striking the phrase "An RFP to dispose

## ENROLLED ORIGINAL

of properties" and inserting the phrase "An RFP to dispose of property" in its place.

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

"(3) Affordability. The minimum affordability level shall be determined pursuant to section 3(c), and shall remain in effect for not less than 10 years for property offered for sale to the public and not less than 40 years for property offered for rental to the public. More points shall be awarded for proposing to develop additional affordable single-household dwelling units (that is units not counted toward the minimum affordability level); greater levels of affordability (that is affordable to a household earning 60 % or less of the area median income); or for longer periods of affordability (that is for longer than the minimum period of affordability). (20 points)".

(3) Paragraph (5) is amended by striking the phrase "Feasibility shall be based on the consideration of whether the properties will be likely to be developed and sold in the time-line proposed, with the quality of construction proposed, and at the sales prices proposed." and inserting the phrase "Feasibility shall be based on the consideration of whether the property will be likely to be developed and sold or rented in the time-line proposed, with the quality of construction proposed, and at the sales or rental prices proposed." in its place.

(f) Section 7(a) (D.C. Official Code § 10-836(a)) is amended to read as follows:

Amend  
§ 10-836

"(a) Within 90 days after a winning proposal is selected, the Mayor and the selected person shall enter into a disposition agreement governing the sale of the bundle of property. Each disposition agreement shall provide for, and the Mayor and the selected person shall consummate, the sale of the bundle of property within 270 days after the effective date of the disposition agreement; provided, that if the selected person must obtain regulatory approval for zoning or historic preservation purposes prior to the demolition, construction, or rehabilitation of a property to be disposed of, including a rezoning, special exception, or variance, the disposition agreement shall provide for, and the Mayor and the selected person shall consummate, the sale of the property within 360 days after the effective date of the disposition agreement."

(g) Section 9(6) (D.C. Official Code § 10-838(6)) is amended to read as follows:

Amend  
§ 10-838

"(6) A cumulative list of each property disposed of pursuant to this act including:

"(A) The status of the rehabilitation of the property;

"(B) Whether the developer has resold or rented the property;

"(C) A list of the properties sold or rented as affordable to households earning 60% or less of area median income, that specifies the percentage of area median income earned by the household; and".

#### Sec. 4. Fiscal impact statement.

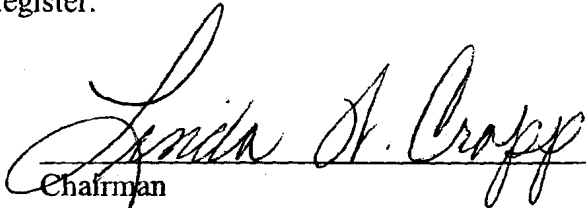
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by § 602(c) (3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206(c)(3)).

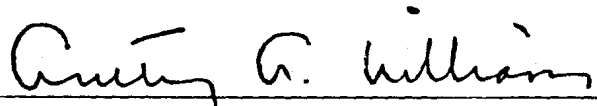
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ENROLLED ORIGINAL

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in § 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  
March 23, 2006

## ENROLLED ORIGINAL

AN ACT  
D.C. ACT 16-337IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
MARCH 23, 2006*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2006 Summer  
Supp.West Group  
Publisher

To amend, on a temporary basis, 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 Temporary Act of 2006".

Sec. 2. Section 4(a) of the Contracting and Procurement Reform Task Force Establishment Temporary Act of 2006, signed by the Mayor on January 26, 2006 (D.C. Act 16-272; 53 DCR 1072), 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. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement for Bill 16-613 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)).

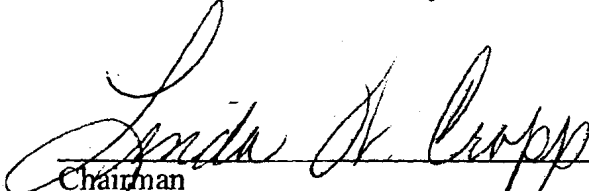
Sec. 4. Effective date.

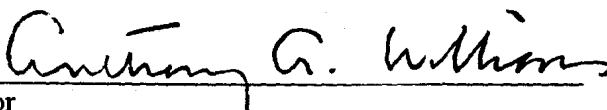
(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

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  
March 23, 2006

## AN ACT

## D.C. ACT 16-338

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 23, 2006Codification  
District of  
Columbia  
Official Code

2001 Edition

2006 Summer  
Supp.West Group  
Publisher

To amend, on a temporary basis, the District of Columbia Unemployment Compensation Act to comply with the federal SUTA Dumping Prevention Act of 2004 by preventing the manipulation of employer contribution rates.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Unemployment Compensation Contributions Federal Conformity Temporary Amendment Act of 2006".

Sec. 2. The District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat 947; D.C. Official Code § 51-101 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 51-103) is amended as follows:

Note,  
§ 51-103

(1) Subsection (c)(7) is amended as follows:

(A) Subparagraph (A) is amended as follows:

(i) Strike the phrase "If all or substantially all of the business of any employer is transferred" and inserting the phrase "After December 31, 2005, if any employer transfers all or a portion of its trade or business to another employer" in its place.

(ii) Sub-subparagraph (i) is amended by striking the phrase "whether or not all or substantially all" and inserting the phrase "what portion" in its place.

(iii) Sub-subparagraph (ii) is amended by striking the phrase "all or substantially all" and inserting the phrase "a portion" in its place.

(2) A new subsection (m) is added to read as follow:

"(m) Notwithstanding any other provision of this act, all assignments of contribution rates and transfers of experience in any year commencing after December 31, 2005 shall be in accordance with the following:

"(1) If an employer transfers all or a portion of its trade or business to another employer and, and at the time of transfer there exists any common ownership, management, or control of the 2 employers, the unemployment experience for that trade or business shall be transferred to the employer receiving the trade or business. The contribution rates of both employers shall be recalculated and made effective on the 1st day of the next rating year. Any penalties that may be imposed on the transfer under section 4 shall be retroactive to the beginning of the year in which the transfer occurred.

"(2) If a person is not subject to this act at the time it acquires the trade or business of an employer subject to this act, the unemployment experience of that trade or business shall not be transferred if the Director determines that the acquisition was solely or primarily for purpose of obtaining a lower contribution rate. Instead, that person shall be assigned a new employer rate under subsection (c)(3)(A) of this section. The Director shall use

## ENROLLED ORIGINAL

objective criteria to determine whether the trade or business was acquired solely or primarily for the purpose of obtaining a lower contribution rate, including:

“(A) The cost of acquiring the trade or business enterprise;

“(B) Whether the trade or business was continued by the person after acquisition; and

“(C) How long the trade or business was continued or whether a substantial number of new employees were hired to perform duties unrelated to the trade or business activity prior to the acquisition.

“(3) The Director shall establish procedures to identify the transfer or acquisition of a trade or business for purposes of this act.”

(b) Section 4 (D.C. Official Code § 51-104) is amended by adding a new subsection (p) to read as follows:

Note,  
§ 51-104

“(p)(1) For purposes of this subsection, the term:

“(A) “Knowingly” means having actual knowledge of or acting with deliberate ignorance or reckless disregard of the prohibitions under this subsection.

“(B) “Person” means an individual, a trust, estate, partnership, association, company, or corporation.

“(C) “Trade or business” includes the employer’s workforce.

“(D) “Violates or attempts to violate” includes acts evidencing an intent to evade, misrepresentation, or willful nondisclosure of material information.

“(2) Any person that knowingly violates or attempts to violate any provision of this act related to the calculation, determination, or assignment of contribution rates, or knowingly advises another person in a way that results in a violation of any of those provisions, shall be subject to the following penalties:

“(A) If the person is an employer subject to this act, the highest rate shall be assigned for the duration of the rate year in which the violation or attempted violation occurred and for the following 3 consecutive years; provided, that if the employer is already subject to the highest rate for the year that the violation or attempted violation occurred or if the increased rate would be less than 2% for that year, an additional 2% of taxable wages shall be imposed for that year and for the following 3 consecutive years.

“(B) If the person is not an employer subject to this act, a fine shall be imposed in the amount of \$5,000 for the 1<sup>st</sup> violation, and up to \$25,000 for each additional violation. Fines shall be enforced by civil action brought by the Director and shall be deposited in the Special Administrative Expense Fund established by section 14(b).

“(3) Any violation of this subsection may also be prosecuted on information brought by the Attorney General for the District of Columbia in the Superior Court. Any person that is convicted shall be guilty of a misdemeanor and shall be subject to a fine not to exceed \$5,000 or imprisoned not more than 180 days or both, together with the cost of prosecution.

“(4) This subsection shall be interpreted and applied in such a manner as to meet the minimum requirements contained in any guidance or regulations issued by the Secretary of Labor.”

### 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 (84 Stat. 813; D.C. Official Code § 1-206.02 (c)(3)).

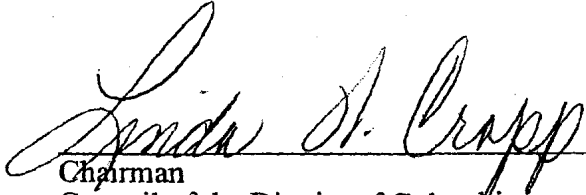
## DISTRICT OF COLUMBIA REGISTER

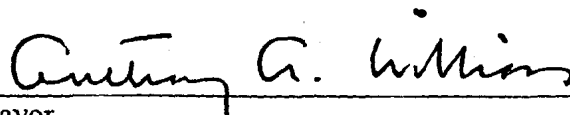
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## Sec. 4. Effective date.

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

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

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED  
March 23, 2006