

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-525

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 4, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Winter
Supp.

West Group
Publisher

To amend, on an emergency basis, section 25-314(b) of the District of Columbia Official Code to clarify that the prohibition against the issuance of new licenses within 400 feet of a public, private, or parochial primary, elementary, or high school, college or university, or recreation area operated by the Department of Parks and Recreation does not apply in those instances where the main entrance to the college, university, or recreation area, or the nearest property line of the school is actually on or occupies ground zoned commercial or industrial according to the official atlases of the Zoning Commission for the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Commercial Exception Clarification Emergency Act of 2006".

Sec. 2. Section 25-314(b) of the District of Columbia Official Code is amended as follows:

Note,
§ 25-314

(a) Paragraph (1) is amended by striking the phrase "D.C. Department of Recreation" and inserting the phrase "District of Columbia Department of Parks and Recreation; except, that:" in its place.

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

"(2) The 400-foot restriction shall not apply to a restaurant, hotel, club, caterer's, or temporary license.

(c) Add a new paragraph (5) to read as follows:

"(5) The 400-foot restriction shall not apply where the main entrance to the college, university, or recreation area, or the nearest property line of the school is actually on or occupies ground zoned commercial or industrial according to the official atlases of the Zoning Commission for the District of Columbia."

Sec. 3. Fiscal impact statement.

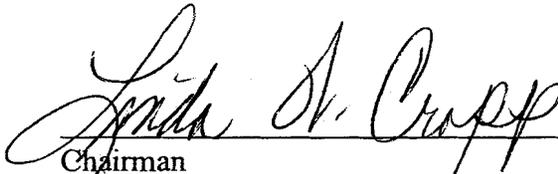
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,

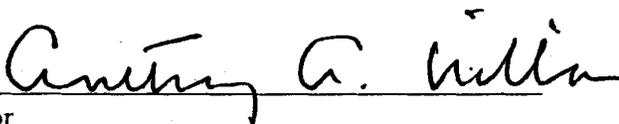
ENROLLED ORIGINAL

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
December 4, 2006

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To amend, on an emergency basis, An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes to clarify that a vacancy in the People's Counsel position is to be filled for the remainder of the unexpired term of the office and to allow a People's Counsel to holdover until a successor has been qualified by taking the oath of office.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Office of the People's Counsel Term Clarification Emergency Amendment Act of 2006".

Sec. 2. Paragraph 91A of section 8 of the An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes, approved March 4, 1913 (37 Stat. 993; D.C. Official Code § 34-804), is amended by adding new subsections (b-1) and (b-2) to read as follows:

Note,
§ 34-804

"(b-1) Any person appointed to fill a vacancy in the People's Counsel position shall be appointed only for the unexpired term of the person whose vacancy he or she is filling.

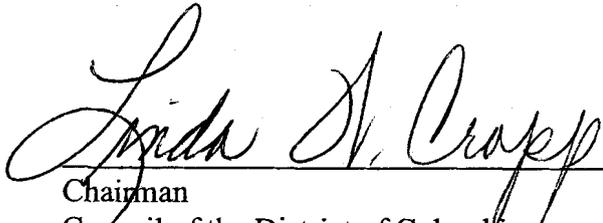
"(b-2) A person may be reappointed as the People's Counsel, and, if not reappointed, the person shall serve until his successor has been appointed and qualifies."

Sec. 3. Fiscal impact statement.

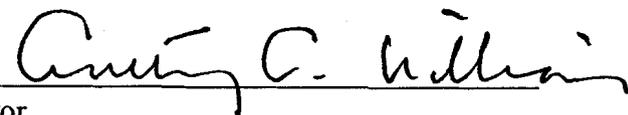
The Council adopts the fiscal impact statement of the Budget Director, dated October 26, 2006 as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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Sec. 4. 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
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AN ACT
D.C. ACT 16-527

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 4, 2006

To approve, on an emergency basis, modifications to a contract for dental insurance benefits services under contract number DCBE-2003-D-0072 with CIGNA/ Connecticut General Life Insurance Company, and to authorize payment for the services received and to be received under that contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. DCBE-2003-D-0072 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), Modification Nos. 9 and 10 under Contract No. DCBE-2003-D-0072 for dental insurance benefits services to District employees are approved and payment in the aggregate amount of \$1,474,024.02 is authorized for services received and to be received under that contract.

Sec. 3. Fiscal impact statement.

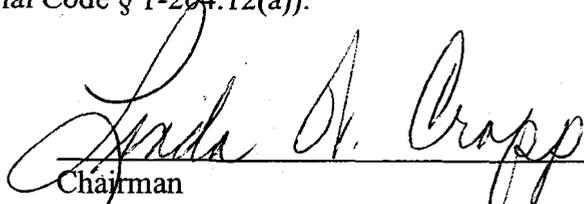
The Council adopts the fiscal impact statement provided by the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

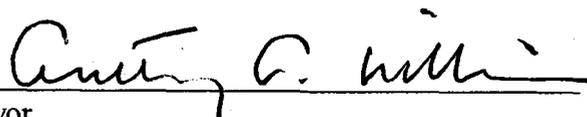
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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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
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To amend, on an emergency basis, the District of Columbia Traffic Act, 1925 to define a personal mobility device and to clarify that a personal mobility device is not a motor vehicle; and to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Personal Mobility Device Emergency Amendment Act of 2006".

TITLE I. PERSONAL MOBILITY DEVICE.

Sec. 101. 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:

(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, personal mobility devices, as defined by subsection (m) of this section, or a battery-operated wheelchair when operated by a person with a disability."

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

"(m) The term "Personal Mobility Device" or "PMD" means a motorized propulsion device designed to transport one person or a self-balancing, two non-tandem wheeled device, designed to transport only one person with an electric propulsion system, but excluding a battery-operated wheelchair."

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

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

"(a) The Mayor shall promulgate regulations governing the PMD, including:

- (1) Exempting the personal mobility device from the regulations governing motor vehicles;
- (2) Establishing a registration process, such as, for example, requiring that each PMD bear a serial number, valid registration tag, or valid registration plate;
- (3) Establishing a fine schedule for violations of the PMD regulations; and
- (4) Providing an adjudication process for violations of PMD law and regulations.

Note,
§ 50-2201.02

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"(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) 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, personal mobility devices, as defined by section 2(m), or a battery-operated wheelchair when operated by a person with a disability."

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

"Sec. 9a. Operation of personal mobility devices.

"A personal mobility device shall not be operated:

"(1) In the District if it has not been validly registered, unless it is validly registered in another jurisdiction, when required by applicable law of that jurisdiction, and bears readily visible evidence of being registered.

"(2) By a person under 16 years of age;

"(3) Above the maximum speed limit of 10 miles per hour;

"(4) Upon a sidewalk within the Central Business District, as defined by section 9901 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 9901);

"(5) By a person carrying any package, bundle, or other article that hinders the person from keeping both hands on the handlebars; or

"(6) On any roadway or sidewalk while the person is wearing a headset, headphone, or earphone, unless the device is used to improve the hearing of a person with a hearing impairment or covers or is inserted in one ear only."

TITLE II. CONFORMING AMENDMENTS

Sec. 201. 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, personal mobility devices, as defined by section 2(m) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12)), or a battery-operated wheelchair when operated by a person with a disability."

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Sec. 202. 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, a personal mobility device, as defined by section 2(m) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12)), or a battery-operated wheelchair when operated by a person with a disability."

Sec. 203. 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, personal assistive mobility devices, as defined by section 2(m) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12)), or a battery-operated wheelchair when operated by a person with a disability."

Sec. 204. 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 lead-in language is amended by striking the phrase "That as used herein—" and inserting the phrase "For the purposes of this act, the term:" in its place.

(b) The undesignated paragraphs are designated paragraphs (1) through (8).

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

"(9) "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, personal mobility devices, as defined by section 2(m) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code §50-2201.02(12)), or a battery-operated wheelchair when operated by a person with a disability."

Sec. 205. 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 that is self-propelled and every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon

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rails. The term "motor vehicle" shall not include personal mobility devices, as defined by section 2(m) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12)), or a battery-operated wheelchair when operated by a person with a disability."

Sec. 206. 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 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, personal mobility devices, as defined by section 2(m) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12)), or a battery-operated wheelchair when operated by a person with a disability."

Sec. 207. 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 10 or more persons, vehicles propelled only upon rails and tracks, personal mobility devices, as defined by section 2(m) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12)), or a battery-operated wheelchair when operated by a person with a disability."

Sec. 208. 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 personal mobility devices, as defined by section 2(m) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12)), or a battery-operated wheelchair when operated by a person with a disability."

Sec. 209. 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 amended as follows:

Note,
§ 50-2301.02

"(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, personal mobility devices, as defined by section 2(m) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12)), or a battery-operated wheelchair when a person with a disability."

Sec. 210. 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(5)), is amended as follows:

Note,
§ 50-2602

(a) The undesignated paragraphs are designated as paragraphs (1) through (4).

(b) A new paragraph (5) is added 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, personal mobility devices, as defined by section 2(m) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code §50-2201.02(12)), or a battery-operated wheelchair when operated by a person with a disability."

Sec. 211. 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) The heading is amended to read as follows:

§ 18-1200. Bicycles, Motorized Bicycles, and Personal Mobility Devices: General Provisions".

(2) Subsection 1200.4 is amended by adding the phrase "or personal mobility device." at the end.

(3) Subsection 1200.6 is amended by striking the phrase "bicycle, sidewalk bicycle, or an electric personal assistive mobility devices." and inserting the phrase "bicycle, sidewalk bicycle, or a personal mobility device." in its place.

(4) 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 personal mobility device that has been locked, placed in a rack, or otherwise secured. Any person found tampering with any bicycle or personal mobility device may be required to pay a fine of \$100."

(5) Add a new subsection 1200.11 to read as follows:

"1200.11 No person shall travel above the maximum speed of 10 miles per hour while operating a personal mobility device. Any person traveling faster than the maximum speed of 10 miles per hour may be required to pay a fine."

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

"1201.2 A person shall operate a bicycle, sidewalk bicycle or personal 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 personal 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 a personal 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 personal 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 a personal 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 personal mobility device operator must yield to pedestrians on the sidewalk or crosswalk.

"1201.12 The operator of a bicycle or personal 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 by striking the phrase "electric personal assistive mobility devices," and inserting the phrase "personal mobility devices," in its place.

(c) Chapter 40 is amended as follows:

(1) Subsection 4005.1 is amended by striking the phrase "electric personal assistive mobility devices," and inserting the phrase "personal mobility devices," in its place.

(2) Subsection 4006.1 is amended by striking the phrase "electric personal assistive mobility devices," and inserting the phrase "personal mobility devices," in its place.

(d) Chapter 99 is amended as follows:

(A) Strike the phrase "Electric Personal Assistive Mobility Device" and insert the phrase "Personal Mobility Device" in its place.

(B) Add a new definition to read as follows:

"Personal Mobility Device" or "'PMD" means a motorized propulsion device, designed to transport one person or a self-balancing, two non-tandem wheeled device, designed to transport only one person with an electric propulsion system, but excluding a battery-operated wheelchair."

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TITLE III. FISCAL IMPACT STATEMENT; APPLICABILITY; EFFECTIVE DATE

Sec. 301. Fiscal impact statement.

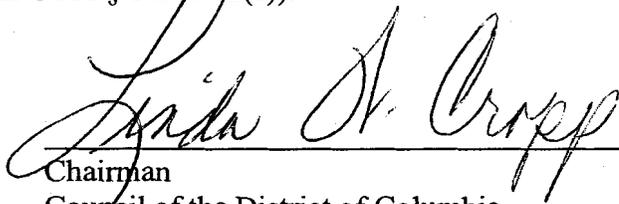
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

Sec. 302. Applicability.

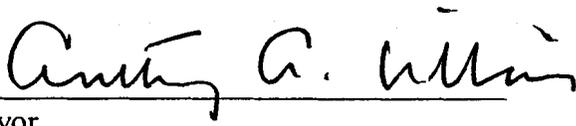
This act shall apply as of November 15, 2006.

Sec. 303. 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)).



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To amend, on an emergency basis, the Department of Mental Health Establishment Amendment Act of 2001 to authorize the Department of Mental Health to enter into a long-term ground lease with Greater Southeast Community Hospital to construct a building, at the District's cost, not to exceed \$3.7 million, to house the Comprehensive Psychiatric Emergency Program on a site located on the campus of Greater Southeast Community Hospital; and the Health Services Planning Program Re-establishment Act of 1996 to exempt the Department of Mental Health's Comprehensive Psychiatric Emergency Program and community-based mental health service providers certified by the Department of Mental Health from the certificate of need requirements of section 8 of the Health Services Planning Program Re-establishment Act of 1996.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Comprehensive Psychiatric Emergency Program Long-Term Ground Lease Emergency Act of 2006".

Sec. 2. The Department of Mental Health Establishment Amendment Act of 2001, effective December 18, 2001 (D.C. Law 14-56; D.C. Official Code § 7-1131.01 *et seq.*), is amended as follows:

(a) Section 102 (D.C. Official Code § 7-1131.02) is amended as follows:

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

"(4A) "Comprehensive psychiatric emergency program" or "CPEP" means a 24-hour program providing acute psychiatric and medical screening for individuals experiencing a psychiatric crisis, crisis intervention services, including the de-escalation of an individual or situation, psychiatric stabilization, hospital pre-screening and mental status evaluation, a determination of appropriate treatment services, and coordination of the follow through of those services and referral linkages as well as observation for up to 72 hours, intensive medication and psychotherapeutic treatment in an effort to provide the most appropriate, least restrictive services, avoiding, when possible, costly hospitalization."

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

"(10A) "Extended observation unit" means a unit operated adjacent to or in conjunction with crisis emergency services, designed to provide, for a period up to 72 hours, a safe environment for an individual who, in the opinion of the examining physicians, requires extensive evaluation, assessment, or stabilization of his or her acute psychiatric symptoms."

(b) Section 104 (D.C. Official Code § 7-1131.04) is amended as follows:

(1) Paragraph (16) is amended by striking the word "and" at the end.

Note,
§ 7-1131.02Note,
§ 7-1131.04

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(2) Paragraph (17) is amended by striking the phrase "this section." and inserting the phrase "this section;" in its place.

(3) New paragraphs (18) and (19) are added to read as follows:

"(18) Arrange for, or if necessary directly operate, a comprehensive psychiatric emergency program for adults, including an extended observation unit for adults in need of mental health services and mental health supports; and

"(19) Enter into a long-term ground lease ("Lease") with Greater Southeast Community Hospital for the purposes of having Greater Southeast Community Hospital construct a building to house CPEP on a site on the campus of Greater Southeast Community Hospital, in accordance with plans and specifications approved by the Department. The building shall be owned by the District and used by the District for purposes of operating CPEP, including the extended observation unit and related psychiatric emergency services. The Lease shall include the following terms and conditions:

"(A) Have a term of not less than 45 years;

"(B) Provide for an annual rent of \$1.00;

"(C) Provide that the District shall pay Greater Southeast Community Hospital for the cost of construction of the building to house CPEP; which cost shall not exceed \$3.7 million;

"(D) Provide that the cost of construction shall be paid by the District in stages related to the progress of construction of the building, as determined by the Director to be in the best interests of the District;

"(E) Provide that the commencement of the Lease be subject to the condition that the mortgagees of the Greater Southeast Community Hospital campus grant a non-disturbance agreement to the District in a form and substance satisfactory to the District; and

"(F) Such other terms and conditions that the Director determines are in the best interests of the District. "

Sec. 3. The Health Services Planning Program Re-establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-191; D.C. Official Code § 44-401 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 44-401) is amended as follows:

(1) New paragraphs (3B) and (3C) are added to read as follows:

"(3B) "Community-based mental health services providers" means organizations licensed or certified by the Department of Mental Health to provide community-based mental health services in accordance with the requirements of sections 113 and 114 of the Department of Mental Health Establishment Amendment Act of 2001, effective December 18, 2001 (D.C. Law 14-56, D.C. Official Code §§ 7-1131.13 and 7-1131.14);

"(3C) "Comprehensive Psychiatric Evaluation Program" or "CPEP" means the observation, evaluation, and emergency treatment services operated by the Department of Mental Health in accordance with the requirements of section 104 (7) of the Department of Mental Health Establishment Amendment Act of 2001, effective December 18, 2001 (D.C. Law 14-56, D.C. Official Code § 7-1131.04(7));".

(2) Paragraph (10) is amended as follows:

(A) Strike the phrase "treatment, or a health" and insert the phrase "treatment, a health" in its place.

(B) Strike the period at the end and insert the phrase "community-based mental health services providers, CPEP, and services directly operated by the Department of

Note,
§ 44-401

ENROLLED ORIGINAL

Mental Health.” in its place.

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

(A) Strike the phrase “inpatient mental health services.”

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

(C) Strike the phrase “group practice.” and insert the phrase “group practice, and community-based mental health services providers, CPEP, and services directly operated by the Department of Mental Health.” in its place.

(b) Section 8 (D.C. Official Code § 44-407) is amended as follows:

(1) Subsection (b) is amended by adding a new paragraph (14) to read as follows:

“(14) Community-based mental health services providers, CPEP, and services directly operated by the Department of Mental Health.”

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

“(d) Community-based mental health services providers, CPEP, and the Department of Mental Health are exempt from certificate of need requirements.”

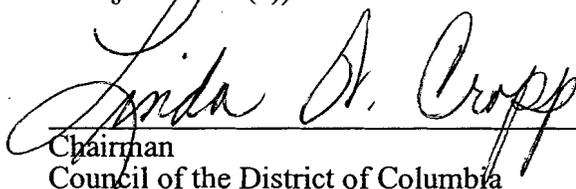
Note,
§ 44-407

Sec. 4. 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. 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
December 4, 2006

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-530

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 4, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Winter
Supp.

West Group
Publisher

To amend, on an emergency basis, due to Congressional review, the Living Wage Act of 2006 to clarify that contracts or other agreements that are subject to higher federal wage level determinations are exempt from the living wage requirements.

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

Sec. 2. Section 105(1) of the Living Wage Act of 2006, effective June 9, 2006 (D.C. Law 16-118; D.C. Official Code § 2-220.05(1)), is amended by striking the phrase "wage level determination" and inserting the phrase "higher wage level determinations" in its place.

Note,
§ 2-220.05

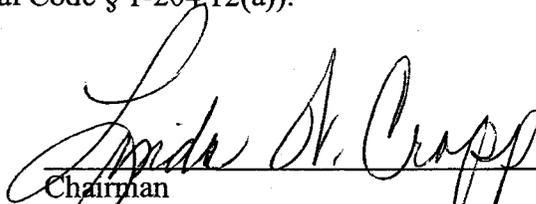
Sec. 3. Applicability.
This act shall apply as of October 10, 2006.

Sec. 4. Fiscal impact statement.
The Council adopts the fiscal impact statement in the committee report for the Living Wage Act of 2006, effective June 9, 2006 (D.C. Law 16-118; D.C. Official Code § 2-220.01 *et seq.*), 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)).

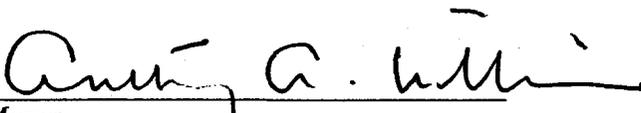
Sec. 5. Effective date.
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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
December 4, 2006

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-531

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 4, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Winter
Supp.

West Group
Publisher

To establish and extend, on an emergency basis, the operations of the Contracting and Procurement Reform Task Force.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
That this act may be cited as the "District of Columbia Contracting and Procurement Reform Task Force Establishment Extension 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 Auditor of the District of Columbia within the past 5 years;
 - (2) Review and analyze the District of Columbia'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.

ENROLLED ORIGINAL

Sec. 3. Established 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. Membership.

The Task Force shall consist of the 7 voting members and 3 nonvoting members appointed by the Mayor and Council and serving as of the date of this act. The Task Force may act by an affirmative vote of at least 5 of its voting members.

Sec. 5. Powers.

All offices, agencies and instrumentalities of the District government shall continue to fully cooperate with the Task Force and provide requested information and documents.

Sec. 6. Report.

No later than January 15, 2007, the Task Force shall issue a report to the Council and the Mayor to improve the contracting and procurement process in the District.

Sec. 7. Fiscal impact statement.

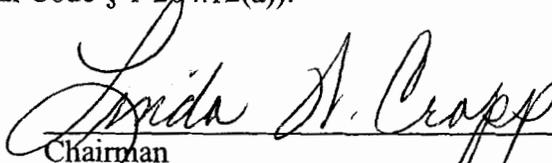
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat.813; D.C. Official Code § 1-206.02(c)(3)).

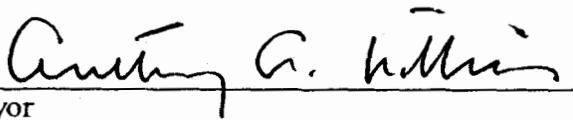
Sec. 8. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), 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
December 4, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-532

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 4, 2006

Codification
District of
Columbia
Official Code

2001 Edition

2006 Winter
Supp.

West Group
Publisher

To amend, on an emergency basis, the Office of Administrative Hearings Establishment Act of 2001 to permit the Rent Administrator, and those persons exercising authority delegated by the Rent Administrator, to retain authority to issue final orders in cases in which they have held evidentiary hearings before October 1, 2006.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Rent Administrator Hearing Authority Emergency Amendment Act of 2006".

Sec. 2. Section 6(b-1) 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(b-1)), is amended by adding a new paragraph (3) to read as follows:

Amend
§ 2-1831.03

"(3) Notwithstanding paragraphs (1) and (2) of this subsection or any other provision of law, the Rent Administrator, or any employee or other person to whom authority has been lawfully delegated by the Rent Administrator, may issue a final order in any case in which an evidentiary hearing was conducted before October 1, 2006, but in which no final order was issued before that date, and may rule upon any post-hearing motion including a motion for reconsideration."

Sec. 3. Fiscal impact statement.

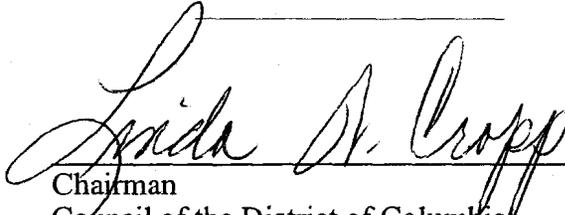
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

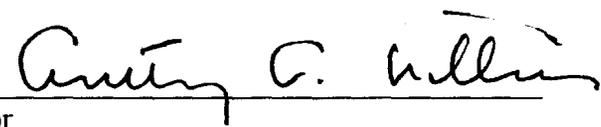
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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
December 4, 2006

**COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE BUDGET DIRECTOR
FISCAL IMPACT STATEMENT**

Bill Number:	Type: Emergency (X) Temporary () Permanent ()	Date Reported: Nov. 14, 2006
--------------	---	------------------------------

Subject/Short Title: the "Rent Administrator Hearing Authority Emergency Amendment Act of 2006"

Part I. Summary of the Fiscal Estimates of the Bill

	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	()	(X)
a) It will affect local expenditures.	()	(X)
b) It will affect federal expenditures.	()	(X)
c) It will affect private/other expenditures.	()	(X)
d) It will affect intra-District expenditures.	()	(X)
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	(X)
a) It will impact local revenue.	()	(X)
b) It will impact federal revenue.	()	(X)
c) It will impact private/other revenue.	()	(X)
d) It will impact intra-District revenue.	()	(X)
3. The bill will have NO or little fiscal impact on spending or revenue. (If "Yes," explain below).	(X)	()

Explanation for NO fiscal impact:

This bill would amend, on an emergency basis, the Office of Administrative Hearings Establishment Act of 2001 to permit the Rent Administrator, and those persons exercising authority delegated by the Rent Administrator, to retain authority to issue final orders in cases in which they have held evidentiary hearings before October 1, 2006. It requires no programmatic change, additional staff, or additional expenditure of District funds.

Part II. Other Impact of the Bill

If you check "Yes" for each question, please explain on separate sheet.

	YES	NO
1. It will affect an agency and/or agencies in the District.	()	(X)
2. Will there be performance measures/output for this bill?	()	(X)
3. Will it have results/outcome, i.e., what would happen if this bill is enacted or not enacted?	()	(X)
4. Will the Budget and Financial Plan be affected by this bill?	()	(X)
5. The bill will have NO performance or outcome impact.	(X)	()

Sources of information:	Councilmember: Jim Graham
	Staff Person & Tel: Joel Cohn, 202-724-7807
	Reviewed by Budget Director:
	Budget Office Tel: 202-724-8139

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-533

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 4, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Winter
Supp.

West Group
Publisher

To repeal, on an emergency basis, Subtitle M of Title II of the Fiscal Year 2007 Budget Support Emergency Act of 2006 and Subtitle M of Title II of the Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2006 to allow consideration of the potential unintended consequences arising from the enactment changes to the condominium and cooperative conversion fee.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Vacancy Conversion Fee Exemption Reinstatement Emergency Act of 2006".

Sec. 2. Subtitle M of Title II of the Fiscal Year 2007 Budget Support Emergency Act of 2006, effective August 8, 2006 (D.C. Act 16-477; 53 DCR 7068), is repealed as of August 8, 2006.

Note,
§ 42-3402.04,
§ 42-3402.10

Sec. 3. Subtitle M of Title II of the Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2006, effective October 3, 2006 (D.C. Act 16-499; 53 DCR 8818), is repealed as of October 3, 2006.

Note,
§ 42-3402.04,
§ 42-3402.10

Sec. 4. Fiscal impact statement.

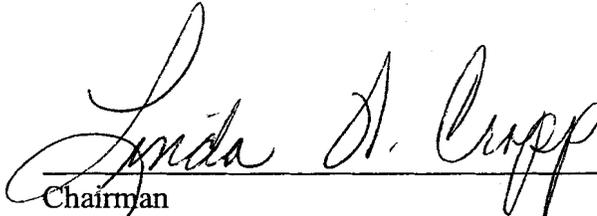
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

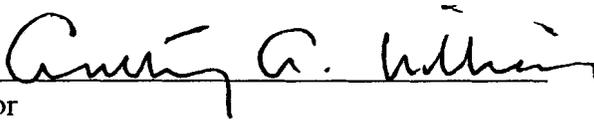
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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
December 4, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-534

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 4, 2006

To promote, on an emergency basis, the orderly transfer of executive duties and responsibilities upon the expiration of the term of office of a Mayor and the assumption of duties and responsibilities of a new Mayor, to promote the orderly transfer of the legislative duties and responsibilities upon the expiration of the term of office of the Council Chairman, and to provide \$2 million for the Council of the District of Columbia to cover additional personnel costs and fund additional central services during fiscal year 2007.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Mayor and Chairman of the Council Transition Revised Emergency Amendment Act of 2006".

Sec. 2. Purpose.

This act authorizes the Mayor to take appropriate action to assure continuity in the execution of the laws and in the conduct of the legislative and executive affairs of the District of Columbia government. The purposes of this act are to provide for the orderly transfer of the:

- (1) Executive duties and responsibilities of the Executive Office of the Mayor with the expiration of the term of office of a Mayor and the assumption of those duties and responsibilities by a new Mayor; and
- (2) Legislative duties and responsibilities of the Chairman of the Council with the expiration of the term of office of a Chairman and the assumption of those duties and responsibilities by a new Chairman.

Sec. 3. (a) The Mayor, in the discharge of his or her duties pursuant to section 422 of the District of Columbia Home Rule Act, approved December 23, 1973 (87 Stat. 790; D.C. Official Code § 1-204.22), may make available to the Mayor-elect and the Chairman-elect the following:

- (1) Office space, furniture, furnishings, office machines, and supplies, at whatever place or places within the District as the Mayor shall designate, at no cost to the Mayor-elect, the Chairman-elect, and the transition staff of each;
- (2) Compensation for the Mayor-elect's and Chairman-elect's transition staffs at a rate that does not exceed the rate prescribed pursuant to the District of Columbia Government Comprehensive Merit Personnel Act of 1973, effective March 3, 1979 (D.C. Law 2-139; D.C.

ENROLLED ORIGINAL

Official Code § 1-601.1 *et seq.*) (“Merit Personnel Act”); provided, that any person who receives compensation as a member of transition staff under this paragraph does not hold a position in, or be considered to be an employee of, the District government.

(3) Expenses for the procurement by the Mayor-elect and Chairman-elect of services of any expert or consultant, or organization thereof;

(4) Travel expenses or subsistence allowances, as authorized by the Mayor-elect or Chairman-elect, including rental of a governmental or hired motor vehicle at a rate not to exceed the rate authorized pursuant to the Merit Personnel Act;

(5) Expenses incurred by the Mayor-elect and Chairman-elect for printing, binding, and duplicating;

(6) Postage or mailing expenses incurred by the Mayor-elect and Chairman-elect consistent with the Official Correspondence Regulations, effective April 7, 1977 (D.C. Law 1-118; D.C. Official Code § 2-701 *et seq.*); and

(7) Expenses for communications equipment or service.

(b)(1) No funds authorized by this act shall be expended in connection with any obligation incurred other than by the Mayor-elect or Chairman-elect.

(2) Obligations may be incurred by the Mayor-elect or the Chairman-elect through the seventh day following the date of the inauguration of the Mayor-elect and Chairman-elect.

Sec. 4. The Mayor-elect and Chairman-elect shall each file a report to be prepared with appropriate supporting documentation accounting for the expenditure of funds pursuant to this act. These reports shall be submitted to the Mayor, Council, and Chief Financial Officer no later than March 31, 2007.

Sec. 5. Upon certification by the Chief Financial Officer that appropriated funds are available and that the reprogramming of those funds has been approved by the Council, there is hereby authorized the following amounts to be made available for transition costs:

(1) Up to \$250,000 for the transition of the Mayor-elect; and

(2) Up to \$150,000 for the transition of the Chairman-elect.

Sec. 6. (a) For the purposes of this act, the term:

(1) “Chairman-elect” means the person who is certified as the successful candidate for the office of Chairman of the Council by the District of Columbia Board of Elections and Ethics (“Board of Elections and Ethics”) following the general election held to determine the Chairman, or for the period of time between the general election and certification, the person announced and published by the Board of Elections and Ethics as the unofficial winner of the general election for Chairman with a margin of victory of at least 3% of the votes cast as reflected in the D.C. General Election 2006, November 7, 2006, Summary Report, Unofficial Results posted on the Board of Elections and Ethics website at www.dcboee.org.

(2) “Mayor-elect” means the person who is certified as the successful

ENROLLED ORIGINAL

candidate for the office of Mayor by the Board of Elections and Ethics following the general election held to determine the Mayor, or for the period of time between the general election and certification, the person announced and published by the Board of Elections and Ethics as the unofficial winner of the general election for Mayor with a margin of victory of at least 3% of the votes cast as reflected in the D.C. General Election 2006, November 7, 2006, Summary Report, Unofficial Results posted on the Board of Elections and Ethics website at www.dcboee.org.

Sec. 7. Pursuant to section 202(j)(2) and (3)(B) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (Pub. L. No. 104-8; D.C. Official Code § 47-392.02(j)(2) and (3)(B)), an amount not to exceed \$2 million may be expended from the District of Columbia 2007 Operating Cash Reserve as follows:

- (1) An amount not to exceed \$1 million shall be for the Council of the District of Columbia for Council personnel and compensation costs; and
- (2) An amount not to exceed \$1 million shall be for the Council of the District of Columbia for the administration of central services.

Sec. 8. 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. 9. Applicability.

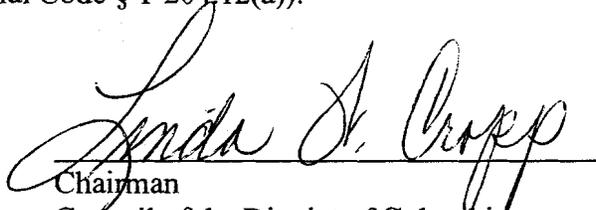
This act shall apply as of November 8, 2006.

Sec. 10. Effective date.

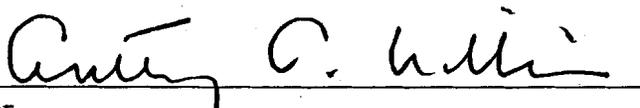
This act shall take effect upon its approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto) and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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
December 4, 2006

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-535

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 4, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Winter
Supp.

West Group
Publisher

To amend, on an emergency basis, the District of Columbia Comprehensive Plan Act of 1984 Land Use Element Amendment Act of 1984 to exempt from zoning the government's use of parking garages on the Ballpark Site.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Ballpark Parking Completion Emergency Amendment Act of 2006".

Sec. 2. Section 7(a) of the District of Columbia Comprehensive Plan Act of 1984 Land Use Element Amendment Act of 1984, effective May 23, 1990 (D.C. Law 8-129; D.C. Official Code § 1-301.68(a)), is amended as follows:

Note,
§ 1-301.68

(1) Paragraph (1) is amended by striking the phrase "and (4)" and inserting the phrase "(4), and (5)" in its place.

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

"(5) The government's use of the parking structures that will provide approximately 1,225 parking spaces on areas commonly known as "parcel A" (adjacent to South Capitol Street and N Street, S.E.), "parcel B" (adjacent to N Street and First Street, S.E.), and "parcel C" (adjacent to Potomac Avenue and South Capitol Street, S.E.) within the Ballpark Site, as defined under 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)), or Ballpark as defined under § 47-2002.05(a)(1)(A), shall not be subject to zoning."

Sec. 3. Sunset.

This act shall expire on the earlier of the completion of the construction in 2006 through 2008 of the parking structures on the Ballpark Site or December 31, 2008.

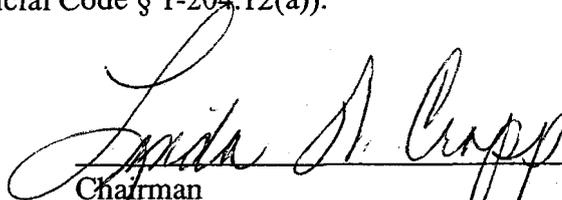
Sec. 4. Fiscal impact statement.

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)).

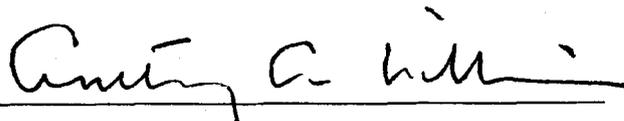
ENROLLED ORIGINAL

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
Approved
December 4, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-536

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 4, 2006

Codification
District of
Columbia
Official Code

2001 Edition

2007 Winter
Supp.

West Group
Publisher

To amend Title 47 of the District of Columbia Official Code to provide a credit for a taxpayer that allows an employee up to 30 days paid leave to serve as an organ donor and up to 7 days paid leave to serve as a bone marrow donor without loss or reduction in any medical, personal, credit for time of service, or other paid leave provided.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Organ and Bone Marrow Donor Act of 2006".

Sec. 2. Chapter 18 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents for Chapter 18 is amended as follows:

(1) Add the phrase "47-1807.08. Tax credit for corporations that provide an employee paid leave to serve as an organ or bone marrow donor." after the phrase "47-1807.07. Employer-assisted home purchase tax credit."

(2) Add the phrase "47-1808.08. Tax credit for unincorporated businesses that provide an employee paid leave to serve as an organ or bone marrow donor." after the phrase "47-1808.07. Tax credit."

(b) A new section 47-1807.08 is added to read as follows:

"§ 47-1807.08. Tax credit for corporations that provide an employee paid leave to serve as an organ or bone marrow donor.

"(a) For the purposes of this section, the term "donor" means an individual who makes a gift of an organ, including eyes, or bone marrow.

"(b)(1) If in addition to any medical, personal, or other paid leave, including credit for time of service, provided by a corporation, the corporation provides an employee a paid leave of absence to serve as an organ or bone marrow donor, the corporation may claim a nonrefundable credit equal to 25% of the regular salary paid during the taxable year for the leave of absence, not to exceed 30 days for an organ donation and 7 days for a bone marrow donation.

"(2) If the corporation elects to claim the credit, an amount equal to the salary or wages upon which the 25% credit is computed shall not be allowed as a deduction.

New
§ 47-1807.08

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“(3) The credit shall not reduce the minimum tax liability of \$100 under 47-1807.02(b).

“(c) This section shall not apply if the employee is eligible for leave under the Family and Medical Leave Act of 1993, approved February 5, 1993 (107 Stat. 6; 29 U.S.C. § 2601 *et seq.*).

“(d) The Chief Financial Officer or his delegate shall promulgate regulations as may be necessary and appropriate to carry out provisions of this section.”.

(c) A new section 47-1808.08 is added to read as follows:

“§ 47-1808.08. Tax credit for unincorporated businesses that provide an employee paid leave to serve as an organ or bone marrow donor.

“(a) For the purposes of this section, the term “donor” means an individual who makes a gift of an organ, including eyes, or bone marrow.

“(b)(1) If in addition to any medical, personal, or other paid leave, including credit for time of service, provided by an unincorporated business, the unincorporated business provides an employee a paid leave of absence to serve as an organ or bone marrow donor, the unincorporated business may claim a credit equal to 25% of the regular salary or wages to the employee paid during the taxable year for that leave of absence, not to exceed 30 days for an organ donation and 7 days for a bone marrow donation.

“(2) If the unincorporated business elects to claim the credit, an amount equal to the salary or wages upon which the 25% credit is computed shall not be allowed as a deduction.

“(3) The credit shall not reduce the minimum tax liability of \$100 under 47-1808.03(b).

“(c) This section shall not apply if the employee is eligible for leave under the Family and Medical Leave Act of 1993, approved February 5, 1993 (107 Stat. 6; 29 U.S.C. § 2601 *et seq.*).

“(d) The Chief Financial Officer or his delegate shall promulgate regulations as may be necessary and appropriate to carry out provisions of this section.”.

Sec. 3. Applicability.

(a) The Chief Financial Officer shall include the fiscal effect of the legislation in its next revised quarterly revenue estimate.

(b) Section 2 shall not take effect unless the fiscal effect of the legislation is funded in a revised quarterly revenue estimate of the Chief Financial Officer in an amount sufficient to account for its fiscal effect.

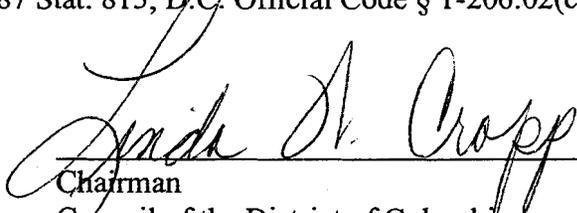
Sec. 4. Fiscal impact statement.

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)).

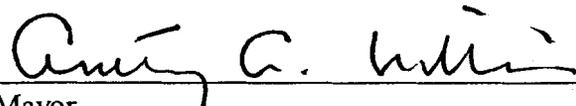
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Sec. 5. Effective date.

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), a 30-day period of Congressional review as provided in 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)(1)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
Approved
December 4, 2006

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AN ACT
D.C. ACT 16-537

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 4, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Winter
Supp.

West Group
Publisher

To authorize the issuance of general obligation bonds and general obligation bond anticipation notes of the District of Columbia for the purposes of financing certain capital projects and the refunding of certain capital indebtedness of the District of Columbia during fiscal years 2007 through 2012.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 2007-2012 Authorization Act of 2006".

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) "Additional Bonds" means District general obligation bonds that may be issued pursuant to section 461 of the Home Rule Act and any act enacted subsequent to this act on a parity with the bonds.
- (2) "Additional Notes" means District general obligation bond anticipation notes that may be issued pursuant to section 475 of the Home Rule Act and any act enacted subsequent to this act.
- (3) "Authorized delegate" means any officer or employee of the executive office of the Mayor to whom the Mayor has delegated any of the Mayor's functions under this act pursuant to section 422(6) of the Home Rule Act, including, but not limited to, the Chief Financial Officer, the City Administrator, and the Treasurer of the District of Columbia.
- (4) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel or co-bond counsel from time to time by the Mayor.
- (5) "Bonds" means District general obligation bonds authorized to be issued pursuant to this act.
- (6) "Capital projects" means the District capital projects as defined in section 103(8) of the Home Rule Act.
- (7) "Deposit and Investment Act" means the Financial Institution Deposit and Investment Amendment Act of 1997, effective March 19, 1998 (D.C. Law 12-56; D.C. Official

Note,
§ 1-204.61

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Code § 47-351.01 *et seq.*).

(8) "Escrow Agreement" means any agreement heretofore or hereafter entered into by the Mayor to provide for the custody, investment, and disbursement of revenues and funds pledged to, and in which a security interest is created for, the payment of the principal of, and interest on, the bonds or notes.

(9) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(10) "Notes" means District general obligation bond anticipation notes authorized to be issued pursuant to this act, including any renewals of such notes.

(11) "Outstanding Debt" means the outstanding indebtedness at any time of the District for capital project loans from the Treasury of the United States, any outstanding general obligation bonds issued pursuant to this or any prior act, and any outstanding general obligation bond anticipation notes issued pursuant to this or any prior act.

(12) "Paying Agent" means the District or any bank, trust company, or national banking association designated to serve in this capacity by the Mayor pursuant to section 6.

(13) "Procurement Act" means 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.*).

(14) "Registrar" means the District or any bank, trust company, or national banking association designated to serve in this capacity by the Mayor pursuant to section 6.

(15) "Secretary" means the Secretary of the District of Columbia.

(16) "Special Tax Fund" means the debt service fund established by the Mayor pursuant to section 9.

(17) "Treasury Advances" means amounts advanced to the District from the United States Treasury pursuant to Chapter 34 of Title 47 of the District of Columbia Official Code.

Sec. 3. Findings.

The Council finds that:

(1) Section 461 of the Home Rule Act authorizes the District to incur indebtedness by issuing general obligation bonds to refund Outstanding Debt of the District and to provide for the payment of the cost of acquiring or undertaking its various capital projects.

(2) Section 475 of the Home Rule Act authorizes the District to incur indebtedness by issuing general obligation bond anticipation notes, the proceeds of which shall be used for the purposes for which general obligation bonds may be issued under section 461 of the Home Rule Act.

(3) The cost of Outstanding Debt may be reduced by refunding a portion of it through the issuance of the bonds and the District's cost of borrowing may be reduced by the issuance from time to time of notes in anticipation of the issuance of bonds.

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(4) The issuance of the bonds and the notes in anticipation of the bonds is an economical method of financing the costs of acquiring or undertaking the capital projects described in section 5 and of refunding all or a portion of certain Outstanding Debt as is in the public interest.

(5) To fund the capital needs of the District for fiscal years 2007 through 2012, it will be necessary to issue bonds from time to time in one or more series in an aggregate principal amount not to exceed \$3,217,000,000 and to issue notes from time to time in one or more series in anticipation of all or a portion of the bonds.

Sec. 4. Bond and note authorization.

(a) The District is authorized to incur indebtedness by issuing the bonds pursuant to sections 461 through 467 of the Home Rule Act to provide for any of the following:

(1) The payment of the cost of acquiring, undertaking, or refinancing capital projects described in section 5 for general governmental and enterprise purposes;

(2) The reimbursing of amounts temporarily advanced for the purposes authorized by this act from the General Fund of the District of Columbia, any enterprise fund, or other fund or account of the District;

(3) The refunding of Outstanding Debt, including, but not limited to, any Treasury Advances and any notes issued pursuant to section 475 of the Home Rule Act; and

(4) The payment of the costs and expenses of issuing and delivering the bonds, including underwriting, agency rating fees, legal fees, accounting fees, financial advisory fees, bond insurance and other credit enhancements, liquidity enhancements, printing costs and expenses, capitalized interest, establishment of debt service or other reserve funds related to the bonds, the payment of costs of contracts described in sections 7(f) and 8(f), and the payment of other debt program related costs as provided in the agreements related thereto.

(b) The Mayor is authorized to pay from the proceeds of the bonds and, to the extent necessary to establish or continue the tax-exempt status of any of the bonds issued on a tax-exempt basis, from other District funds, the costs and expenses referred to in subsection (a)(4) of this section.

(c) The District is authorized pursuant to section 475 of the Home Rule Act to issue the notes in anticipation of the issuance of general obligation bonds and to expend the proceeds of the notes for any of the purposes for which bonds may be issued.

Sec. 5. Capital projects.

(a)(1) Bonds and notes may be issued from time to time to provide for the payment of the cost of acquiring, undertaking, or refinancing capital projects of the District and reimbursement of amounts advanced for such purposes, including, but not limited to, capital projects for the following categories of facilities and equipment by project and project description:

- (A) Physical plant;
- (B) Technology;
- (C) Mass transportation;
- (D) Roads and bridges;
- (E) Housing and economic development;
- (F) Environmental protection;
- (G) Major equipment; and
- (H) Recreation.

(2) The Council shall specify and determine from time to time, by resolution, the capital projects for which the issuance of bonds shall be authorized.

(b) The maximum principal amount of indebtedness that may be incurred through the issuance of bonds or notes for each category of capital projects, exclusive of the costs and expenses of issuing and delivering the bonds or notes and any other costs referred to in section 4(a)(4) which may be funded with proceeds of the bonds or notes, shall not exceed \$3,217,000,000; provided, that the principal amount of any notes or bonds issued to refund prior notes or bonds issued for any capital project or category of projects shall not be included in the determination of the principal amount of indebtedness issued for such project or category of projects.

(c) The maximum total principal amount to be financed through the bonds and notes provided for the capital projects listed in subsection (a)(1) of this section shall include amounts requested by the District government and approved by Congress in the District's Fiscal Year 2007-2012 Capital Improvements Plan, as it may be modified from time to time by appropriations legislation.

(d) The costs of the capital projects approved for financing pursuant to this act and prior bond acts that have become law, which are paid originally from the General Fund of the District of Columbia or General Capital Improvements Fund of the District of Columbia, are reasonably expected to be reimbursed in whole or in part with the proceeds of the bonds or notes in the maximum amount set forth in subsection (b) of this section. The adoption of this act by the Council declares the intent of the District under Treas. Reg. § 1.150-2, issued under the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2085; 26 U.S.C. § 1 *et seq.*), to reimburse the General Fund of the District of Columbia and General Capital Improvement Fund of the District of Columbia or to refinance Treasury Advances for capital projects, in either case, with the proceeds of the bonds and notes.

(e) Funds pursuant to this act shall not be used to pay for personnel of the District, except in positions working on authorized capital projects that create assets or extend the useful life of the assets.

Sec. 6. Bond and note details.

(a) The Mayor is authorized to take any action necessary or appropriate in accordance with this act in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the bonds and notes, including, but not limited to, determinations of:

(1) Whether the bonds or notes are to be issued in one or more series and the principal amount of each series;

(2) For each series of the bonds or notes, the date of issuance, sale, and delivery of the bonds or notes, the maturity date or dates of the bonds (provided that the maximum maturity of any bond shall not exceed 30 years from the date of issuance) or notes (provided that the maximum maturity date of any note, including any renewal note issued to refund such note, shall not be later than the last day of the 3rd fiscal year following the fiscal year during which such note was originally issued), the dates for payment of principal and interest on the bonds or notes, and the amount of each installment or sinking fund payment of principal (provided that the principal installments on each series of the bonds shall begin no later than 3 years from the date of issuance of the series);

(3) The rate or rates of interest or the method for determining the rate or rates of interest on each series of the bonds and notes; provided, that the interest rate or rates borne by the bonds of any series shall not exceed 15% per year calculated on a 360-day year, 30-day month basis in any event, and the interest rate or rates borne by the notes of any series shall not exceed in the aggregate 10% per year calculated on the basis of a 365-day year (actual days elapsed); provided further, that if the notes are not paid at maturity, the notes may provide for an interest rate or rates after maturity not to exceed in the aggregate 15% per year calculated on the basis of a 365-day year (actual days elapsed);

(4) For each series of the bonds or notes, the maximum debt service payable in any fiscal year; provided, that the amount so determined for any series shall not exceed the amount permitted under section 11(a)(3);

(5) The designation of any series of the bonds or notes and their denominations, lettering, and numbering or the manner of determining the designations and denominations, lettering, and numbering;

(6) The price and terms under which any series of the bonds or notes may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their stated maturities;

(7) The final form content, and terms of each series of the bonds and notes, including a determination that any series of the bonds or notes may be issued in book-entry form;

(8) The designation of a registrar, if other than the District, for any series of the bonds or notes and the execution and delivery of any necessary agreements relating to the appointment;

(9) The designation of a Paying Agent for any series of the bonds or notes and the execution and delivery of any necessary agreements relating to the appointment;

(10) Provisions for the registration, transfer, and exchange of the bonds or notes and the replacement of mutilated, lost, stolen, or destroyed bonds or notes; and

(11) Provisions for the security of holders of the bonds or notes, including, but not limited to, bond insurance or other credit enhancement.

(b) The bonds and notes shall be executed in the name of the District and on its behalf by the manual signature of the Mayor or an authorized delegate. To the extent required by the Home Rule Act, the official seal of the District or a facsimile of it shall be impressed, printed, or otherwise reproduced on the bonds and notes.

(c) The registrar shall manually authenticate each bond or note and maintain the books of registration for the payment of the principal of, and interest on, the bonds or notes and perform other ministerial responsibilities as specifically provided in its appointment as registrar, and the securities depository, if the bonds or notes are issued in book-entry form, shall maintain or cause to be maintained books of registration of owners of beneficial interests in the bonds or notes.

Sec. 7. Sale of the bonds and notes.

(a) The bonds of any series may be sold by the Mayor by competitive bid or by negotiated sale. Competitive bid is the preferred method of sale for the bonds. If the Mayor determines, in writing, that competitive bidding is not feasible or in the best interests of the District, the bonds shall be sold by negotiated sale and the Mayor shall transmit a copy of the written determination to the Secretary to the Council within 3 days of the date of the written determination. The notes of any series may be sold by the Mayor by competitive bid or negotiated sale as may be determined by the Mayor to be in the best interests of the District.

(b) The Mayor may prepare, or cause to be prepared, and may execute, for each sale of the bonds or notes, offering documents on behalf of the District and may authorize the distribution of the offering documents for the bonds or notes.

(c) The Mayor shall take actions and execute and deliver agreements, documents, and instruments (including any amendment of or supplement to any such agreement, document, or instrument) as required by or incidental to:

(1) The issuance of the bonds or notes;

(2) If and to the extent the bonds or notes are issued on a tax-exempt basis, the exclusion from gross income for federal income tax purposes of interest on the bonds or notes, the treatment of interest on the bonds or notes as not an item of tax preference for purposes of the federal alternative minimum tax, and the exemption from District taxation of interest on the bonds or notes;

(3) The performance of any covenants contained in this act or any purchase contract for the bonds or notes; and

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(4) The execution, delivery, and performance of any Escrow Agreement, trust agreement, bond or note purchase agreement, or paying agent agreement.

(d) The bonds or notes shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the bonds or notes and, if and to the extent the bonds or notes are issued on a tax-exempt basis, the treatment of the interest on the bonds or notes for purposes of federal and District income taxation.

(e) The Mayor shall execute a bond issuance certificate or note issuance certificate, as the case may be, evidencing the determinations made and other actions taken by the Mayor for each series of the bonds or notes issued and shall designate in such certificate the amount of the bonds or notes to be used to finance capital projects or to refund or refinance Outstanding Debt or Treasury Advances, the amount of principal and interest on that amount of bonds or notes to be paid through sinking fund payments, redemptions, or otherwise, in each fiscal year, the date of the bonds or notes, the series designation, the authorized denominations, the Paying Agent or Agents, and any other matters pertaining to the bonds or notes, including any matters applicable under section 6(a). A copy of the bond issuance certificate or note issuance certificate, as the case may be, shall be filed with the Secretary to the Council not more than 3 days after the delivery of the bonds or notes covered by the certificate. Any bond issuance certificate or note issuance certificate shall be conclusive evidence of the actions or determinations taken or made as stated in the certificate.

(f) The Procurement Act and the Deposit and Investment Act shall not apply to whatever contract the Mayor may from time to time enter into for purposes of this act or the Mayor may determine to be necessary or appropriate for purposes of this act to place, in whole or in part:

(1) An investment or obligation of the District as represented by the bonds or notes;

(2) A contract or contracts based on the interest rate, currency, cash flow, or other basis, including, without limitation, interest rate swap agreements; currency swap agreements; insurance agreements; forward payment conversion agreements; futures contracts providing for payments based on levels of, or changes in, interest rates, currency exchange rates, or stock or other indices; contracts to exchange cash flows or a series of payments; and contracts to hedge payment, currency, rate, spread, or similar exposure, including, without limitation, interest rate floors, or caps, options, puts, and calls. The contracts or other arrangements may also be entered into by the District in connection with, or incidental to, entering into or maintaining any agreement that secures the bonds or notes. The contracts or other arrangements shall contain whatever payment security, terms, and conditions as the Mayor may consider appropriate and shall be entered into with whatever party or parties the Mayor may select, after giving due consideration, where applicable, to the creditworthiness of the counterparty or counterparties, including any rating by a nationally recognized rating agency or any other

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criteria as may be appropriate. In connection with, or incidental to, the issuance or holding of the bonds or notes, or entering into any contract or other arrangement referred to in this section, the District may enter into credit enhancement or liquidity agreements, with payment, interest rate, termination date, currency, security, default, remedy, or any other terms and conditions as the Mayor determines. Proceeds of the bonds or notes and any money set aside and pledged to secure payment of the bonds or notes or any contract or other arrangement entered into pursuant to this section may be pledged to and used to service any contract or other arrangement entered into pursuant to this section.

Sec. 8. Payment and security.

(a) The full faith and credit of the District is pledged for the payment of the principal of, and interest on, the bonds and notes as they become due and payable through required sinking fund payments, redemptions, or otherwise.

(b) The Council shall, in the full exercise of the authority granted in section 483 of the Home Rule Act and under any other law, provide in each annual budget for a fiscal year of the District sufficient funds to pay the principal of, and interest on, the bonds and notes becoming due and payable for any reason during that fiscal year.

(c) The Mayor shall, in the full exercise of the authority granted to the Mayor under the Home Rule Act and under any other law, take such actions as may be necessary or appropriate to ensure that the principal of, and interest on, the bonds and notes are paid when due for any reason, including the payment of principal and interest from any funds or accounts of the District not otherwise legally committed.

(d) The bonds and notes shall evidence continuing obligations of the District until paid in accordance with their terms.

(e) Any Paying Agent shall pay the principal of, and interest on, the bonds and notes and may perform other ministerial responsibilities as specifically provided in its appointment as paying agent.

(f) Notwithstanding any contrary provision set forth in, and without regard to the requirements of, the Procurement Act and the Deposit and Investment Act, the Mayor may from time to time enter into whatever contracts or agreements the Mayor may determine to be necessary or appropriate for the preparation, execution, issuance, sale, or delivery of, or security for, the bonds and notes, including contracts or agreements for an escrow agent, underwriting, legal services, accounting, financial advisory services, bond insurance or other credit enhancement, printing, a registrar, a paying agent, letter or line of credit, or placement of an investment or obligation or program of investment. Any such contracts or agreements shall contain whatever terms and conditions as the Mayor may consider appropriate and shall be entered into with whatever party or parties the Mayor may select. Proceeds of the bonds or notes may be pledged to and used to service any contract or agreement entered into pursuant to this section.

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Sec. 9. Special tax; establishment of rates; collection.

(a) The Council determines that a special tax is necessary in conjunction with the authorization and issuance of the bonds and any Additional Bonds. Pursuant to section 481 of the Home Rule Act and notwithstanding the provisions of Chapter 5 of Title 47 of the District of Columbia Official Code, there is levied, for each real property tax year in which bonds or Additional Bonds are outstanding, a special tax on the real property in the District subject to taxation, in amounts that will be sufficient to pay the principal of, and interest on, the bonds and Additional Bonds coming due in each year. This special tax is levied, without limitation as to rate or amount, on all classes of real property subject to taxation in the District. The special tax shall be collected and apportioned among classes of real property in the same manner as other District real property taxes and, when collected, shall be set aside in a Special Tax Fund maintained separate from other funds of the District. The collection and custody of the special tax payment may be pursuant to an agreement with an agent for such purposes and the Special Tax Fund may be maintained under an Escrow Agreement. When deposited, the funds in the fund and all investment income or earnings on these funds shall be irrevocably dedicated and pledged to the payment of principal, and interest on, the bonds and any Additional Bonds. Any Escrow Agreement entered into by the Mayor providing for holding funds for the benefit of the holders of the bonds shall be maintained so long as any of the bonds is outstanding under this act.

(b) The District irrevocably pledges for and on behalf of the owners of the bonds as further security for the due and punctual payment of the principal and redemption price, if any, of, and interest on, the bonds as they shall become due and payable for any reason, all of its right, title, and interest now owned or later acquired in and to the revenue from the special tax levied by this section, whether to be received, or held at the time, by a collection agent, custodian, or escrow agent for the District, or by District officials. This pledge creates and grants a security interest as contemplated in section 467 of the Home Rule Act, subject to the terms, conditions, and limitations in this act, including the provisions of subsections (e) and (i) of this section and the provisions setting forth conditions and limitations applicable to the issuance of Additional Bonds secured, equally and ratably with the bonds, by a pledge of and security interest in the special tax revenue.

(c) The security interest in special tax revenue created by this section shall be valid, binding, and perfected from the time of the delivery of the first bonds with or without the physical delivery of any special tax revenue and with or without any further action. The security interest shall be valid, binding, and perfected whether or not any statement, document, or instrument relating to the security interest is recorded or filed. The pledge and lien created by the security interest shall be valid, binding, and perfected with respect to any individual or legal entity having claims against the District, whether or not the individual or legal entity has notice of the pledge and lien.

(d) If the District pays or, pursuant to section 15, makes provisions to pay to the owners

of all bonds and Additional Bonds the principal or redemption price, if any, and the interest due or to become due, at the time and in the manner stipulated, the security interest in the special tax revenue created under this section shall be terminated.

(e)(1) In any real property tax year, if the amount expected to be on deposit in the Special Tax Fund on the first day of the next succeeding real property tax year exceeds the greater of the earnings on the Special Tax Fund for the current real property tax year or 1/12 of the amount that the Mayor certifies as required to pay the principal of, and interest on, the bonds and any Additional Bonds coming due in the next succeeding real property tax year, the Mayor shall either cause the transfer of that excess amount to the General Fund of the District of Columbia or the use of that excess amount to purchase, for cancellation, Outstanding Debt. That excess amount shall be released from the lien on and security interest in the special tax revenue created under this section.

(2) On or before the date upon which the Mayor is required by law to submit to the Council proposed real property tax rates for a real property tax year of the District (but not later than the first day of that real property tax year), the Mayor shall certify to the Council the amount required in that real property tax year to pay the principal of, and interest on, the bonds and any Additional Bonds coming due for any reason during that real property tax year. The amount certified, less any funds then on deposit in the Special Tax Fund after application of paragraph (1) of this subsection, shall be called the special tax requirement.

(f) On or before the date upon which the Mayor is required by law to submit to the Council proposed tax rates for a real property tax year of the District (but not later than the first day of that real property tax year), the Mayor shall calculate and submit to the Council proposed real property special tax rates to be applied during the real property tax year to all real property subject to taxation in the District. The real property special tax rates shall be calculated to yield the special tax requirement, as that amount is certified by the Mayor pursuant to subsection (e) of this section.

(g) The Council, in the same manner as provided for the establishment of other real property tax rates, shall, by act, establish real property special tax rates for the real property tax year calculated to yield the special tax requirement, as that amount is certified by the Mayor pursuant to subsection (e) of this section. If the Council fails to enact special real property tax rates for the real property tax year within the time provided by law, the real property special tax rates submitted by the Mayor pursuant to subsection (f) of this section shall be the real property special tax rates to be applied during that real property tax year.

(h) Real property special tax rates shall be collected in the same manner as other District real property taxes and the Mayor shall promptly deposit in the Special Tax Fund all real property special taxes collected, including collection through a collection agent and deposit under an Escrow Agreement as may be entered into by the Mayor. If the law of the District relating to the levy or collection of real property taxes or the calculation or establishment of real property tax rates is changed in a manner that renders any of the provisions of subsections (e)

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through (h) of this section incapable of performance in accordance with their respective terms, the Mayor and the Council shall take actions that result in the collection of real property special taxes, in the same manner as other District real property taxes, in the amounts required by this section.

(i) The District and the Mayor reserve the right to satisfy all or a portion of the special tax requirement by setting aside and depositing into the Special Tax Fund at any time any funds of the District not otherwise legally committed, which deposit shall irrevocably dedicate and pledge those deposits to the payment of principal of, and interest on, the bonds and Additional Bonds then outstanding. To the extent that all or a portion of the special tax requirement is satisfied by those deposits, an equal amount of real property special tax revenue subsequently collected shall be released from the lien on and the security interest in the special tax revenue created under this section and shall be paid to reimburse the General Fund of the District of Columbia or other fund of the District of Columbia from which the other funds were received, and any other funds so deposited in lieu of a portion of the special tax revenues shall be subject to the pledge and security interest under this act as if they were special tax revenues.

(j) The Mayor shall provide for the payment of the principal of, and interest on, the bonds, as it may become due and payable for any reason, by transferring funds on deposit in the Special Tax Fund to the Paying Agent to the extent required pursuant to the bond issuance certificate provided for in section 7.

Sec. 10. Issuance of bonds to pay notes when due.

(a) The District shall issue the bonds or, to the extent permitted by the Home Rule Act, renewal notes to provide for the payment of the principal of the notes, as they may become due and payable.

(b) The par value to be received from the sale of any bonds issued to refund the notes or any renewal notes shall, to the extent necessary, be used to pay the principal of, and interest on, the notes when due and are pledged to that purpose.

Sec. 11. General covenants.

(a) The following covenants are made by the District in connection with the authorization and issuance of the bonds:

(1) Pursuant to section 603(c) of the Home Rule Act, the Council shall not approve any budget that would result in expenditures being made by the District during any fiscal year in excess of all resources which the Mayor estimates will be available from all funds available to the District for that fiscal year, except as permitted by applicable law. The Mayor shall not forward to the President for submission to Congress a budget that is not balanced according to the provisions of section 603(c) of the Home Rule Act, except as permitted by applicable law.

(2) The District shall prepare its annual financial statements in accordance with

generally accepted accounting principles for state and local governments and cause its annual financial statements to be audited by an independent accountant.

(3) The District shall not issue any general obligation bonds or general obligation bond anticipation notes, other than bonds or renewal notes to refund any outstanding indebtedness, or incur any indebtedness to the Treasury of the United States for capital projects in an amount that would cause the amount of debt service payable in any fiscal year on all the indebtedness, including all outstanding bonds and loans, to exceed any limitations set forth in the Home Rule Act at the time the additional bonds or indebtedness are issued or incurred. For purposes of the limitation imposed by this section, as required by section 475(b) of the Home Rule Act, the Council hereby determines that the estimated maximum annual debt service amount for the bonds anticipated by the notes is \$30 million.

(4) Subject to applicable law, the District shall maintain a capital projects fund, separate from other funds of the District, into which it will deposit the proceeds of any bonds or notes, other than bonds or notes issued to refund Outstanding Debt, less any capitalized interest and accrued interest, and shall expend the proceeds only to finance capital projects and incidental costs as defined in section 103(8) of the Home Rule Act. Subject to applicable law, the proceeds of the bonds or notes may be escrowed in appropriate accounts with escrow agents or a trustee for the bonds or notes to be applied to the applicable purposes. Interest or other investment earnings of proceeds in the capital projects fund shall be credited to the General Fund of the District of Columbia, subject to provisions for any deposit requirements to a rebate fund or other funds in accordance with agreements pertaining to the bonds or notes.

(b) The Mayor may, through a trust agreement or other instrument, make additional covenants of the District and agree to other provisions to better secure, administer funds for, and protect the bonds or notes and the owners thereof.

Sec. 12. Events of default.

(a) Each of the following events constitutes an event of default:

(1) Failure to pay the principal of the bonds or notes, as the case may be, when the principal becomes due and payable at maturity, upon redemption, or otherwise;

(2) Failure to pay an installment of interest on the bonds or notes, as the case may be, upon the day when the interest becomes due; and

(3) Failure by the District to observe and perform any covenant, condition, agreement, or provision, other than as specified in paragraphs (1) and (2) of this subsection, contained in the bonds or notes, as the case may be, or in this act, but only if the failure continues for a period of 90 days after transmittal to the District of written notice of failure.

(b) A bond or note owner who claims an event of default under subsection (a)(3) of this section shall provide to the registrar written notice specifying the failure and requesting that it be remedied. Upon verifying that the written notice has been transmitted by a bona fide bond or note owner, the registrar, if other than the District, shall transmit the written notice to the

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District. If the registrar is the District, the written notice shall be delivered directly to the Mayor. Transmittal to the District of the written notice required by subsection (a)(3) of this section shall not be accomplished in any manner other than that set forth in this subsection. If there is a trust agreement or Escrow Agreement for the bonds or notes, the notice by bond or note owners and notice to the District shall be given by and to the persons designated in or pursuant to such agreement.

Sec. 13. Remedies.

(a) Upon the occurrence and continuance of any event of default, any bond or note owner may:

- (1) By mandamus or other suit, action, or proceeding at law or in equity, enforce all rights of the bond or note owner and require the District to carry out any agreements with or for the benefit of the bond or note owner and to perform its duties under this act;
- (2) Bring suit upon the bonds or notes, as the case may be; and
- (3) By action or suit at law or in equity, enjoin any acts that may be unlawful or in violation of the rights of the bond or note owner.

(b) If any proceeding initiated by any bond or note owner to enforce any right under this act is discontinued or abandoned for any reason, the District and the bond or note owner shall be restored to their former positions and rights, and all rights, remedies, and powers of each of the parties shall continue as though the proceeding had not been initiated.

(c) Subject to the provisions of the Home Rule Act, if there is a trust agreement or Escrow Agreement for the bonds or notes, actions under this act or such agreement, or on the bonds or notes, as the case may be, shall be subject to applicable provisions in the agreement, notwithstanding other provisions in this act.

Sec. 14. District officials.

(a) The elected and appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the bonds or notes or be subject to any personal liability by reason of the issuance of the bonds or notes.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature on the bonds or notes shall be valid and sufficient for all purposes, notwithstanding the fact that the official ceases to be that official before delivery of the bonds or notes.

Sec. 15. Defeasance of bonds and notes.

(a) The bonds or notes, as the case may be, shall no longer be considered outstanding and unpaid for the purpose of this act and the requirements of this act shall be discharged with respect to the bonds or the notes if the Mayor:

- (1) Deposits with an escrow agent, which shall be a bank, trust company, or national banking association with requisite trust powers, in a separate defeasance escrow

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account, established and maintained by the escrow agent solely at the expense of the District and held in trust for the bond owners, sufficient moneys or direct obligations of the United States, the principal of, and interest on, which, when due and payable, will provide sufficient moneys to pay when due the principal of, and interest on, the bonds or notes to be defeased; and

(2) Delivers to the defeasance escrow agent an irrevocable letter of instruction to apply the moneys or investments to the payment of the principal of, and interest on, the bonds or notes to be defeased as they become due and payable.

(b) The defeasance escrow agent shall not invest the defeasance escrow account in any investment callable at the option of its issuer if the call could result in less than sufficient moneys being available for the purposes required by this section.

(c) The defeasance escrow account specified in subsection (a) of this section may be established and maintained without regard to any District limitations placed on these accounts by any law, except for this act.

(d) References in this section to "amounts due and payable" include, but are not limited to, amounts due and payable by reason of optional or mandatory redemption.

Sec. 16. Additional debt and other obligations.

Subject to the terms of any trust agreement or Escrow Agreement pertaining to the bonds or notes, the District reserves the right at any time to borrow money or enter into other obligations to the full extent permitted by law, to secure the borrowings or obligations by the pledge of its full faith and credit, to secure the borrowings or other obligations by any other security and pledges of funds as may be authorized by law, and to issue bonds, including Additional Bonds, notes, including Additional Notes, or other instruments, to evidence the borrowings or obligations. Any act of the Council authorizing the issuance of Additional Bonds shall provide for an increase in the special tax requirement sufficient to pay principal of, and interest on, the Additional Bonds.

Sec. 17. Tax status.

If and to the extent the bonds or notes are issued on a tax-exempt basis, the Mayor shall not (1) take any action or omit to take any action, or (2) invest, reinvest, or accumulate any moneys in a manner, that will cause the interest on the bonds or notes, as the case may be, to be includable in gross income for federal income tax purposes or to be treated as an item of tax preference for purposes of the federal alternative minimum tax. The Mayor shall also take all actions necessary to be taken, including to make any rebate payment, if any, when due, so that the interest on the bonds or notes will not be includable in gross income for federal income tax purposes or be treated as an item of tax preference for purposes of the federal alternative minimum tax.

Sec. 18. Contract.

This act shall constitute a contract between the District and the owners of the bonds and notes. To the extent that any acts or resolutions of the Council may be in conflict with this act, this act shall be controlling with respect to bonds and notes.

Sec. 19. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any authorized delegate the performance of any act authorized to be performed by the Mayor under this act.

Sec. 20. Maintenance of documents.

Copies of the specimen bonds and notes and related documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 21. Information reporting.

(a) Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of any series of the bonds or notes, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

(b) The Mayor shall notify the Council, within 30 days, of any action taken under section 8(c).

(c)(1) The Mayor's letter of transmittal accompanying the submission of any proposed resolution to approve the issuance of bonds or notes pursuant to this act shall include a statement as to:

(A) Whether the bonds or notes of any series are intended to be sold by competitive bid or by negotiated sale and, if bonds of any series are intended to be sold by negotiated sale, a copy of the Mayor's written determination that sale by competitive bid is not feasible or is not in the best interests of the District and a statement of the reasons supporting this determination; and

(B) Whether the bonds or notes of any series are intended to be issued on a tax-exempt or taxable basis.

(2) If, after submission of the Mayor's letter of transmittal, there is a change in an intention required to be stated in the letter of transmittal, the Mayor shall notify the Council of the change and the reasons for the change. This notice shall be provided in writing and filed with the Secretary to the Council within 3 days of the change in intention.

(d)(1) No portion of the proceeds of the sale of bonds or notes shall be used to compensate a District employee unless the employee actually performs duties related to the projects financed by this act.

(2) Within 30 days after the effective date of this act, and before any bonds or notes are issued pursuant to this act, the Mayor shall submit to the Council a list of all District employees who are compensated, in whole or part, by capital improvement funds.

(e) With respect to a negotiated sale of bonds or notes, the underwriters shall provide written notification to the District of the following circumstances:

(1) Any relationship, during the prior 2 years, with elected or appointed District officials, or the District's bond counsel or financial advisor, which could create a conflict of interest or apparent conflict of interest with the duties performed, or to be performed, by such underwriters or other advisors for the District;

(2) Any arrangement, during the prior 2 years, to share fees with other underwriters, firms, or individuals in connection with the provision of services to the District by either entity; and

(3) Any public finance transaction for any other issuer where the underwriter, or prospective underwriter, is serving, or has served in the prior 2 years, as financial advisor in any transaction where the District's financial advisor was, or is, an underwriter.

Sec. 22. Severability.

As provided in the General Rule of Severability Adoption Act of 1983, effective March 14, 1984 (D.C. Law 5-56; D.C. Official Code § 45-201), if any provision of this act or the application of this act to any person or circumstance is held to be unconstitutional or beyond the statutory authority of the Council, or otherwise invalid, the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 23. Fiscal impact statement.

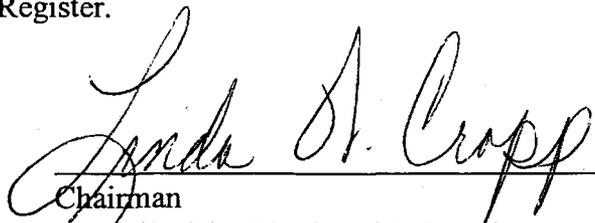
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 24. Effective date.

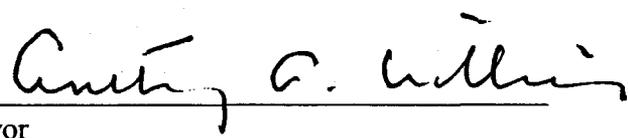
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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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
December 4, 2006

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AN ACT
D.C. ACT 16-538

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 4, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Winter
Supp.

West Group
Publisher

To authorize the issuance of District of Columbia general obligation tax revenue anticipation notes to finance general governmental expenses for the fiscal year ending September 30, 2007.

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

Sec. 2. Definitions.

For the purposes of this act, the term:

Note,
§ 1-204.72

(1) "Additional Notes" means District general obligation revenue anticipation notes described in section 9 that may be issued pursuant to section 472 of the Home Rule Act and that will mature on or before September 30, 2007, on a parity with the notes.

(2) "Authorized delegate" means the City Administrator, the Chief Financial Officer, the Treasurer, or any officer or employee of the executive office of the Mayor to whom the Mayor has delegated any of the Mayor's functions under this act pursuant to section 422(6) of the Home Rule Act.

(3) "Available funds" means District funds required to be deposited with the Escrow Agent, receipts, and other District funds that are not otherwise legally committed.

(4) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel or co-bond counsel from time to time by the Mayor.

(5) "Chief Financial Officer" means the Chief Financial Officer established pursuant to section 424(a)(1) of the Home Rule Act.

(6) "City Administrator" means the City Administrator established pursuant to section 422(7) of the Home Rule Act.

(7) "Escrow Agent" means any bank, trust company, or national banking association with requisite trust powers designated to serve in this capacity by the Mayor.

(8) "Escrow Agreement" means the escrow agreement between the District and the Escrow Agent authorized in section 7.

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(9) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*)

(10) "Notes" means one or more series of District general obligation revenue anticipation notes authorized to be issued pursuant to this act.

(11) "Receipts" means all funds received by the District from any source, including, but not limited to, taxes, fees, charges, miscellaneous receipts, and any moneys advanced, loaned, or otherwise provided to the District by the United States Treasury, less funds that are pledged to debt or other obligations according to section 9 or that are restricted by law to uses other than payment of principal of, and interest on, the notes.

(12) "Secretary" means the Secretary of the District of Columbia.

(13) "Treasurer" means the Treasurer of the District of Columbia established pursuant to section 424(a)(2) of the Home Rule Act.

Sec. 3. Findings.

The Council finds that:

(1) Under section 472 of the Home Rule Act, the Council may authorize, by act, the issuance of general obligation revenue anticipation notes for a fiscal year in anticipation of the collection or receipt of revenues for that fiscal year. Section 472 of the Home Rule Act provides further that the total amount of general obligation revenue anticipation notes issued and outstanding at any time during a fiscal year shall not exceed 20% of the total anticipated revenue of the District for that fiscal year, as certified by the Mayor as of a date not more than 15 days before each original issuance of the notes.

(2) Under section 482 of the Home Rule Act, the full faith and credit of the District is pledged for the payment of the principal of, and interest on, any general obligation revenue anticipation note.

(3) Under section 483 of the Home Rule Act, the Council is required to provide in the annual budget sufficient funds to pay the principal of, and interest on, all general obligation revenue anticipation notes becoming due and payable during that fiscal year, and the Mayor is required to ensure that the principal of, and interest on, all general obligation revenue anticipation notes is paid when due, including paying the principal and interest from funds not otherwise legally committed.

(4) The Mayor has advised the Council that, based upon the Mayor's projections of anticipated receipts and disbursements during the fiscal year ending September 30, 2007, it may be necessary for the District to borrow a sum not to exceed \$350 million, an amount that does not exceed 20% of the total anticipated revenue of the District for such fiscal year, and to accomplish the borrowing by issuing general obligation revenue anticipation notes in one or more series.

(5) The issuance of general obligation revenue anticipation notes in a sum not to exceed \$350 million is in the public interest.

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Sec. 4. Note authorization.

(a) The District is authorized to incur indebtedness by issuing the notes pursuant to sections 472 and 482 of the Home Rule Act, in one or more series, in a sum not to exceed \$350 million, to finance its general governmental expenses, in anticipation of the collection or receipt of revenues for the fiscal year ending September 30, 2007.

(b) The Mayor is authorized to pay from the proceeds of the notes the costs and expenses of issuing and delivering the notes, including, but not limited to, underwriting, legal, accounting, financial advisory, note insurance or other credit enhancement, marketing and selling the notes, and printing costs and expenses.

Sec. 5. Note details.

(a) The notes shall be known as "District of Columbia Fiscal Year 2007 General Obligation Tax Revenue Anticipation Notes" and shall be due and payable, as to both principal and interest, on or before September 30, 2007.

(b) The Mayor is authorized to take any action necessary or appropriate in accordance with this act in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the notes, including, but not limited to, determinations of:

- (1) The final form, content, designation, and terms of the notes, including any redemptions applicable thereto and a determination that the notes may be issued in book-entry form;
- (2) Provisions for the transfer and exchange of the notes;
- (3) The principal amount of the notes to be issued;
- (4) The rate or rates of interest or the method of determining the rate or rates of interest on the notes; provided, that the interest rate or rates borne by the notes of any series shall not exceed in the aggregate 10% per year calculated on the basis of a 365-day year (actual days elapsed); provided further, that if the notes are not paid at maturity, the notes may provide for an interest rate or rates after maturity not to exceed in the aggregate 15% per year calculated on the basis of a 365-day year (actual days elapsed);
- (5) The date or dates of issuance, sale, and delivery of the notes;
- (6) The place or places of payment of principal of, and interest on, the notes;
- (7) The designation of a registrar, if appropriate, for any series of the notes, and the execution and delivery of any necessary agreements relating to the designation;
- (8) The designation of paying agent(s) or escrow agent(s) for any series of the notes, and the execution and delivery of any necessary agreements relating to such designations; and
- (9) Provisions concerning the replacement of mutilated, lost, stolen or destroyed notes.

(c) The notes shall be executed in the name of the District and on its behalf by the manual signature of the Mayor or an authorized delegate. The official seal of the District or a

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facsimile of it shall be impressed, printed, or otherwise reproduced on the notes. If a registrar is designated, the registrar shall authenticate each note by manual signature and maintain the books of registration for the payment of the principal of, and interest on, the notes and perform other ministerial responsibilities as specifically provided in its designation as registrar.

(d) The notes may be issued at any time or from time to time in one or more issues and in one or more series.

Sec. 6. Sale of the notes.

(a) The notes of any series shall be sold at negotiated sale pursuant to a purchase contract or at competitive sale pursuant to a bid form. The notes shall be sold at a price not less than par plus accrued interest from the date of the notes to the date of delivery thereof. The purchase contract or bid form shall contain the terms that the Mayor considers necessary or appropriate to carry out the purposes of this act. The Mayor's execution and delivery of the purchase contract or bid form shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the notes. The Mayor shall deliver the notes, on behalf of the District, to the purchasers upon receiving the purchase price provided in the purchase contract or bid form.

(b) The Mayor or an authorized delegate may execute, in connection with each sale of the notes, an offering document on behalf of the District, and may authorize the document's distribution in relation to the notes.

(c) The Mayor or an authorized delegate shall take actions and execute and deliver agreements, documents, and instruments (including any amendment of or supplement to any such agreement, document, or instrument) in connection with any series of notes as required by or incidental to:

- (1) The issuance of the notes;
- (2) The establishment or preservation of the exclusion from gross income for federal income tax purposes of interest on the notes, the treatment of interest on the notes as not constituting an item of tax preference for purposes of the federal alternative minimum tax ("non-AMT"), if the notes are originally issued as non-AMT notes, and the exemption from District income taxation of interest on the notes (except estate, inheritance, and gift taxes);
- (3) The performance of any covenant contained in this act, in any purchase contract for the notes, or in any escrow or other agreement for the security thereof;
- (4) The provision for securing the repayment of the notes by a letter or line of credit or other form of credit enhancement, and the repayment of advances under any such credit enhancement, including the evidencing of such a repayment obligation with a negotiable instrument with such terms as the Mayor shall determine; or
- (5) The execution, delivery, and performance of the Escrow Agreement, a purchase contract or a bid form for the notes, a paying agent agreement, an agreement relating to credit enhancement, if any, including any amendments of any of these agreements, documents,

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or instruments.

(d) The notes shall not be issued until the Mayor receives an approving opinion of Bond Counsel as to the validity of the notes and the establishment or preservation of the exclusion from gross income for federal income tax purposes of the interest on the notes and, if the notes are issued as non-AMT notes, the treatment of such interest as not an item of tax preference for purposes of the federal alternative minimum tax, and the exemption from District income taxation of the interest on the notes (except estate, inheritance, and gift taxes).

(e) The Mayor shall execute a note issuance certificate evidencing the determinations and other actions taken by the Mayor for each issue or series of the notes issued and shall designate in the note issuance certificate the date of the notes, the series designation, the aggregate principal amount to be issued, the authorized denominations of the notes, the sale price, and the interest rate or rates on the notes. The Mayor shall certify in a separate certificate, not more than 15 days before each original issuance of a series, the total anticipated revenue of the District for the fiscal year ending September 30, 2007, and that the total amount of all general obligation revenue anticipation notes issued and outstanding at any time during the fiscal year will not exceed 20% of the total anticipated revenue of the District for the fiscal year. These certificates shall be delivered at the time of delivery of the notes and shall be conclusive evidence of the actions taken as stated in the certificates. A copy of each of the certificates shall be filed with the Secretary to the Council not more than 3 days after the delivery of the notes covered by the certificates.

Sec. 7. Payment and security.

(a) The full faith and credit of the District is pledged for the payment of the principal of, and interest on, the notes when due.

(b) The funds for the payment of the notes as described in this act shall be irrevocably deposited with the Escrow Agent pursuant to the Escrow Agreement. The funds shall be used for the payment of the principal of, and interest on, the notes when due, and shall not be used for other purposes so long as the notes are outstanding and unpaid.

(c) The notes shall be payable from available funds of the District, including, but not limited to, any moneys advanced, loaned, or otherwise provided to the District by the United States Treasury, and shall evidence continuing obligations of the District until paid in accordance with their terms.

(d) The Mayor may, without regard to any act or resolution of the Council now existing or adopted after the effective date of this act, designate an Escrow Agent under the Escrow Agreement. The Mayor may execute and deliver the Escrow Agreement, on behalf of the District and in the Mayor's official capacity, containing the terms that the Mayor considers necessary or appropriate to carry out the purposes of this act. A special account entitled "Special Escrow for Payment of District of Columbia Fiscal Year 2007 General Obligation Tax Revenue Anticipation Notes" is created and shall be maintained by the Escrow Agent for the benefit of

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the owners of the notes as stated in the Escrow Agreement. Funds on deposit, including investment income, under the Escrow Agreement shall not be used for any purposes except for payment of the notes or, to the extent permitted by the Home Rule Act, to service any contract or other arrangement permitted under subsections (k) or (l) of this section, and may be invested only as provided in the Escrow Agreement.

(e) Upon the sale and delivery of the notes, the Mayor shall deposit with the Escrow Agent to be held and maintained as provided in the Escrow Agreement all accrued interest and premium, if any, received upon the sale of the notes.

(f)(1) The Mayor shall set aside and deposit with the Escrow Agent funds in accordance with the Escrow Agreement at the time and in the amount as provided in the Escrow Agreement.

(2) If Additional Notes are issued pursuant to section 9(b), and if on the date set forth in the Escrow Agreement, the aggregate amount of principal and interest payable at maturity on the outstanding notes, including any Additional Notes, less all amounts on deposit, including investment income, under the Escrow Agreement exceeds 90% of the actual receipts of District taxes (other than special taxes or charges levied pursuant to section 481(a) of the Home Rule Act, and taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act), for the period August 15, 2007, until September 30, 2007, then beginning on the date set forth in the Escrow Agreement, the Mayor shall promptly, upon receipt by the District, set aside and deposit with the Escrow Agent the receipts received by the District after the date set forth in the Escrow Agreement, until the aggregate amount of principal and interest payable at maturity on the outstanding notes, including any Additional Notes as described above, is less than 90% of actual receipts of District taxes (other than special taxes or charges levied pursuant to section 481(a) of the Home Rule Act, and taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act).

(3) The District covenants that it shall levy, maintain, or enact taxes due and payable during August 1, 2007, through September 30, 2007, to provide for payment in full of the principal of, and interest on, the notes when due. The taxes referred to in this paragraph shall be separate from special taxes or charges levied pursuant to section 481(a) of the Home Rule Act, or taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act.

(4) The District covenants that so long as any of the notes are outstanding, it shall not grant, create, or permit the existence of any lien, pledge, or security interest with respect to its taxes due and payable during the period August 1, 2007, through September 30, 2007, or commit or agree to set aside and apply those tax receipts to the payment of any obligation of the District other than the notes. The taxes referred to in this paragraph shall not include special taxes or charges levied pursuant to section 481(a) of the Home Rule Act, or taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act, or any real property tax liens created or arising in any fiscal year preceding the issuance of the

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notes.

(g) Before the 16th day of each month, beginning in August 2007, the Mayor shall review the current monthly cash flow projections of the District, and if the Mayor determines that the aggregate amount of principal and interest payable at maturity on the notes then outstanding, less any amounts and investment income on deposit under the Escrow Agreement, equals or exceeds 85% of the receipts estimated by the Mayor to be received after such date by the District but before the maturity of the notes, the Mayor shall promptly, upon receipt by the District, set aside and deposit with the Escrow Agent the receipts received by the District on and after that date until the aggregate amount, including investment income, on deposit with the Escrow Agent equals or exceeds 100% of the aggregate amount of principal of, and interest on, the notes payable at their maturity.

(h) The Mayor shall, in the full exercise of the authority granted the Mayor under the Home Rule Act and under any other law, take actions as may be necessary or appropriate to ensure that the principal of, and interest on, the notes are paid when due, including, but not limited to, seeking an advance or loan of moneys from the United States Treasury if available under then-current law. This action shall include, without limitation, the deposit of available funds with the Escrow Agent as may be required under section 483 of the Home Rule Act, this act, and the Escrow Agreement. Without limiting any obligations under this act or the Escrow Agreement, the Mayor reserves the right to deposit available funds with the Escrow Agent at his or her discretion.

(i) There are provided and approved for expenditure sums as may be necessary for making payments of the principal of, and interest on, the notes, and the provisions of the District of Columbia Appropriations Act, 2007, if enacted prior to the effective date of this act, relating to short-term borrowings are amended and supplemented accordingly by this section, as contemplated in section 483 of the Home Rule Act.

(j) The notes shall be payable, as to both principal and interest, in lawful money of the United States of America in immediately available or same-day funds at a bank or trust company acting as paying agent, located in the District, and at not more than 2 co-paying agents that may be located outside the District, one of which shall be located in New York, New York. All of the paying agents shall be qualified to act as paying agents under the laws of the United States of America, of the District, or of the state in which they are located, and shall be designated by the Mayor without regard to any other act or resolution of the Council now existing or adopted after the effective date of this act.

(k) In addition to the security available for the holders of the notes, the Mayor is hereby authorized to enter into agreements, including any agreement calling for payments in excess of \$1 million during fiscal year 2007, with a bank or other financial institution to provide a letter of credit, line of credit, or other form of credit enhancement to secure repayment of the notes when due. The obligation of the District to reimburse the bank or financial institution for any advances made under any such credit enhancement shall be a general obligation of the District

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until repaid and shall accrue interest at the rate of interest established by the Mayor not in excess of 15% per year until paid.

(l) 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), and the Financial Institutions Deposit and Investment Amendment Act of 1997, effective March 18, 1998 (D.C. Law 12-56; D.C. Official Code § 47-351.01 *et seq.*), shall not apply to any contract which the Mayor may from time to time determine to be necessary or appropriate to place, in whole or in part:

- (1) An investment or obligation of the District as represented by the notes;
- (2) An investment or obligation or program of investment; or
- (3) A contract or contracts based on the interest rate, currency, cash flow, or other basis as the Mayor may desire, including, without limitation, interest rate swap agreements; currency swap agreements; insurance agreements; forward payment conversion agreements; futures; contracts providing for payments based on levels of, or changes in, interest rates, currency exchange rates, or stock or other indices; contracts to exchange cash flows or a series of payments; and contracts to hedge payment, currency, rate, spread, or similar exposure, including, without limitation, interest rate floors, or caps, options, puts and calls. The contracts or other arrangements also may be entered into by the District in connection with, or incidental to, entering into or maintaining any agreement that secures the notes. The contracts or other arrangements shall contain whatever payment, security, terms, and conditions as the Mayor may consider appropriate and shall be entered into with whatever party or parties the Mayor may select, after giving due consideration, where applicable, to the creditworthiness of the counterparty or counterparties, including any rating by a nationally recognized rating agency or any other criteria as may be appropriate. In connection with, or incidental to, the issuance or holding of the notes, or entering into any contract or other arrangement referred to in this section, the District may enter into credit enhancement or liquidity agreements, with payment, interest rate, termination date, currency, security, default, remedy, and any other terms and conditions as the Mayor determines. Proceeds of the notes and any money set aside for payment of the notes or of any contract or other arrangement entered into pursuant to this section may be used to service any contract or other arrangement entered into pursuant to this section.

Sec. 8. Defeasance.

(a) The notes shall no longer be considered outstanding and unpaid for the purpose of this act and the Escrow Agreement, and the requirements of this act and the Escrow Agreement shall be deemed discharged with respect to the notes, if the Mayor:

- (1) Deposits with an Escrow Agent, herein referred to as the "defeasance escrow agent," in a separate defeasance escrow account, established and maintained by the Escrow Agent solely at the expense of the District and held in trust for the note owners, sufficient moneys or direct obligations of the United States, the principal of and interest on which, when

ENROLLED ORIGINAL

due and payable, will provide sufficient moneys to pay when due the principal of, and interest payable at maturity on, all the notes; and

(2) Delivers to the defeasance escrow agent an irrevocable letter of instruction to apply the moneys or proceeds of the investments to the payment of the notes at their maturity.

(b) The defeasance escrow agent shall not invest the defeasance escrow account in any investment callable at the option of its issuer if the call could result in less than sufficient moneys being available for the purposes required by this section.

(c) The moneys and direct obligations referred to in subsection (a)(1) of this section may include moneys or direct obligations of the United States of America held under the Escrow Agreement and transferred, at the written direction of the Mayor, to the defeasance escrow account.

(d) The defeasance escrow account specified in subsection (a) of this section may be established and maintained without regard to any limitations placed on these accounts by any act or resolution of the Council now existing or adopted after this act becomes effective, except for this act.

Sec. 9. Additional debt and other obligations.

(a) The District reserves the right at any time to: borrow money or enter into other obligations to the full extent permitted by law; secure the borrowings or obligations by the pledge of its full faith and credit; secure the borrowings or obligations by any other security and pledges of funds as may be authorized by law; and issue bonds, notes, including Additional Notes, or other instruments to evidence the borrowings or obligations. The reserved right with regard to the notes and Additional Notes issued pursuant to sections 471, 472, 475, and 490 of the Home Rule Act shall be subject to this act. No borrowings or other obligations, including Additional Notes, shall be entered into that would require an immediate set-aside and deposit under section 7(g) applied as of the date of the issuance.

(b)(1) The District may issue Additional Notes pursuant to section 472 of the Home Rule Act that shall mature on or before September 30, 2007, and the District shall covenant to set aside and deposit under the Escrow Agreement, receipts and other available funds for payment of the principal of, and the interest on, the Additional Notes issued pursuant to section 472 of the Home Rule Act on a parity basis with the notes.

(2) The receipts and available funds referred to in subsection (a) of this section shall be separate from the special taxes or charges levied pursuant to section 481(a) of the Home Rule Act, and taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act.

(3) Any covenants relating to any Additional Notes shall have equal standing and be on a parity with the covenants made for payment of the principal of, and the interest on, the notes.

ENROLLED ORIGINAL

(4) If Additional Notes are issued pursuant to section 472 of the Home Rule Act, the provisions of section 7 shall apply to both the notes and such Additional Notes and increase the amounts required to be set aside and deposited with the Escrow Agent.

(5) As a condition precedent to the issuance of any Additional Notes, the Mayor or the authorized delegate shall deliver a signed certificate certifying that the District is in full compliance with all covenants and obligations under this act and the Escrow Agreement, that no set-aside and deposit of receipts pursuant to section 7(g) applied as of the date of issuance is required, and that no set-aside and deposit will be required under section 7(g) applied immediately after the issuance.

(c) Any general obligation notes issued by the District pursuant to section 471 of the Home Rule Act shall not be scheduled to be due and payable until after the earlier of the following:

- (1) The stated maturity date of all outstanding notes and Additional Notes; or
- (2) The date that an amount sufficient to pay all principal and interest payable at maturity on the notes and the Additional Notes is on deposit with the Escrow Agent.

(d) Revenue notes of the District, which are payable from specified District revenue that is set aside for the payment of the revenue notes and that is included in the amount of receipts estimated by the Mayor, pursuant to section 7(g), to be received after the proposed date of issue of the revenue notes and before the maturity of the notes, shall not be issued if a set-aside and deposit of receipts pursuant to section 7(g) applied as of the proposed date of the issuance of revenue notes would be required. In determining, for purposes of this subsection, whether a set aside and deposit would be required, there shall be excluded from receipts estimated by the Mayor to be received after the proposed date of issuance of revenue notes and before the maturity of the notes an amount equal to the estimated revenues set aside for the payment of revenue notes.

Sec. 10. Tax matters.

The Mayor shall not (1) take any action or omit to take any action, or (2) invest, reinvest, or accumulate any moneys in a manner, that will cause the interest on the notes to be includable in gross income for federal income tax purposes or, if the notes were issued as non-AMT notes, to be treated as an item of tax preference for purposes of the federal alternative minimum tax. The Mayor shall also take all actions necessary to be taken so that the interest on the notes will not be includable in gross income for federal income tax purposes or, if the notes were issued as non-AMT notes, be treated as an item of tax preference for purposes of the federal alternative minimum tax.

Sec. 11. Contract.

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This act shall constitute a contract between the District and the owners of the notes. To the extent that any acts or resolutions of the Council may be in conflict with this act, this act shall be controlling.

Sec. 12. District officials.

(a) The elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the notes or be subject to any personal liability by reason of the issuance of the notes.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the notes shall be valid and sufficient for all purposes, notwithstanding the fact that the official ceases to be that official before delivery of the notes.

Sec. 13. Authorized delegation of authority.

To the extent permitted by the District and federal laws, the Mayor may delegate to any authorized delegate the performance of any act authorized to be performed by the Mayor under this act.

Sec. 14. Maintenance of documents.

Copies of the notes and related documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 15. Information reporting.

(a) Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the notes, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

(b) The Mayor shall notify the Council within 30 days of any action taken under section 7(g).

Sec. 16. Fiscal impact statement.

The Office of the Chief Financial Officer estimates that the fiscal impact of issuing the tax revenue anticipation notes is as follows:

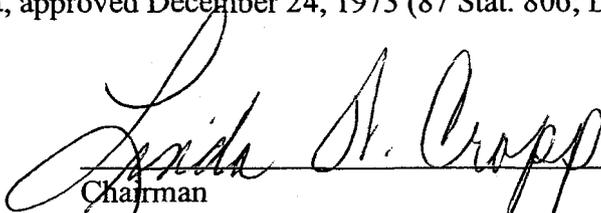
(1) The debt service expense associated with issuing tax revenue anticipation notes to fund Fiscal Year 2007 seasonal cash needs in the amount of approximately \$250 million is incorporated in the District's proposed Fiscal Year 2007 budget. This act has a not-to-exceed amount of \$350 million, as a contingency in the event that the District's actual Fiscal Year 2007 seasonal cash needs exceed the projected cash needs at the time of budget preparation. In that event, the Office of the Chief Financial Officer plans to manage its total debt service expenditures in a manner that keeps such expenditures from exceeding the total

debt service budget. As such, there is no additional fiscal impact associated with the passage of this act or the issuance of the notes.

(2) The fiscal impact associated with not passing this act could be an inability of the District to meet numerous operating expenditures during Fiscal Year 2007.

Sec. 17. Effective date.

This act shall take effect upon enactment as provided in section 472(d)(1) of the Home Rule Act, approved December 24, 1973 (87 Stat. 806; D.C. Official Code §1-204.72(d)(1)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
Approved
December 4, 2006

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-539

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 4, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

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To amend, on a temporary basis, the Prevention of Child Abuse and Neglect Act of 1977 to require certain records to be made available to the Child and Family Services Agency as part of an investigation of suspected child abuse or neglect.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Child Abuse and Neglect Investigation Record Access Temporary Amendment Act of 2006".

Sec. 2. The Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.02 *et seq.*), is amended by adding a new section 106b to read as follows:

"Sec. 106b. Obtaining records.

"(a) Notwithstanding any other provisions of law, upon the Agency's request, a person who is required to report suspected incidents of child abuse or neglect under section 2 of An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children, approved November 5, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.02), shall immediately provide the Agency copies of all records of a child who is the subject of a report of child abuse or neglect, or of any other child residing in the home where the abuse or neglect is alleged to have occurred, that are in the possession of the person or the person's employees.

"(b) The Agency shall request the records needed for its investigation conducted under Title I.

"(c) The Agency shall not be charged a fee for the records provided to it under this section."

Sec. 3. Fiscal impact statement.

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

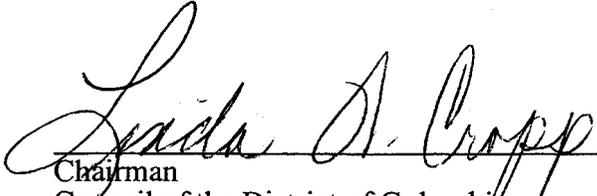
Sec. 4. Effective date.

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

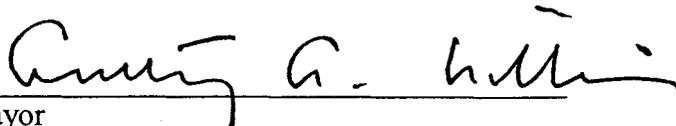
ENROLLED ORIGINAL

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
December 4, 2006

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-540

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 4, 2006

Codification
District of
Columbia
Official Code

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To amend, on a temporary basis, the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005 to add the definition "certified business enterprise" and clarify that the dollar volume subcontracting requirement may include purchases from small business enterprises that provide materials, goods, and supplies.

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

Sec. 2. 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 § 2-218.01 *et seq.*), is amended as follows:

(a) Section 2302 is amended by adding a new paragraph (1A) to read as follows:
“(1A) “Certified business enterprise” means a business enterprise or joint venture certified by the Small and Local Business Opportunity Commission pursuant to part D.”.

Note,
§ 2-218.02

(b) Section 2313(c)(1)(A) is amended to read as follows:
“(A) Reviewing applications for certification as a local business enterprise, small business enterprise, disadvantaged business enterprise, resident-owned business, longtime resident business, or local business enterprise with its principal office located in an enterprise zone;”.

Note,
§ 2-218.13

(c) Section 2331(a)(2A) is amended to read:
“(2A) Meets 1 of the 4 following standards:”.

Note,
§ 2-218.31
Note,
§ 2-218.46

(d) Section 2346(a) is amended to read as follows:
“(a)(1) All construction contracts in excess of \$250,000 shall include the following requirements:

“(A) At least 35% of the dollar volume shall be subcontracted to small business enterprises; provided, that the costs of materials, goods and supplies shall not be counted towards the 35% subcontracting requirement unless such materials, goods and supplies are purchased from small business enterprises; or

ENROLLED ORIGINAL

“(B) If there are insufficient qualified small business enterprises to completely fulfill the requirement of subparagraph (A) of this paragraph, then the subcontracting requirement may be satisfied by subcontracting 35% of the dollar volume to any certified business enterprises; provided, that all reasonable efforts shall be made to ensure that qualified small business enterprises are significant participants in the overall subcontracting work.

“(2) All non-construction contracts in which a portion of the work is subcontracted shall include the following requirements:

“(A) At least 35% of the dollar volume shall be subcontracted to small business enterprises; provided, that the costs of materials, goods and supplies shall not be counted towards the 35% subcontracting requirement unless such materials, goods and supplies are purchased from small business enterprises; or

“(B) If there are insufficient qualified small business enterprises to completely fulfill the requirement of subparagraph (A) of this paragraph, then the subcontracting requirement may be satisfied by subcontracting 35% of the dollar volume to any certified business enterprises; provided, that all reasonable efforts shall be made to ensure that qualified small business enterprises are significant participants in the overall subcontracting work.”.

(e) Section 2350(b)(1) is amended to read as follows:

“(b)(1)(A) A government corporation shall take all measures as shall be reasonably necessary to assure that all contracts entered into by the government corporation, or any agency or subsidiary of the government corporation, with respect to each major phase of the development and construction of a project undertaken by the government corporation, including contracts for professional services, architectural, engineering, and other construction related services and construction trade work, shall provide that at least 35% of the work on the project shall be awarded to small business enterprises; provided, that the costs of materials, goods and supplies shall not be counted towards the 35% subcontracting requirement unless such materials, goods and supplies are purchased from small business enterprises.

Note,
§ 2-218.50

“(B) If there are insufficient qualified small business enterprises to fulfill the small business enterprise contracting requirement, then the subcontracting requirement may be satisfied by subcontracting 35% of the dollar volume of the project to any certified business enterprises; provided, that all reasonable efforts shall be made to ensure that qualified small business enterprises are significant participants in the overall subcontracting work.”.

(f) Section 2354 is amended as follows:

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

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

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

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

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

Note,
§ 2-218.54

ENROLLED ORIGINAL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(c)(1) Beginning with the first full quarter after the effective date of the Fiscal Year 2007 Budget Support Emergency Act of 2006, D.C. Act 16-477 [August 8, 2006], the Department shall submit to the Council, within 60 days of the end of the quarter, a copy of the quarterly reports of each agency required by section 2353(a) and a copy of the quarterly reports of each government corporation required by section 2350(f).

“(2) Beginning with the first full quarter after August 8, 2006, the Department shall submit to the Council the following:

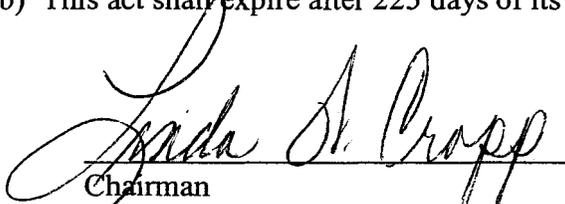
“(A) A summary of the information that each agency is required to submit pursuant to section 2353 and the information that each government corporation is required to submit pursuant to section 2350(f), in a format that shows the cumulative progress of each agency's or government corporation's annual local, small, and disadvantaged business enterprise contracting and procurement goals to date and the actual dollar amount expended with each business enterprise for the current fiscal year; and

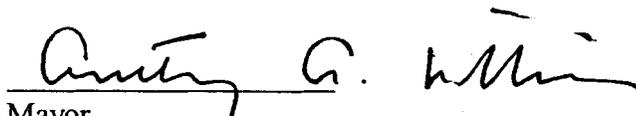
“(B) A list of all agencies or government corporations that have not submitted a report for that quarter and a detailed explanation of what actions were taken by the Department to effectuate compliance with the reporting requirement.”.

Sec. 3. 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. (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
December 4, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-541

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 4, 2006

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To amend, on a temporary basis, the Confirmation Act of 1978 to clarify the period for Council review of nominations to the Commission on African Affairs; and to amend the Commission on African Affairs Act of 2006 to abolish the Mayor’s Advisory Commission on African Community Affairs as of the date that the majority of the members of the Commission on African Affairs are sworn, or December 31, 2006, whichever occurs first, and to provide for the transfer of all records of the Mayor’s Advisory Commission on African Community Affairs to 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 Clarification Temporary Amendment Act of 2006”.

Sec. 2. Section 2(f) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)), is amended as follows:

Note,
§ 1-523.01

(1) Paragraph (43) is amended by striking the word “and” at the end.

(2) Paragraph (44) is amended by striking the period and adding the phrase “; and” in its place.

(3) A new paragraph (45) is added to read as follows:

“(45) The Commission on African Affairs, established by section 4 of the Office and Commission on African Affairs Act of 2006, effective June 8, 2006 (D.C. Law 16-111; D.C. Official Code § 2-1393).”.

Sec. 3. The Office and Commission on African Affairs Act of 2006, effective June 8, 2006 (D.C. Law 16-111; D.C. Official Code § 2-1391 *et seq.*), is amended by adding a new section 6a to read as follows:

“Sec. 6a. Transition provisions.

“(a) The Mayor’s Advisory Commission on African Community Affairs, established pursuant to Mayor’s Order 2003-114, dated August 11, 2003, shall be abolished as of the earlier of the following dates:

“(1) The date that a majority of the 15 public members of the Commission on African Affairs are sworn in; or

“(2) December 31, 2006.

“(b) All records of the Mayor’s Advisory Commission on African Community Affairs, established pursuant to Mayor’s Order 2003-114, dated August 11, 2003, shall be transferred to the Commission on African Affairs, as of the date established in subsection (a) of this section.”.

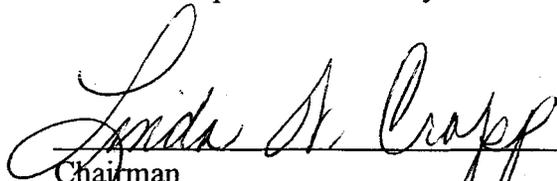
Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Office and Commission on African Affairs Act of 2006, effective June 8, 2006 (D.C. Law 16-111; D.C. Official Code § 2-1391 *et seq.*), 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)).

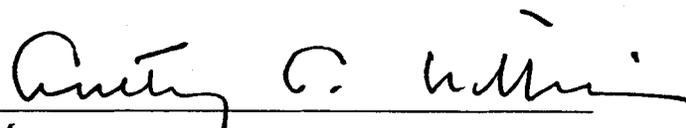
Sec. 5. Effective date.

(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
December 4, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-542

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 4, 2006

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

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

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

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

Note,
§ 1-611.03

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

ENROLLED ORIGINAL

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

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

Note,
§ 1-611.11

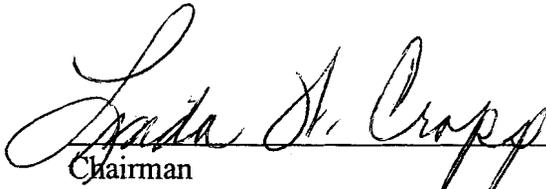
Sec. 3. Fiscal impact statement.

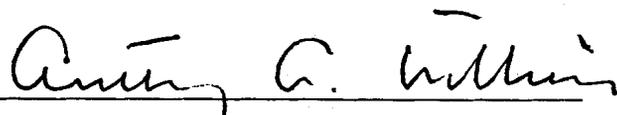
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of 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
December 4, 2006