

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-644

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 29, 2004

*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Winter
Supp.

West Group
Publisher

To amend, on an emergency basis, Title 47 of the District of Columbia Official Code to decouple District of Columbia law from the depreciation and expense election provisions added to the Internal Revenue Code of 1986 by the Jobs and Growth Tax Relief Reconciliation Act of 2003.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Depreciation Allowance for Small Business De-Coupling from the Internal Revenue Code Second Emergency Act of 2004".

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

(a) Section 47-1803.03 is amended as follows:

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

(A) Strike the phrase "September 11, 2004" and insert the phrase "September 30, 2005" in its place.

(B) Insert the following sentences at the end of the paragraph: "No deduction shall be allowed for the increased expensing for small businesses and subject to the special rules pursuant to section 179 of the Internal Revenue Code of 1986. No expensing of computer software shall be allowed. No increase shall be allowed in Qualifying Investment at which phaseout begins."

(2) Subsection (b)(6) is amended as follows:

(A) Strike the phrase "September 11, 2004" and insert the phrase "September 30, 2005" in its place.

(B) Insert the following sentences at the end of the paragraph: "No deduction shall be allowed for the increased expensing for small businesses and subject to the special rules pursuant to section 179 of the Internal Revenue Code of 1986. No expensing of computer software shall be allowed. No increase shall be allowed in Qualifying Investment at which phaseout begins."

Note,
§ 47-1803.03

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(b) Section 47-1811.04 is amended to read as follows:

Note,
§ 47-1811.04

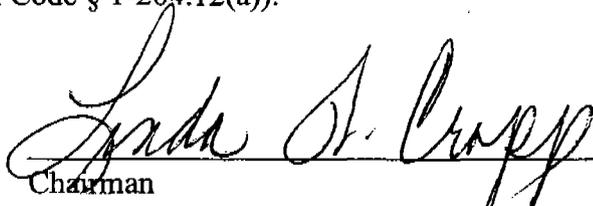
"The basis used in determining the amount allowable as a deduction from gross income under the provisions of § 47-1803.03(a)(7) shall be the same basis as that provided for determining the gain from the sale or other disposition of property for federal income tax purposes under the Internal Revenue Code of 1986; provided, that no adjustment shall be made for the amount of the special depreciation allowance for property acquired after September 10, 2001 and before September 30, 2005 and subject to special rules pursuant to section 168(k) of the Internal Revenue Code of 1986. No deduction shall be allowed for the increased expensing for small businesses and subject to the special rules pursuant to section 179 of the Internal Revenue Code of 1986. No expensing of computer software shall be allowed. No increase shall be allowed in Qualifying investments at which phaseout begins."

Sec. 3. Fiscal impact statement.

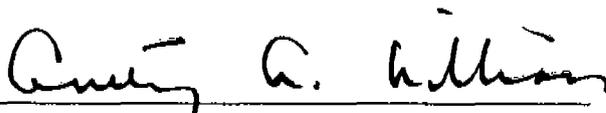
The Council adopts the attached as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED

JAN 14 2005

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-645

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 29, 2004

To amend, on an emergency basis, due to Congressional review, section 12(e) of Article 29 of the Harbor and Boating Safety Regulations of the Police Regulations of the District of Columbia to require children under 13 years of age to wear personal flotation devices while on recreational vessels.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Juvenile Flotation Device Requirement Second Congressional Review Emergency Amendment Act of 2004".

Sec. 2. Section 12(e) of Article 29, Harbor and Boating Safety Regulations of the Police Regulations, effective July 12, 1979 (D.C. Law 3-25; 19 DCMR §§ 1026.7 and 1026.8), is amended by adding a new paragraph (1A) to read as follows: DCMR

"(1A) No person may operate a recreational vessel underway with any child under 13 years old aboard unless each such child is below decks, in an enclosed cabin, or wearing a Coast Guard approved personal flotation device of the proper size."

Sec. 3. Applicability.

This act shall apply as of December 20, 2004.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report of the Juvenile Flotation Device Requirement Amendment Act of 2004, signed by the Mayor on August 2, 2004 (D.C. Act 15-490), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

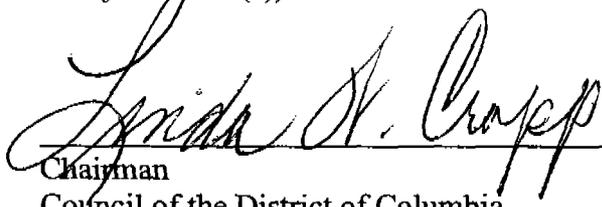
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DISTRICT OF COLUMBIA REGISTER

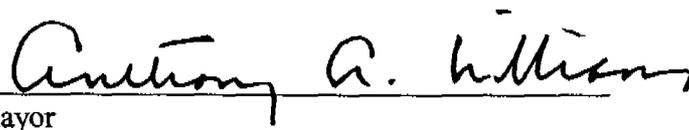
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Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 29, 2004

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AN ACT
D.C. ACT 15-646

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 29, 2004

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To amend, on an emergency 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 Second Emergency Amendment Act of 2004".

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.

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"(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.

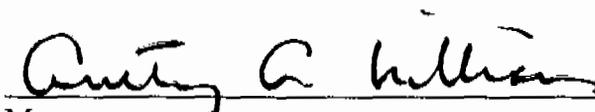
The Council adopts the fiscal impact statement provided by the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

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



 Chairman
 Council of the District of Columbia



 Mayor
 District of Columbia
 APPROVED
 December 29, 2004

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D.C. ACT 15-647

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 29, 2004*Codification
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To amend, on an emergency basis, An Act To establish a code of law for the District of Columbia to require that an accused person who has been found mentally incompetent to stand trial or to participate in transfer proceedings and is to be released from detention in the criminal or transfer proceeding be remanded by the court to the hospital for detention pending a hearing on a civil commitment petition that was filed prior to the court's determination that the person be released, to provide that a person who is so detained may request a probable cause hearing within 7 days of the remand order, to require that the requested probable cause hearing be held within 24 hours of receipt of the request, and to require that a court stay for a period not to exceed 48 hours execution of an order releasing an accused person who has been found mentally incompetent to stand trial or to participate in transfer proceedings, and for whom a civil commitment petition has not been filed, to afford the appropriate authority an opportunity to initiate proceedings for the person's emergency hospitalization under Chapter 5 of Title 21 of the District of Columbia Official Code.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Prevention of Premature Release of Mentally Incompetent Defendants Emergency Amendment Act of 2004".

Sec. 2. Section 927 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1340; D.C. Official Code § 24-501), is amended by adding a new subsection (a-1) to read as follows:

Note,
§ 24-501

"(a-1)(1) If the court determines after a hearing, or pursuant to a report of the superintendent of the hospital to which neither party objects, that the accused person is mentally incompetent to stand trial or to participate in transfer proceedings, and not likely to regain such competence in the reasonable future, and, if after a petition has been filed pursuant to D.C. Official Code § 21-541, the court further determines that the person shall be released from further detention in the criminal or transfer proceeding, the court shall remand the person to the hospital and the hospital may detain the person pending a hearing on the petition conducted pursuant to D.C. Official Code § 21-542. Within 7 days of the remand order, a person so

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detained may request a probable cause hearing before the Family Court of the Superior Court of the District of Columbia under D.C. Official Code § 21-525 on the person's continued hospitalization, in which case a hearing shall be held within 24 hours after the receipt of the request.

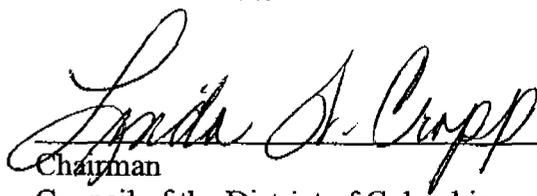
“(2) If the court determines that the accused person shall be released from further detention in the criminal or transfer proceeding, but a petition has not been filed pursuant to D.C. Official Code § 21-541, the court may stay the person's release for a period not to exceed 48 hours and remand the person to the hospital for the period of the stay so that the superintendent of the hospital may have an opportunity to initiate proceedings for the person's hospitalization under subchapter III of Chapter 5 of Title 21 of the District of Columbia Official Code.”.

Sec. 3. Fiscal impact statement.

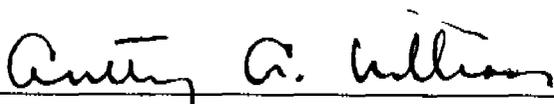
The Council adopts the fiscal impact statement in the committee report of the Prevention of Premature Release of Mentally Incompetent Defendants Amendment Act of 2004, signed by the Mayor on November 1, 2004 (D.C. Act 15-566), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

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



 Chairman
 Council of the District of Columbia



 Mayor
 District of Columbia

APPROVED

December 29, 2004

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AN ACT

D.C. ACT 15-648

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 3, 2005

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To amend the Human Rights Act of 1977 to prohibit employment discrimination based on genetic information; to prohibit an employer, employment agency, or labor organization from requesting or requiring a genetic test of, or administering a genetic test to, an employee or applicant for employment or membership; to prohibit an employer, employment agency, or labor organization from seeking to obtain, obtaining, or using genetic information of an employee or applicant for employment; to provide an exemption that allows the use of genetic testing or information with the written and informed consent of the employee or applicant for employment to determine the existence of a bona fide occupational qualification, investigate a workers' compensation or disability compensation claim, or determine an employee's susceptibility or exposure to potentially toxic substances in the workplace; to prohibit health benefit plans and health insurers from using genetic information as a condition of eligibility or in setting premium rates; and to prohibit health benefit plans and health insurers from requesting or requiring genetic testing.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Human Rights Genetic Information Amendment Act of 2004".

Sec. 2. The Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 2-1401.01) is amended by striking the word "disability," and inserting the phrase "genetic information, disability," in its place.

Amend
§ 2-1401.01

(b) Section 102 (D.C. Official Code § 2-1401.02) is amended by adding new paragraphs (k-2), (l-1), (l-2), (l-3), and (l-4) to read as follows:

Amend
§ 2-1401.02

"(k-2) "Family member" means, with respect to an individual and genetic information, the spouse of the individual, dependent child (whether born to or placed for adoption with the individual), and all other individuals related by blood to the individual, spouse, or child.

"(l-1) "Genetic information" means information about the presence of any gene, chromosome, protein, or certain metabolites that indicate or confirm that an individual or an

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individual's family member has a mutation or other genotype that is scientifically or medically believed to cause a disease, disorder, or syndrome, if the information is obtained from a genetic test.

"(1-2) "Genetic test" means an analysis of human chromosomes, genes, gene products, or genetic information that is used to identify the presence or absence of inherited or congenital alterations in genetic material that are associated with disease or illness. A genetic test shall not include a test for the presence of illegal drugs, routine physical measurements, or chemical, blood or urine analysis, unless conducted purposefully to obtain genetic information.

"(1-3) "Health benefit plan" means any accident and health insurance policy or certificate, hospital and medical services corporation contract, health maintenance organization subscriber contract, plan provided by a multiple employer welfare arrangement, or plan provided by another benefit arrangement. The term "health care benefit plan" does not mean accident only, credit or disability insurance; coverage of Medicare services or federal employee benefit plans, pursuant to contracts with the United States government; Medicare supplemental or long-term care insurance; dental only or vision only insurance; specified disease insurance; hospital confinement indemnity coverage; limited benefit health coverage; coverage issued as supplemental to liability insurance, insurance arising out of workers compensation or similar law; automobile medical payment insurance; medical expense and loss of income benefits; insurance under which benefits are payable with or without regard to fault and that is statutorily required to be contained in any liability insurance policy or equivalent self-insurance; or life insurance."

"(1-4) "Health insurer" means any person that provides one or more health benefits plans, or insurance in the District of Columbia, including an insurer, a hospital and medical services corporation, a fraternal benefits society, a health maintenance organization, a multiple employer welfare arrangement, or any other person providing a plan of health insurance subject to the authority of the Commissioner of the Department of Insurance, Securities, and Banking."

(c) Section 103 (D.C. Official Code § 2-1401.03) is amended by adding new subsections (e) and (f) to read as follows:

Amend
§ 2-1401.03

"(e) Nothing in this act shall prohibit an employer, an employment agency, or a labor organization from seeking, obtaining, or using genetic information to determine the existence of a bona fide occupational qualification reasonably necessary for the normal operation of an employer's business or enterprise; provided, that the employee or applicant for employment provides, in writing, his or her informed consent, the genetic information is provided to the employee or applicant for employment in writing as soon as it is available, and the genetic information is not disclosed to any other person.

"(f) Nothing in this act shall prohibit an employer from seeking, obtaining, or using genetic information about an employee to:

- "(1) Investigate a workers' compensation or disability compensation claim; or
- "(2) Determine an employee's susceptibility or level of exposure to potentially

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toxic substances in the workplace; provided, that the employee provides, in writing, his or her informed consent, and the genetic information is provided to the employee in writing as soon as it is available, and the genetic information is not disclosed to any other person.”.

(d) Section 211 (D.C. Official Code § 2-1402.11) is amended as follows:

Amend
§ 2-1402.11

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

(A) The first sentence is amended by striking the word “disability,” and inserting the phrase “genetic information, disability,” in its place.

(B) Paragraph 4 is amended as follows:

(i) Subparagraph (B) is amended by striking the word “disability,” and inserting the phrase “genetic information, disability,” in its place.

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

“(C) To request or require a genetic test of, or administer a genetic test to, any individual as a condition of employment, application for employment, or membership, or to seek to obtain, obtain, or use genetic information of an employee or applicant for employment or membership.”.

(2) Subsection (b) is amended by striking the word “disability,” and inserting the phrase “genetic information, disability,” in its place.

(e) Section 231 (D.C. Official Code § 2-1402.31) is amended as follows:

Amend
§ 2-1402.31

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

(A) The first sentence is amended by striking the word “disability,” and inserting the phrase “genetic information, disability,” in its place.

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

“(3) A health benefit plan or health insurer shall not establish rules for the eligibility, new or continued, of any individual or adjust premium or contribution amounts for an individual on the basis of genetic information concerning the individual or family member of the individual, including information about a request for or receipt of genetic services by an individual or the individual’s family member.

“(4) A health benefit plan or health insurer shall not request or require an individual or the individual’s family member to undergo a genetic test. Nothing in this paragraph shall:

“(A) Limit the authority of a health care professional who is providing health care services to an individual to request that the individual or the individual’s family member undergo a genetic test;

“(B) Limit the authority of a health care professional who is employed by or affiliated with a health benefit plan or a health insurer and who is providing health care services to an individual to notify such individual of the availability of a genetic test or to provide information to such individual regarding such genetic test; or

“(C) Authorize or permit a health care professional to require that an individual undergo a genetic test.”.

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ENROLLED ORIGINAL

(2) Subsection (b) is amended by striking the word "disability," and inserting the phrase "genetic information, disability," in its place.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
January 3, 2005

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-649

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 29, 2004

*Codification
District of
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To amend Chapter 10 of Title 47 of the District of Columbia Official Code to exempt from taxation certain property of the Southeast Neighborhood House and to provide equitable real property tax relief to the organization.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Southeast Neighborhood House Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 2004".

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

(a) The table of contents is amended by adding a new section designation to read as follows:

"47-1060. Southeast Neighborhood House, lots 0808, 0904, and 0905 in square 5802."

(b) A new section 47-1060 is added to read as follows:

"§ 47-1060. Southeast Neighborhood House, lots 0808, 0904, and 0905 in square 5802.

"(a) The properties located in the District of Columbia described as lots 0808, 0904, and 0905 in square 5802, situated in the 1200 block of Maple View Place, S.E., and the 2200 block of Mount View Place, S.E., owned by Southeast Neighborhood House, Inc., or to be transferred to same, are hereby exempt from real property taxation so long as the properties continue to be so owned and continue to be occupied and used by Southeast Neighborhood House, Inc., or Children of Mine, Inc., District of Columbia nonprofit corporations, and not used for commercial purposes, subject to the provisions of §§ 47-1005, 47-1007, and 47-1009 as if the exemptions were granted administratively under this chapter."

Sec. 3. Equitable real property relief; exemption from transfer taxes, penalties, interest, or fees.

(a) The Council orders that:

(1) All real property taxes or taxes under D.C. Official Code § 47-1005.01, and interest and penalties thereon, assessed against lot 0808 for the period March 1, 1993 through the first day of the month following the effective day of this act, shall be forgiven.

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(2) All real property taxes or taxes under D.C. Official Code § 47-1005.01, and interest and penalties thereon, assessed against lots 0904 and 0905 for the period March 1, 1993 through the first day of the month following the effective day of this act, shall be forgiven.

(b) The one-time transfer of lots 0904 and 0905 in square 5802 to the Southeast Neighborhood House, Inc., shall not be subject to the taxes, penalties, interest, or fees under Chapters 9, 14, and 42 of Title 47 of the District of Columbia Official Code and the District of Columbia Recordation Tax Act, approved March 2, 1962 (76 Stat. 11; D.C. Official Code § 42-1101 *et seq.*).

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

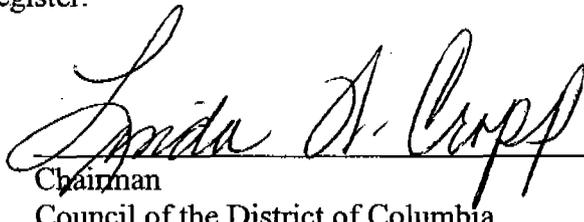
This act shall take effect subject to the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement contained in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-233(c)(3)).

Sec. 6. Effective date.

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


Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED

December 29, 2004
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