

AN ACT  
D.C. ACT 15-623

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
NOVEMBER 30, 2004

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2005 Winter  
Supp.

West Group  
Publisher

To amend, on an emergency basis, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to allow former District government employees who are reemployed annuitants the option of continuing to receive a reduction in pay.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District Government Reemployed Annuitant Offset Alternative Emergency Amendment Act of 2004".

Sec. 2. Section 1103(b) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §1-611.03(b)), is amended by adding a sentence at the end to read as follows:  
"Any employee who receives retirement benefits pursuant to 5 U.S.C. § 8331 may elect to continue to receive a reduction in pay under this subsection. The District Government Reemployed Annuitant Offset Alternative Emergency Amendment Act of 2004 shall not apply to employees hired on or after its effective date."

Note,  
§ 1-611.03

Sec. 3. Fiscal impact statement.

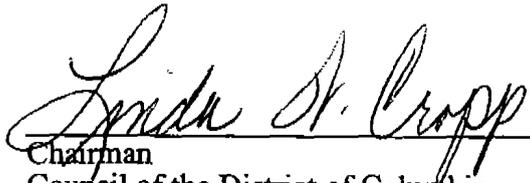
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat.813; D.C. Official Code § 1-206.02(c)(3)).

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  
November 30, 2004

AN ACT  
D.C. ACT 15-624

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
NOVEMBER 30, 2004

*Codification  
District of  
Columbia  
Official Code*  
2001 Edition  
2005 Winter  
Supp.  
West Group  
Publisher

To amend, on an emergency basis, due to Congressional review, the District of Columbia Procurement Practices Act of 1985 to provide that the term of the Inspector General shall end in 2008 and shall not vary thereafter from a 6-year term, and that upon Congressional approval that in a non-control year, the Inspector General may be removed for cause by the Mayor with the approval of 2/3 of the members of the Council present and voting.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Inspector General Appointment and Term Clarification Congressional Review Emergency Amendment Act of 2004".

Sec. 2. Section 208(a)(1)(A) of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-302.08(a)(1)(A)), is amended as follows:

Note,  
§ 2-302.08

(a) A new sub-subparagraph (A-ii) is added to read as follows:

"(A-ii) The Inspector General first appointed by the Mayor by and with the advice and consent of the Council on or after November 4, 2003, shall serve until May 19, 2008. Each Inspector General appointed to fill the position after May 19, 2008 shall serve a 6-year term to end May 19, 2014, and every 6 years thereafter."

(b) A new sub-subparagraph (A-iii) is added to read as follows:

"(A-iii) During a year which is not a control year, the Inspector General shall be subject to removal only for cause by the Mayor with the advice and consent of the Council through a resolution approved by 2/3 of the members of the Council present and voting."

Sec. 3. Applicability.

Section 2 (b) of this act shall apply upon its enactment by the United States Congress.

Sec. 4. Fiscal impact statement.

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

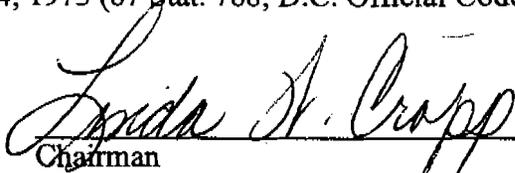
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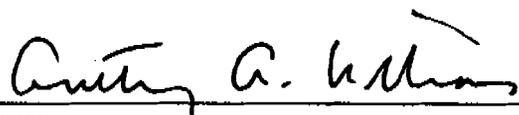
ENROLLED ORIGINAL

DISTRICT OF COLUMBIA REGISTER

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, effective as of October 21, 2004, 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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Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
November 30, 2004

AN ACT

D.C. ACT 15-625

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 30, 2004

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2005 Winter  
Supp.

West Group  
Publisher

To amend, on an emergency basis, due to Congressional review, section 25-1002 of the District of Columbia Official Code to clarify and revise the criminal and civil penalties to be imposed upon persons under the age of 21 who purchase, attempt to purchase, possess, or drink an alcoholic beverage, persons who make false representations or possess or present fraudulent identification for the purchase, possession, or drinking of an alcoholic beverage, and persons who present fraudulent identification for the purpose of entering certain establishments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Alcoholic Beverage Penalty Congressional Review Emergency Act of 2004".

Sec. 2. Section 25-1002 of the District of Columbia Official Code is amended as follows:

Note,  
§ 25-1002

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

"(c)(1) Except as provided in paragraph (4)(D) of this subsection, any person who violates any provision of this section shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine and suspension of driving privileges as follows:

“(A) Upon the first violation, a fine of not more than \$300 and suspension of driving privileges in the District for 90 consecutive days;

“(B) Upon the second violation, a fine of not more than \$600 and suspension of driving privileges in the District for 180 days; and

“(C) Upon the third and each subsequent violation, a fine of not more than \$1,000 and suspension of driving privileges in the District for one year.

“(2) In lieu of proceeding to trial or disposition under paragraph (1) of this subsection, the Mayor shall offer persons who are arrested, or criminally charged by information, for a first or second violation of this section, the option of completing a diversion program authorized and approved by the Mayor. The Mayor shall determine the content of the diversion program, which may include community service and alcohol awareness and education.

If the person rejects enrollment in, or fails to comply with the requirements of, or fails to complete within 6 months, the diversion program, he or she may continue to be prosecuted in accordance with paragraph (1) of this section. The Mayor, may, at his discretion, decline to offer diversion to any person who has previously been convicted of, any felony, misdemeanor, or other criminal offense.

“(3) As a condition to acceptance into a diversion program, the Mayor may request that the person agree to pay the District, or its agents, a reasonable fee, as established by rule, for the costs to the District of the person's participation in the program; provided, that:

“(A) The fee shall not unreasonably discourage persons from entering the diversion program; and

“(B) The Mayor may reduce or waive the fee if the Mayor finds that the person is indigent.

“(4)(A) Upon the expiration of 6 months following the date of a conviction or a dismissal of a proceeding, or upon the expiration of 6 months following the date of arrest if no information was filed, any person who was arrested for, or criminally charged by information with, any offense under this section may petition the court for an order expunging from the official records all records relating to the arrest, information, trial, conviction, or dismissal of the person; provided, that a nonpublic record shall be retained by the court and the Mayor solely for the purposes of conducting a criminal record check for persons applying for a position as a law enforcement officer or determining whether a person has previously received an expungement under this subsection.

“(B) The court shall grant the petition described in subparagraph (A) of this paragraph if the petitioner has no pending charges for and has not been convicted of, any other felony, misdemeanor, or other criminal offense and if any fine imposed as a result of a conviction under this section has been paid; provided, that the court may grant the petition described in subparagraph (A) of this paragraph if, other than a conviction for a misdemeanor under this section, the petitioner has no pending charges for, and has not been convicted of, any felony, misdemeanor, or other criminal offense.

“(C) Except as provided by this subsection, the effect of an expungement order shall be to lawfully restore the person receiving the expungement to the status he or she occupied before the arrest or information described in subparagraph (A) of this paragraph. No person for whom an expungement order permitted by this subsection has been entered may be held thereafter, under any provision of law, to be guilty of perjury or otherwise giving a false statement by failing to recite or acknowledge such arrest, information, trial, conviction, or dismissal for which the order permitted by paragraph (4) of this subsection has been entered. The expungement of such records shall not relieve the person of the obligation to disclose such arrest, information, trial, conviction, or dismissal in response to a direct questionnaire or application for a position as a law enforcement officer.

“(D) No person under the age of 21 shall be criminally charged with the

offense of possession or drinking an alcoholic beverage under this section, but shall be subject to civil penalties under subsection (e) of this section.

"(6) Failure to pay the fines set forth in paragraph (1) of this subsection shall result in imprisonment for a period not exceeding 30 days.

"(7) The Metropolitan Police Department may enforce provisions of this section by issuing to a person alleged to have violated this section a citation under § 23-1110(b)(1). The person shall not be eligible to forfeit collateral."

(b) Subsection (d) is repealed.

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

"(e)(1) In lieu of criminal prosecution as provided in subsection (c) of this section, a person who violates any provision of this section shall be subject to the following civil penalties:

"(A) Upon the first violation, a fine of not more than \$300 and the suspension of driving privileges in the District for 90 consecutive days;

"(B) Upon the second violation, a fine of not more than \$600 and the suspension of driving privileges in the District for 180 days; and

"(C) Upon the third or subsequent violation, a fine of not more than \$1,000 and the suspension of driving privileges in the District for one year.

"(2) ABRA inspectors or officers of the Metropolitan Police Department may enforce the provisions of this subsection by issuing a notice of civil infraction for a violation of subsections (a) and (b) of this section in accordance with Chapter 18 of Title 2. A violation of this subsection shall be adjudicated under Chapter 18 of Title 2.

"(3)(A) In lieu of or in addition to the civil penalties provided under paragraph (1) of this subsection, as a civil penalty, the Mayor may require any person who violates any provision of this section to complete a diversion program authorized and approved by the Mayor. The Mayor shall determine the content of the diversion program, which may include community service, and alcohol awareness and education.

"(B) As a condition to acceptance into a diversion program, the Mayor may request that the person agree to pay the District, or its agents, a reasonable fee, as established by rule, for the costs to the District of the person's participation in the program; provided, that:

"(i) The fee shall not unreasonably discourage persons from entering the diversion program; and

"(ii) The Mayor may reduce or waive the fee if the Mayor finds that the person is indigent."

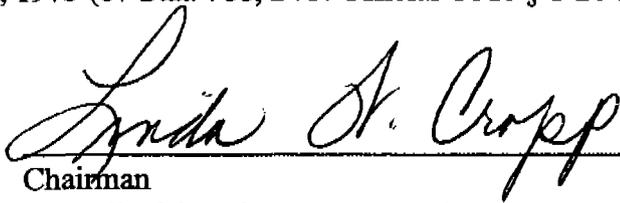
### Sec. 3. Fiscal impact statement.

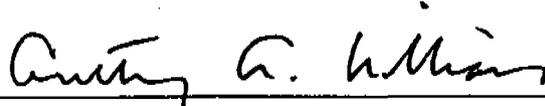
The Council adopts the attached fiscal impact statement as the fiscal impact statement

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, beginning on October 31, 2004, 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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Chairman  
Council of the District of Columbia

  
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Mayor  
District of Columbia  
APPROVED  
November 30, 2004

AN ACT

D.C. ACT 15-626

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 30, 2004

Codification  
District of  
Columbia  
Official Code

2001 Edition

2005 Winter  
Supp.

West Group  
Publisher

To amend, on an emergency basis, due to Congressional review, Chapter 31A of Title 12A of the District of Columbia Municipal Regulations to establish appropriate graphics for the Gallery Place Project.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Gallery Place Project Graphics Congressional Review Emergency Amendment Act of 2004".

Sec. 2. Chapter 31A of Title 12A of the District of Columbia Municipal Regulations (31A DCMR § 3105 *et seq.*), is amended by adding a new subsection 3107.18 to read as follows:

DCMR

"3107.18 Rules for Gallery Place Project Graphics: The code official is authorized to issue a permit for Gallery Place Project Graphics, as defined in subsection 3107.18.1. Gallery Place Project Graphics shall be subject to the rules of this subsection and not to the rules in this chapter pertaining to billboards, poster panels, wall signs, Special Signs, and other specific types of signs, except those specific types of signs indicated below. Gallery Place Project Graphics shall not be subject to subsection 3107.10 or other similar provisions of this chapter that limit the maximum size or height of signs, other than the limitations stated or incorporated into this section. All other provisions of this chapter shall apply, including, but not limited to, subsections 3107.3.4 (permits for electrical signs), 3107.7.1 (projecting signs), 3107.7.2 (roof signs), 3107.7.3 (signs supported by projecting construction), 3107.7.4 (signs on awnings or similar projections), 3107.7.8 (signs on public space), 3107.11 (structural and materials requirements), 3107.13 (dangerous signs), and 3107.14 (obstructive signs).

"3107.18.1 Definitions: As used in this subsection, the following definitions apply:

"Gallery Place Project: (a) The project described in D.C. Official Code § 47-2005(30)(B), except that the lots comprising the project have been combined and are now known as Lot 50 in Square 454; (b) the private alley located between the project and the property known as the MCI Center, Square 455, Lot 47, and (c) the northern facade of the MCI Center.

“Gallery Place Project Graphics: The outdoor graphics and visuals for the Gallery Place Project, including, but not limited to, banners, digital screens, digital video monitors, theater marquees, fixed and animated signs for commercial establishments located within the project, projectors for projecting static and moving images onto the Gallery Place Project, interactive kiosks, and images projected onto the façade of the Gallery Place Project.

“3107.18.2 Additional Requirements and Restrictions: In addition to all other applicable provisions of this chapter not exempted by this subsection 3107.18, Gallery Place Project Graphics and those graphics and visuals located in the public space immediately adjacent to the Gallery Place Project shall be designed, located, erected, hung, placed, posted, painted, displayed, and maintained in compliance with the specifications, drawings, limitations, and requirements set forth in Illustrations 1 through 6, which are incorporated by reference into this section and made an appendix to this chapter (the “Illustrations”).

“3107.18.2.1 Flexibility on Character of Advertisement: Notwithstanding subsection 3107.6, Gallery Place Project Graphics located in those areas identified in the Illustrations as the “Corner Heroic Sign Area” or the “Additional Signage Area” may advertise businesses not located on the premises, including the goods and services sold at such business, provided that the businesses so advertised are located within the Gallery Place Project.

“3107.18.2.2 Displays of Video, Flashing, or Animation: Only that portion of a graphic or visual which is permitted by subsection 3107.6.1 to advertise products or commodities may display video, flashing, or animation.

“3107.18.2.3 Intensity or brilliance of signs: No Gallery Place Project Graphic shall have such intensity or brilliance as to cause glare or impair the vision of any driver, otherwise interfere with the driver's operation of a motor vehicle, or adversely impact an owner's enjoyment of residential property located within the Gallery Place Project.

“3107.18.2.4 Projection at certain locations: Notwithstanding subsection 3107.7.1.1, the following specific rules apply to projecting Gallery Place Project Graphics:

“3107.18.2.4.1 No Gallery Place Project Graphic located in any area shown as cross-hatched in the Illustrations shall project more than 8 inches (203.2 mm) beyond the facade of the structure.

“3107.2.4.2 Gallery Place Project Graphics located in the “Storefront Signage Areas” depicted on the Illustrations may project no more than 48 inches (1219.20 mm) beyond the building line or building restriction line, on the street frontage of a building.

“3107.18.2.5 Revolving Signs: Notwithstanding subsection 3107.7.11, revolving signs shall be permitted in the private alley located between the project and the property known as the MCI Center, Square 455, Lot 47, subject to the conditions of subsections 3107.7.11.1 through 3107.7.11.7.

“3107.18.3 Gallery Place Project Graphics Permit: No Gallery Place Project Graphics may be erected, hung, placed, posted, painted, displayed, or maintained without the owner of such Gallery Place Project Graphic first obtaining a Gallery Place Project Graphics Permit from

the Department in accordance with subsection 3107.18.4. A Gallery Place Project Graphics Permit authorizes the location, size, and design of the graphic or visual.

**“3107.18.4 Gallery Place Project Graphics Permit Application:** An application for a Gallery Place Project Graphics Permit shall be submitted by the owner to the Director of the Department, or his or her designee, on a form provided by the Department, and shall include the following:

“(1) Identification of: (a) the applicant; (b) the proposed location of the Gallery Place Project Graphics by the street address of the building or premises and the face direction of the wall or surface (e.g., northern-facing); (c) the proposed linear dimensions of the Gallery Place Project Graphics; and (d) such other information as the Director may require.

“(2) An affidavit signed by the applicant or his or her duly authorized representative, certifying that the applicant is in compliance with subchapter II of Chapter 28 of Title 47 of the District of Columbia Official Code.

“(3) A permit fee in the amount of one dollar (\$1.00) per square foot of the Gallery Place Project Graphics. The permit fee may be paid by check made payable to the order of the "D.C. Treasurer." The permit fee may be refunded to the applicant if the permit is not issued, in accordance with the provisions of Chapter 1 for the refund of unused permit fees.

**“3107.18.5 Permit Applications Referrals:** The Director of the Department, or his or her designee, shall refer all permit applications to the District Department of Transportation and the Office of Planning. The agencies shall have 60 (sixty) days from the referral date to submit a written report to the Director of the Department, except that the Director may allow for an extension of this period of up to thirty (30) days for good cause.

**“3107.18.6 Effect of Adverse Report:** No permit shall be granted if, within the time period provided in subsection 3107.18.5:

“(1) The Director of the Department of Transportation reports in writing that the location, size, or height above grade of the visual or graphic is objectionable with regard to vehicular traffic safety; or

“(2) The Director of the Office of Planning reports in writing that the proposed graphic or visual:

“(a) Does not comply with the specifications, drawings, limitations and requirements of the MOA; or

“(b) Would adversely impact the character and integrity of the Gallery Place Project.

**“3107.18.7 Review, Approval, and Denial of Permit Applications:** The Director of the Department, or his or her designee, shall review and approve or deny a Gallery Place Project Graphics Permit application within twenty (20) days of after the expiration of the time period provided in subsection 3107.18.5. Gallery Place Project Graphics Permits shall be issued in the name of the applicant and shall pertain solely to the Gallery Place Project Graphics location identified on the permit.

**“3107.18.7.1 Denial of Application:** If the Director denies a Gallery Place Project

Graphics Permit, the denial shall be in writing to the applicant and shall state the statutory or regulatory basis for the denial. The applicant shall have ten (10) business days from receipt of the denial to correct any defect in the application.

"3107.18.8 Applicability of Other Laws and Regulations Unaffected: Other than the exempted provisions of this chapter, the Gallery Place Project shall continue to be subject to all applicable rules and regulations, including, but not limited to, Chapter 24 of Title 10 (CHINATOWN DESIGN REVIEW PROCEDURES).

"3107.18.9 Enforcement of Regulations and Removal of Gallery Place Project Graphics: Any unauthorized Gallery Place Project Graphic (including Gallery Place Project Graphics without a permit) shall be taken down or removed within ten (10) days after receipt of written notification of violation from the Department. Following the expiration of this time period, the code official is authorized, through personnel of the Department or the Metropolitan Police Department, to remove or take down the unauthorized Gallery Place Project Graphic and to impose civil fines of no more than three dollars (\$3) per square foot of sign, per day that the unauthorized Gallery Place Project Graphic fails to be taken down or removed. Both the owner of the premises upon which the Gallery Place Project Graphic is displayed and the permit holder are responsible for taking down or removing the graphic or visual upon notification by the Department to do so, and both may be held responsible for any penalties or fines imposed for the violation. Additional enforcement measures may be taken pursuant to, and consistent with, the provisions of section 113, "Violations and Infractions."

"3107.18.10 Maintenance and repair: Whenever the code official finds that any Gallery Place Project Graphic is not maintained in good repair and has not deteriorated more than 50 percent of its replacement value, the code official shall notify the owner thereof and order him to repair the Gallery Place Project Graphic within a specified time, but not less than 10 calendar days. If the code official finds that the Gallery Place Project Graphic has deteriorated more than 50 percent of its replacement value, or is not repaired within the time specified in the repair notice, the code official shall notify the owner of the Gallery Place Project Graphic and the owner of the real property on which said Gallery Place Project Graphic is located to remove the Gallery Place Project Graphic from the property within a specified time. Failure to comply shall subject said owners, upon conviction or adjudication, to the fines provided for in section 4 of AN ACT to regulate the erection, hanging, placing, painting, display, and maintenance of outdoor signs and other forms of exterior advertising within the District of Columbia, approved March 31, 1931 (46 Stat. 1486; D.C. Official Code § 1-303.23), or to civil fines, penalties, and fees pursuant to Titles I through III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*). The code official may extend the time periods stated in this subsection upon the owner's written showing of good cause.

"3107.18.11 Rulemaking Authority: Notwithstanding section 10 of the Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216;

D.C. Official Code § 6-1409), the Director may amend the provisions of this subsection and the specifications, drawings, limitations, and requirements of the Illustrations by rulemaking pursuant to section 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505), without submission of the proposed rules to the Council for its prior review and approval.”.

Sec. 3. Section 10 of the Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1409), is amended by adding a new subsection (a-1) to read as follows:

Note,  
§ 6-1409

“(a-1) Notwithstanding the provisions of subsection (a) of this subsection, the Mayor may amend the provisions of subsection 3107.18 of Title 12A of the District of Columbia Municipal Regulations (31A DCMR § 3107.18), including the specifications, drawings, limitations, and requirements of the Illustrations, as defined in subsection 3107.18.11 of Title 12A of the District of Columbia Municipal Regulations (31A DCMR § 3107.18.11), by rulemaking pursuant to section 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505), without submission of the proposed rules to the Council for its prior review and approval.”.

Sec. 4. Fiscal impact statement.

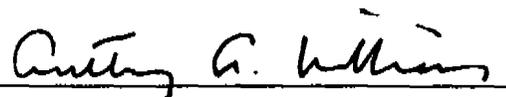
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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, beginning on October 31, 2004, 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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Chairman  
Council of the District of Columbia

  
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Mayor  
District of Columbia  
APPROVED  
November 30, 2004

AN ACT  
D.C. ACT 15-627

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
NOVEMBER 30, 2004

To amend, on an emergency basis, An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes to require the Mayor to include as part of a proposed resolution for the disposition of real property an analysis of economic factors and a description of how economic factors will be weighted and evaluated, and in the case of any property to be disposed of through a request for proposal or competitive sealed proposal, to require the Mayor to use economic factors as one of the criteria for evaluating the request for proposal or competitive sealed proposal.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Real Property Disposition Economic Analysis Second Emergency Amendment Act of 2004".

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

Note,  
§ 10-801

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

“(b-1)(1) A proposed resolution for the disposition of real property transmitted to the Council after January 29, 2004 pursuant to subsection (b) of this section shall be accompanied by an analysis prepared by the Mayor of the economic factors and other stated policy objectives to be considered in disposing of the real property, including, when appropriate to the chosen method of disposition, how competition may be maximized.

“(2) The analysis shall describe how economic factors and other stated policy objectives will be weighted and evaluated in the disposition process, and shall include, as appropriate, estimates, with supporting documentation, of the monetary benefits and costs to the District that will result from the disposition. The benefits analyzed shall include revenues, fees, and other payments to the District, as well as the creation of jobs.”.

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

“(e-1) In the case of any real property to be disposed of pursuant to this section through a request for proposal or competitive sealed proposal, the Mayor shall include economic factors and other policy objectives, if any, including revenues, fees, and other payments to the District, as part of the evaluation criteria that will be used to evaluate the request for proposal or competitive sealed proposal.”.

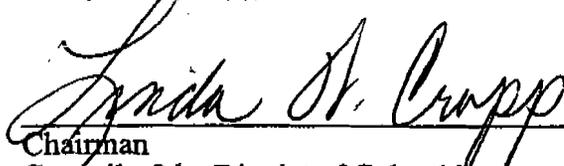
Sec. 3. Fiscal impact statement.

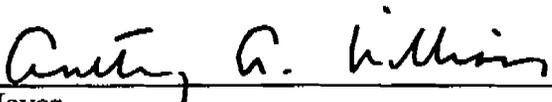
This legislation will not have an adverse impact on the District of Columbia’s financial plan and budget because the only changes it would make to current law would be (1) to require

an economic analysis to be part of a proposed real property disposition, (2) to require the Mayor to explain how economic factors will be weighted and evaluated in the disposition process, and (3) in the case of a request for proposal or competitive sealed proposal, to require the Mayor to use economic factors as one of the evaluation criteria in evaluating proposals. The legislation is prospective in its application, and would not affect any real property disposition resolutions that have already been transmitted to the Council. By increasing the emphasis on economic factors while giving the Mayor considerable latitude in weighing other factors, such as economic and community development, the legislation would either have a positive or neutral fiscal impact.

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 § 1-20412(a)).

  
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Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
November 30, 2004

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-628

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 30, 2004

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2005 Winter  
Supp.

West Group  
Publisher

To amend, on an emergency basis, due to Congressional review, the Tax Increment Financing Authorization Act of 1998 to amend the sunset date for the issuance of tax increment financing bonds.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Tax Increment Financing Reauthorization Date Congressional Review Second Emergency Amendment Act of 2004".

Sec. 2. Section 3(b) of the Tax Increment Financing Authorization Act of 1998, effective April 27, 1999 (D.C. Law 12-143; D.C. Official Code § 2-1217.02(b)), is amended by striking the phrase "January 1, 2003" and inserting the phrase "January 1, 2005" in its place.

Note,  
§ 2-1217.02

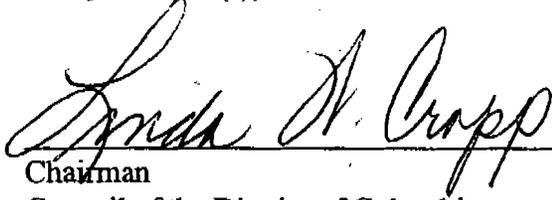
Sec. 3. Fiscal impact statement.

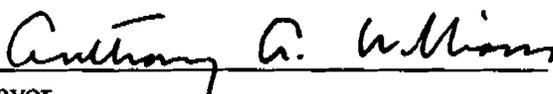
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

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

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  
November 30, 2004

AN ACT

D.C. ACT 15-629

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 30, 2004

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2005 Winter  
Supp.

West Group  
Publisher

To amend, on an emergency basis, due to Congressional review, Chapter 10 of Title 47 of the District of Columbia Official Code to exempt from taxation certain real property located in the District of Columbia used by the Department of the Army.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Walter Reed Property Tax Exemption Reconfirmation Congressional Review Emergency 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. Walter Reed military housing."

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

§ 47-1060. Walter Reed military housing.

"Real property located in Squares 2734, 2735, and 2949, at the Walter Reed U.S. Army Medical Center, together with the improvements thereon and any future improvements constructed thereon, shall be exempt from all taxation, including ordinary and special taxes and use or possessory interest taxes, on real property or the use thereof, so long as said property is used for the purposes of housing military personnel or their families, as contemplated by 10 USC §§ 2871 through 2885, subject to the provisions of §§ 47-1005, 47-1007, and 47-1009. The transfer of a leasehold or fee interest in the property, or the improvements thereon, from the United States of America, or any branch of the U.S. military; the recordation of any lease, deed, or deed of trust, other security instrument, or financing used for the improvement or construction of military housing; and the transfer from any entity to the United States government, or any branch of the U.S. military, shall be exempt from all transfer and recordation taxes of or imposed by the District of Columbia."

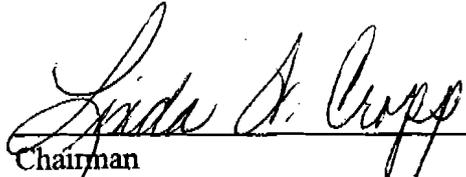
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ENROLLED ORIGINAL

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. 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  
November 30, 2004

AN ACT

D.C. ACT 15-630

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 30, 2004

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2005 Winter  
Supp.

West Group  
Publisher

To amend, on an emergency basis, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to establish a mandatory drug and alcohol testing program for certain District of Columbia applicants and employees; to establish a criminal background check program for employees and unsupervised volunteers of certain providers that provide direct services to children or youth; to establish uniform health screening requirements and the use of uniform health forms for all District of Columbia children; to authorize the Director of the Department of Human Services to take a child into custody when a child committed to the legal custody of the Department absconds from a community-based placement or violates any of the terms of his or her placement; to establish an Early Intervention Program to provide early intervention services for infants and toddlers from birth to 2 years of age and their families; to amend the District of Columbia Public School Nurse Assignment Act of 1987 to require that nurses be assigned to public charter schools; and to amend the District of Columbia Uniform Controlled Substances Act of 1981 to designate all areas within 1000 feet of public charter schools as drug free zones.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Child and Youth, Safety and Health Omnibus Emergency Amendment Act of 2004".

TITLE I. MANDATORY DRUG AND ALCOHOL TESTING PROGRAM.

Sec. 101. Short title.

This title may be cited as the "Mandatory Drug and Alcohol Testing for the Protection of Children Emergency Amendment Act of 2004".

Sec. 102. 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 by adding a new title XX-C to read as follows:

"TITLE XX-C

"MANDATORY DRUG AND ALCOHOL TESTING FOR  
CERTAIN EMPLOYEES WHO SERVE CHILDREN.

"Sec. 2031. Definitions.

"For the purposes of this title, the term:

"(1) "Applicant" means any person who has filed any written employment application forms to work as a District employee, or has been tentatively selected for employment.

"(2) "Children" means individuals 12 years of age and under.

"(3) "District employee" means a person employed by the District of Columbia government.

"(4) "Drug" means an unlawful drug and does not include over-the-counter prescription medications.

"(5) "Employee" means any person employed in a position for which he or she is paid for services on any basis.

"(6) "Post-accident employee" means an employee of the District of Columbia, who, while on-duty, is involved in a vehicular or other type of accident resulting in personal injury or property damage, or both, in which the cause of the accident could reasonably be believed to have been the result in whole or in part from the use of drugs or alcohol on the part of the employee.

"(7) "Probable cause" or "reasonable suspicion" means a reasonable belief by a supervisor that an employee in a safety-sensitive position is under the influence of an illegal drug or alcohol to the extent that the employee's ability to perform his or her job is impaired.

"(8) "Random testing" means drug or alcohol testing conducted on an District employee in a safety-sensitive position at an unspecified time for purposes of determining whether any District employee subject to drug testing has used drugs or alcohol and, as a result, is unable to satisfactorily perform his or her employment duties.

"(9) "Reasonable suspicion referral" means referral of an employee in a safety-sensitive position for testing by the District for drug or alcohol use.

"(10) "Safety-sensitive position" means:

"(A) Employment in which the District employee has direct contact with children or youth;

"(B) Is entrusted with the direct care and custody of children or youth;  
and

"(C) Whose performance of his or her duties in the normal course of employment may affect the health, welfare, or safety of children or youth.

"(11) "Youth" means individuals between 13 and 17 years of age, inclusive.

"Sec. 2032. Employee testing.

"(a) The following individuals shall be tested by the District government for drug and

alcohol use:

- "(1) Applicants for employment in safety-sensitive positions;
- "(2) District employees who have had a reasonable suspicion referral;
- "(3) Post-accident District employees, as soon as reasonably possible after the

accident; and

- "(4) District employees in safety-sensitive positions.

"(b) The District shall only subject employees in subsection(a)(4) of this section to random testing, unless a District agency has additional requirements for drug testing of its employees, in which case the stricter requirements apply.

"(c) Supervisors shall be trained in substance abuse recognition and shall receive a second opinion from another supervisor prior to making a reasonable suspicion referral.

"(d) District employees shall be given at least a 30-day (calendar) written notice that the District is implementing a drug and alcohol testing program. Upon receipt of a written notice of the program, each employee shall be given one opportunity to seek treatment, if he or she has a drug or alcohol problem.

"(e) Following the issuance of the 30-day written notice required by subsection (d) of this section, the Mayor shall procure a testing vendor and testing shall be implemented as described in this title.

"Sec. 2033. Motor vehicle operators.

"Any District government employee who operates a motor vehicle in the performance of his or her employment within the District of Columbia shall be deemed to have given his or her consent, subject to the conditions in this title, to the testing of the employee's urine or breath for the purpose of determining drug or alcohol content whenever a supervisor has probable cause or a police officer arrests such person for a violation of the law and has reasonable grounds to believe such person to have been operating or in physical control of a motor vehicle within the District while that person's breath contains .08 percent or more, by weight, of alcohol, or while under the influence of an intoxicating liquor or any drug or combination thereof, or while that person's ability to operate a motor vehicle is impaired by the consumption of intoxicating liquor.

"Sec. 2034. Testing methodology.

"(a) Testing shall be performed by an outside contractor at a laboratory certified by the United States Department of Health and Human Services ("HHS") to perform job-related drug and alcohol forensic testing.

"(b) For random testing of District employees, the contractor shall, at a location designated by the District to collect urine specimens on-site, split each sample and perform enzyme-multiplied-immunossay technique ("EMIT") testing on one sample and store the split of that sample. Any positive EMIT test shall be then confirmed by the contractor, using the gas chromatography/mass spectrometry ("GCMS") methodology.

"(c) Any District employee found to have a confirmed positive urinalysis shall be notified of the result. The employee may then authorize that the stored sample be sent to

another HHS-certified laboratory of his or her choice, at his or her expense, for a confirmation, using the GCMS testing method.

"(d) Reasonable suspicion and post-accident employee testing shall follow the same procedures set forth in subsections (a) through (c) of this section. In such cases, the employee shall be escorted by a supervisor to the contractor's test site for specimen collection or a breathalyser.

"(e) A breathalyser shall be deemed positive by the District's testing contractor if the contractor determines that 1 milliliter of the employee's breath (consisting of substantially alveolar air) contains .38 micrograms or more of alcohol.

"(f) Prior to testing, a physician must sit down with the employee and ask what medications he or she might have been taking to rule out any false positives in the drug screening results.

"Sec. 2035. Procedure and employee impact.

"(a) A drug and alcohol testing policy shall be issued in advance of implementing the drug and alcohol program to inform District employees of the requirements of the program and to allow each employee one opportunity to seek treatment, if he or she has a drug or alcohol program. Thereafter, any confirmed positive drug test results, positive breathalyser test, or a refusal to submit to a drug test or breathalyser shall be grounds for termination of employment in accordance with this act. This testing program shall be implemented as a single program. The results of a random test shall not be turned over to any law enforcement agency without the employee's written consent.

"(b) An applicant described in section 2031(1) may be offered employment contingent upon receipt of a satisfactory drug testing result, and may begin working in a position that is not a safety-sensitive setting prior to receiving the results.

"Sec. 2036. Coverage of private contractual providers and private licensed providers.

"Each private provider that contracts with the District of Columbia to provide employees to work in safety-sensitive positions and each private entity licensed by the District government that has employees who work in safety-sensitive positions shall establish mandatory drug and alcohol testing policies and procedures that are consistent with the requirements of this title.

"Sec. 2037. Rules.

"The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this title."

## TITLE II. CRIMINAL BACKGROUND CHECKS.

### Sec. 201. Short title.

This title may be cited as the "Criminal Background Checks for the Protection of Children Emergency Act of 2004".

## Sec. 202. Definitions.

For the purposes of this title, the term:

"(1) "Applicant" means an individual who has filed a written application for employment with covered child or youth services provider or an individual who has made an affirmative effort through a written application or a verbal request to serve in an unsupervised volunteer position with any covered child or youth services provider.

"(2) "Children" means individuals 12 years of age and under.

"(3) "Covered child or youth services provider" means any District government agency providing direct services to children or youth and any private entity that contracts with the District to provide direct services to children or youth, or for the benefit of children or youth, that affect the health, safety, and welfare of children or youth, including individual and group counseling, therapy, case management, supervision, or mentoring. The term "covered child or youth services provider" does not include foster parents or grantees.

"(4) "Criminal background check" means the investigation of a person's criminal history through the record systems of the Federal Bureau of Investigation and the District of Columbia Metropolitan Police Department.

"(5) "Employee" means an individual who is employed on a full-time, part-time, temporary, or contractual basis by any covered child or youth services provider.

"(6) "FBI" means the Federal Bureau of Investigation.

"(7) "MPD" means the Metropolitan Police Department.

"(8) "Supervised" means any person who is under the direct supervision, at all times, of an employee or a volunteer who has received a current, satisfactory background check.

"(9) "Volunteer" means any individual who works without any monetary or any other financial compensation for any covered child or youth services provider.

"(10) "Youth" means individuals between 13 and 17 years of age, inclusive.

## Sec. 203. Criminal background checks required for certain individuals.

(a) The following individuals shall apply for criminal background checks in accordance with the requirements of section 205:

(1) Each applicant who is under consideration for paid employment, and each applicant who is under consideration for voluntary service in an unsupervised position, by any covered child or youth services provider, as defined by regulations promulgated pursuant to section 208.

(2) Each person who is employed by any covered child or youth services provider, and each volunteer who serves a covered child or youth services provider in an unsupervised position, as defined by regulations promulgated pursuant to section 208.

(b) Private entities licensed by the District to provide direct services to children and

youth may be required by the Mayor to apply for criminal background checks in accordance with the requirements of section 205 through the formal rulemaking process of section 208.

**Sec. 204. Authorization to obtain records.**

(a) The Mayor may obtain criminal history records maintained by the Federal Bureau of Investigation and the Metropolitan Police Department, and traffic records maintained by the Department of Motor Vehicles, to investigate a person applying for employment, in either a compensated position or an unsupervised volunteer position, with any covered child or youth services provider, and to investigate each current employee and unsupervised volunteer serving any covered child or youth services provider.

(b) Before any applicant for employment, in either a compensated position or an unsupervised volunteer position, with any covered child or youth services provider may be offered such a position, the Mayor or the covered child or youth services provider shall inform the applicant that a criminal background check must be conducted on him or her, and, in the case of an employee or volunteer who is required to drive a motor vehicle to transport children in the course of performing his or her duties, that a traffic record check must also be conducted.

**Sec. 205. Criminal background checks required before working for any covered child or youth services provider in an unsupervised setting.**

(a) An individual described in section 203 may be offered employment contingent upon receipt of a satisfactory background check, and may begin working in a supervised setting prior to receiving the results. The individual shall submit to a criminal background check by means of fingerprint and National Criminal Information Center checks conducted by the Mayor and the FBI. The individual shall provide a complete set of legible fingerprints on a fingerprint card, in a form approved by the FBI. These fingerprints shall be available for use by the Mayor and the FBI to conduct a local and national criminal history record check of the individual.

(b) A volunteer serving any covered child or youth services provider shall not be allowed to begin volunteering in an unsupervised setting until the requirements of subsection (a) of this section have been completed.

(c) A volunteer at any covered child or youth services provider who has only supervised contact with children or youth is not required to submit to a background check, but such person may be required to submit to a traffic check pursuant to section 204(b).

(d) The Mayor shall conduct a criminal background check once the applicant has provided:

- (1) A set of qualified fingerprints;
- (2) Written approval authorizing the Mayor to conduct a criminal background check;
- (3) A confirmation that he or she has been informed by the Mayor or the covered child or youth services provider that the Mayor is authorized to conduct a criminal background

check on the applicant;

(4) Any additional identification that is required, including name, social security number, birth date, and gender;

(5) A signed affirmation that he or she has not been convicted of a crime, has not pleaded nolo contendere, is not on probation before judgment or placement of a case upon a stet docket, and has not been found not guilty by reason of insanity, for any sexual offenses or intra-family offenses in the District of Columbia or in any other state or territory, or for any of the following felony offenses or their equivalent in another state or territory:

(A) Murder, attempted murder, manslaughter or arson;

(B) Assault, battery, assault and battery, assault with a dangerous weapon, mayhem, or threats to do bodily harm;

(C) Burglary;

(D) Robbery;

(E) Kidnapping;

(F) Theft, fraud, forgery, extortion, or blackmail;

(G) Illegal use or possession of a firearm;

(H) Trespass or injury to property;

(I) Sexual offenses, including indecent exposure; promoting, procuring, compelling, soliciting, or engaging in prostitution; corrupting minors (sexual relations with children); molesting; voyeurism; committing sex acts in public; incest; rape; sexual assault; sexual battery; or sexual abuse;

(J) Child abuse or cruelty to children; or

(K) Unlawful distribution or possession of, or possession with intent to distribute, a controlled substance.

(6) An acknowledgment that the Mayor or the covered child or youth services provider has notified the applicant of the applicant's right to obtain a copy of the criminal background check report and to challenge the accuracy and completeness of the report; and

(7) An acknowledgment that the Mayor or the covered child or youth services provider may choose to deny the applicant employment or a volunteer position based on the outcome of the criminal background check.

(e) Each employee or unsupervised volunteer shall be required to submit to periodic criminal background checks while employed by or volunteering at any covered child or youth services provider in an unsupervised setting.

(f) A volunteer may use the same criminal background check for a period of 2 years when applying to volunteer for multiple positions, if the volunteer provides a signed affirmation that he or she has not been convicted of a crime, has not pleaded nolo contendere, is not on probation before judgment or placement of a case upon a stet docket, and has not been found not guilty by reason of insanity, for any sexual offenses or intra-family offenses in the District of Columbia or in any other state or territory, or for any of the felony offenses listed in section .

205(d)(5), or their equivalent in any other state or territory, since the date of the most recent criminal background check conducted on him or her.

Sec. 206. The Mayor or the appropriate personnel authority shall conduct criminal background checks.

The Mayor or the appropriate personnel authority shall conduct criminal background checks, including the fingerprinting of individuals required by section 205, in accordance with FBI policies and procedures and in an FBI-approved environment.

Sec. 207. Confidentiality of information to be maintained.

All criminal background records received by the Mayor shall be confidential and are for the exclusive use of making employment-related determinations under this title. The records shall not be released or otherwise disclosed to any person except when:

- (1) Required as one component of an application for employment with any covered child or youth services provider under this title;
- (2) Requested by the Mayor or his or her designee during an official inspection or investigation;
- (3) Ordered by a court;
- (4) Authorized by the written consent of the person being investigated; or
- (5) Utilized for a corrective, adverse, or administrative action in a personnel proceeding.

Sec. 208. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this title. The rules shall include:

- (1) Standards for determining which District agencies and private entities are considered to be covered child or youth services providers that are required to comply with the requirements of this title;
- (2) Procedures for covered child or youth services providers to challenge the determination that they are required to comply with this title;
- (3) Procedures for an applicant or employee to challenge allegations that he or she committed a proscribed offense; and
- (4) A description of the corrective or adverse actions that may be taken against any covered child or youth services provider that, or any employee of a covered child or youth services provider who, is found to have violated the provisions of this title.

**Sec. 209. Submission of names of covered child or youth services providers.**

Each District government agency shall submit to the Mayor the positions it has designated as subject to the criminal background check requirements of this title within 30 days of December 1, 2004. Each agency shall submit an updated list of the positions subject to the criminal background check requirements on an annual basis by December 1 of each year.

**Sec. 210. Assessment of information on covered child or youth services providers.**

The Mayor shall review the information on all proposed covered child or youth services providers submitted pursuant to section 209, and any other available information, to make a decision regarding the applicability of this title to each child or youth services provider.

**Sec. 211. Notice to covered child or youth services providers for employees and volunteers to obtain criminal background checks.**

(a) The Mayor shall publish in the District of Columbia Register a notice that applicants for employment with, and employees and unsupervised volunteers of clearly identified covered child or youth services providers are required to apply for criminal background checks within 45 days from the date of publication of the notice.

(b) The notice shall inform covered child or youth services providers subject to the requirements of this title of the location of the office in which applications for criminal background checks are to be made.

**Sec. 212. Penalty for providing false information.**

An applicant for employment or a volunteer position with any covered child or youth services provider who intentionally provides false information that is material to the application in the course of applying for the position shall be subject to prosecution pursuant to section 404 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-2405).

**Sec. 213. Penalties for disclosing confidential information.**

(a) An individual who discloses confidential information in violation of section 207 is guilty of a criminal offense and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than 180 days, or both.

(b) Prosecutions for violations of this title shall be brought in the Superior Court of the District of Columbia by the Office of the Attorney General.

**TITLE III. CHILD HEALTH REQUIREMENTS**

**Sec. 301. Short title.**

This title may be cited as the "Uniform Child Health Screening Requirements and Reporting Form Emergency Act of 2004".

Sec. 302 Purpose.

The purpose of this legislation is:

(1) To establish age appropriate health screening requirements for all children, from birth to 21 years of age, in the District of Columbia, regardless of their insurance status, who:

- (A) Reside in the District;
- (B) Are wards of the District; or
- (C) Are children with special needs who reside or are receiving services

in another state;

(2) To improve the overall health status of all children by ensuring consistency in health screening and early detection of health problems and enabling children to obtain the necessary prevention, treatment, and intervention services at the earliest opportunity;

(3) To reduce parental stress and increase parental satisfaction and compliance with all child-related health, human or social services, and educational programs by using a uniform health assessment form; and

(4) To provide the Mayor with the information necessary to effectively plan, establish, and evaluate a comprehensive system of appropriate preventive services for children for early detection of potential health problems.

Sec. 303. Definitions.

For the purposes of this title, the term:

(1) "Child-related educational program" means public and private schools, including pre-kindergarten, Head Start, child care, and special education.

(2) "Child-related health program" means Medicaid, Children Health Insurance Program ("CHIP"), Healthy Start, Healthy Families, Early Intervention, and private health insurance.

(3) "Child-related human or social services program" means children in foster care and Women, Infants and Children ("WIC").

(4) "Children with special needs who reside or are receiving care in another state" means children:

(A) With physical or mental, disabilities or illnesses who reside or receive care in other states, because the District of Columbia does not have the facilities, resources, or services to appropriately treat the child's physical or mental, disability or illness; and

(B) Whose parents or legal guardians reside in the District of Columbia.

(5) "Health benefits 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 benefit plan" does not mean accident

only, credit, or disability insurance; coverage of Medicare services or federal employee health 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 a supplement to liability insurance, insurance arising out of a workers' compensation or similar law; automobile medical payment insurance; medical expense and loss of income benefits; or 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.

(6) "Health insurer " means any person that provides one or more health benefit plans or insurance in the District of Columbia, including an insurer, a hospital and medical services corporation, a fraternal benefit 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.

(7) "Uniform health form" means a standardized health assessment form developed by the Mayor for use when enrolling a child in child-related educational, health, and human or social services programs.

Sec. 304. Establishment of uniform health screening requirements and health assessment enrollment forms.

(a) The Mayor shall establish uniform age-appropriate health screening requirements consistent with the standards and schedules of the American Academy of Pediatrics for all children, from birth to 21 years of age, in the District of Columbia, regardless of insurance status who are:

- (1) Residents of the District;
- (2) Wards of the District; or
- (3) Children with special needs who reside in or who are receiving services in

another state.

(b) The Mayor shall develop a uniform health assessment form for enrollment of children in child-related health, human or social services, and educational programs. Use of this form is not intended to supersede the enrollment requirements of child-related health, educational, and human or social services programs. This form may be supplemented by additional forms used for enrollment that are not related to health assessment.

(c) Uniform health screenings shall not be required under this title, if a minor's parent or guardian or an adult youth submits in good faith a written notarized statement to the appropriate official affirming that the screening in question would violate the established tenets and practices of the parent's or guardian's church or religious denomination, or in the case of an adult youth, the adult youth's church or religious denomination.

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## Sec. 305. Payment for health screenings.

(a) A health insurer's health benefits plan shall include the uniform age-appropriate health screening requirements for children from birth to age 21 years in the District who are:

- (1) Residents of the District;
- (2) Wards of the District; or
- (3) Children with special needs who reside or are receiving services in another

state.

(b) The enrollments for Medicaid, Head Start, Healthy Families, and CHIP are expanded to include the requirement of uniform age-appropriate health screenings for all children.

## Sec. 306. Repealer.

Section 3 of the Newborn Health Insurance Act of 1979, effective October 20, 1979 (D.C. Law 3-33; D.C. Official Code § 31-3802), is repealed.

Note,  
§ 31-3802

## Sec. 307. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this title.

## Sec. 308. Applicability.

This title shall apply to all individual and group health benefit plans issues or renewed 120 days after the issuance of rules described in section 307.

## TITLE IV. AUTHORIZATION FOR THE DEPARTMENT OF HUMAN SERVICES TO TAKE CHILDREN INTO CUSTODY.

## Sec. 401. Short title.

This title may be cited as the "Juvenile Protective Custody Emergency Act of 2004".

Sec. 402. Section 16-2309(a) of the District of Columbia Official Code is amended as follows:

Note,  
§ 16-2309

- (a) Paragraph (7) is amended by striking the word "or" at the end.
- (b) Paragraph (8) is amended by striking the period at the end and inserting the phrase "; or" in its place.
- (c) A new paragraph (9) is added to read as follows:

"(9) by the Director of the Department of Human Services when a child committed to the legal custody of the Department of Human Services absconds from a community-based placement or violates any of the terms of his or her aftercare placement. For the purposes of this paragraph, the term "aftercare placement" means the placing of a child who

## ENROLLED ORIGINAL

has been committed to the legal custody of the Department of Human Services in the community under the supervision of a trained social worker."

## TITLE V. ESTABLISHMENT OF THE D.C. EARLY INTERVENTION PROGRAM.

## Sec. 501. Short title.

This title may be cited as the "D.C. Early Intervention Program Establishment Emergency Act of 2004".

## Sec. 502. Purpose.

The purpose of this legislation is:

- (1) To enhance the development of infants and toddlers with disabilities and to minimize their potential for developmental delay;
- (2) To reduce the educational costs to our society, including our schools, by minimizing the need for special education and related services after infants and toddlers with disabilities reach school age;
- (3) To minimize the likelihood for institutionalization of individuals with disabilities and maximize the potential for their independent living in society;
- (4) To enhance the capacity of families to meet the special needs of their infants and toddlers with disabilities;
- (5) To establish collaborative activities among agencies of the District of Columbia that administer programs relating to young children to maximize the quality of early intervention services; and
- (6) To enhance the capacity of city agencies and service providers to identify, evaluate, and meet the special needs of historically under-represented populations, particularly minorities, low-income, and inner-city populations.

## Sec. 503. Establishment of Early Intervention Program and Interagency Coordinating Council.

(a) There is established in the District of Columbia an Early Intervention Program ("Program") to provide early intervention services to infants and toddlers, from birth through 2 years of age, and their families. The Program will be administered and supervised by a lead agency designated by the Mayor. The services shall be provided in accordance with the requirements of the Individuals with Disabilities Education Act, approved June 4, 1997 (111 Stat. 37; 20 U.S.C. §§ 1400 *et seq.*).

(b) There is established an Interagency Coordinating Council to advise and assist the Mayor with the implementation of the Program, including the establishment of interagency agreements.

(c) Early intervention services shall not be required under this title, if a minor's parent or guardian submits in good faith a written notarized statement to the appropriate official

## ENROLLED ORIGINAL

affirming the intervention in question would violate the established tenets and practices of the parent's or guardian's church or religious denomination.

Sec. 504. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this title.

TITLE VI. ASSIGNMENT OF NURSES TO PUBLIC CHARTER SCHOOLS.

Sec. 601. Short title.

This title may be cited as the "Public Charter School Nurse Assignment Amendment Emergency Act of 2004".

Sec. 602. Section (2)(a) of the District of Columbia Public School Nurse Assignment Act of 1987, effective December 10, 1987 (D.C. Law 7-45; D.C. Official Code § 38-621(a)), is amended by adding the phrase "and public charter" after the word "public".

Note,  
§ 38-621

TITLE VII. DRUG FREE ZONES WITHIN 1000 FEET OF PUBLIC CHARTER SCHOOLS.

Sec. 701. Short title.

This title may be cited as the "Public Charter Schools Drug Free Emergency Amendment Act of 2004".

Sec. 702. Section 407a of the District of Columbia Uniform Controlled Substances Act of 1981, effective March 21, 1995 (D.C. Law 10-229; D.C. Official Code § 48-904.07a(a)), is amended by adding after the phrase "secondary school," the phrase "public charter school,".

Note,  
§ 48-904.07a

TITLE VIII. FISCAL IMPACT STATEMENT.

Sec. 801. Fiscal impact statement.

(a) The Council adopts the fiscal impact statement submitted 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)).

(b) Title VI shall be subject to the availability of appropriations.

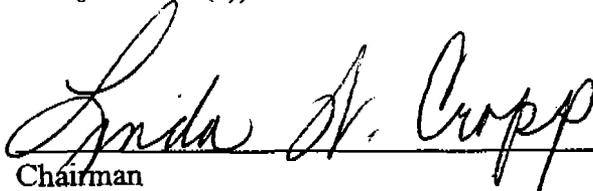
TITLE IX. EFFECTIVE DATE.

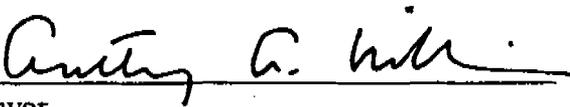
Sec. 901. Effective date.

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

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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 § 1-20412(a)).

  
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Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
November 30, 2004

AN ACT  
D.C. ACT 15-631

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
NOVEMBER 30, 2004

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2005 Winter  
Supp.

West Group  
Publisher

To amend the District of Columbia Administrative Procedure Act to extend the initial period of time within which an agency must respond to a request for information from 10 to 15 days, to clarify that the Freedom of Information Act law enforcement and investigatory records exemptions apply equally to the Council's investigatory proceedings, that the inter-agency memorandum exemption applies to Council records, that the Council may assert exemptions on behalf of public bodies from which it receives information, to exempt from disclosure records that would reveal the identity of the whistleblower and that final decisions of the Council may not be appealed to the Mayor.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Freedom of Information Legislative Records Clarification Amendment Act of 2004".

Sec. 2. Title II of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*), is amended as follows:

(a) Section 202(c) (D.C. Official Code § 2-532(c)) is amended by striking the number "10" and inserting the number "15" in its place.

Amend  
§2-532

(b) Section 204 (D.C. Official Code § 2-534) is amended as follows:

Amend  
§2-534

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

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

(i) The lead-in language is amended to read as follows:

"(3) Investigatory records compiled for law-enforcement purposes, including the records of Council investigations, but only to the extent that the production of such records would:".

(ii) Subparagraph (A) is amended to read as follows:

"(A) Interfere with enforcement proceedings, or with Council investigations;".

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

"(4) Inter-agency or intra-agency memorandums or letters, including memorandums or letters generated or received by the staff or members of the Council, which would not be available by law to a party other than a public body in litigation with the public body.".

(C) A new paragraph (12) is added to read as follows:

"(12) Information, the disclosure of which would reveal the name of an employee providing information under the provisions of the Whistleblower Reinforcement Act of 1998, effective October 7, 1998 (D.C. Law 12-160; D.C. Official Code §§ 1-615.51 *et seq.*, and 2-233.01 *et seq.*), unless the name of the employee is already known to the public.".

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

"(a-1) The Council may assert, on behalf of any public body from which it obtains records or information, any exemption listed in subsection (a) of this section that could be asserted by the public body pertaining to the records or information."

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

"(e) All exemptions available under this section shall apply to the Council as well as executive branch agencies of the District government. The deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege are incorporated under the inter-agency memoranda exemption listed in subsection (a)(4) of this section, and these privileges, among other privileges that may be found by the court, shall extend to any public body that is subject to this act."

(c) Section 207 (D.C. Official Code § 2-537) is amended as follows:

Amend §2-537

(1) Subsection (a) is amended by striking the phrase "Any person" and inserting the phrase "Except as provided in subsection (a-1), any person" in its place.

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

"(a-1) Any person denied the right to inspect a public record in the possession of the Council may institute proceedings in the Superior Court for the District of Columbia for injunctive or declaratory relief, or for an order to enjoin the public body from withholding the record and to compel the production of the requested record."

(3) Subsection (b) is amended by striking the phrase "subsection (a)" and inserting the phrase "subsection (a) or (a-1)" in its place.

Sec. 3. Applicability.

This act shall apply with respect to any requests for records pending on the effective date of this act, whether or not the request was made prior to that date, and shall apply to any civil action pending on that date.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

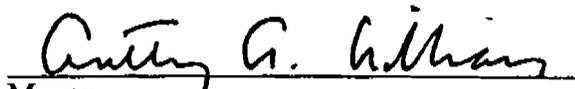
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-602.02(c)(1)), and publication in the District of Columbia Register.

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

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
November 30, 2004

FEB 11 2005

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-632

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 30, 2004

Codification  
District of  
Columbia  
Official Code

2001 Edition

2005 Winter  
Supp.

West Group  
Publisher

To amend the Business Improvement Districts Act of 1996 to approve the establishment of the Mount Vernon Triangle business improvement district, approve the expansion of the Golden Triangle business improvement district, and change the tax rate imposed on properties within the Golden Triangle business improvement district; to amend the Anacostia Waterfront Corporation Act of 2004 to clarify that actions by the Corporation concerning federal functions or property shall be authorized by the federal government; to authorize the Corporation to act as the agent of the District on federal matters relating to the development and redevelopment of the Anacostia Waterfront, including the acquisition of federal land; to clarify that the federal members of the board of the Corporation shall be invited to serve at their discretion; to include the Secretary of the Department of Defense as an ex-officio nonvoting member of the Board; and to make technical changes to the Anacostia Waterfront Corporation Act of 2004.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Business Improvement Districts and Anacostia Waterfront Corporation Clarification Amendment Act of 2004".

Sec. 2. The Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.01 et seq.), is amended as follows:

- (a) The existing text is designated as "Title I. General."
- (b) Section 3 (D.C. Official Code § 2-1215.02) is amended as follows:

Amend  
§ 2-1215.02

(1) Paragraph (16) is amended as follows:

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

(B) Add the phrase ", and, in the case of the Mount Vernon Business Improvement District, each residential tenant in the BID area" before the period at the end.

(2) Paragraph (18) is amended to read as follows:

"(18) "Nonexempt real property" means real property that is not exempt from paying real property taxes pursuant to D.C. Official Code § 47-1001 et seq., is not residential property, and is not the residential portion of a property used for both residential and

nonresidential purposes; except, in the case of the Mount Vernon Triangle BID, "nonexempt real property" means real property that is neither:

"(A) Exempt from paying real property taxes pursuant to D.C. Official Code § 47-1001 *et seq.*;

"(B) A residential building where, upon the effective date of the Business Improvement Districts Amendment Act of 2004, 90% or more of the leased units are restricted to households with at least one individual of 62 years of age or older and all individuals of 55 years of age or older;

"(C) A residential building where, upon the effective date of the Business Improvement Districts Amendment Act of 2004, 20% or more of the units are subject to a contract for project-based assistance under Section 8 of the United States Housing Act of 1937; nor

"(D) A residential building with fewer than ten residential units."

(3) A new paragraph (23) is added to read as follows:

"(23) "Residential tenant" means a lessee, or other lawful occupant, of nonexempt real property within a BID who is not an owner and who conducts a lawful residential use as defined in the Zoning Regulations of the District."

(b) Section 5 (D.C. Official Code § 2-1215.04) is amended to read as follows:

"Sec. 5. Establishment of Business Improvement District.

"(a) To establish a BID with respect to any area, the Board of Directors of a nonprofit corporation established under District law for the purpose of forming a BID and seeking to be registered as a BID corporation shall submit an application to the Mayor for review of compliance with all BID criteria described in this section. The Mayor may designate the Deputy City Administrator for Business Services and Economic Development to perform the review functions described by this section. Each application shall be duly sworn under oath before a notary public who holds a valid license in the District, and shall contain:

"(1) A statement setting forth the name and address of the nonprofit corporation seeking registration as a BID corporation; a description by lot, square, and street address of the property of each owner to the extent reasonably ascertainable; and the most recent assessed value of each nonexempt real property located in the proposed BID to the extent reasonably ascertainable from District property tax records or a final determination of the District's Board of Real Property Assessment and Appeals. The statement must be signed by the owners (or their authorized representatives) who own at least a 51% interest in the most recent assessed value of the nonexempt real properties in the geographic area of the proposed BID as a whole, and at least 25% in number of the individual nonexempt properties of record in the BID area as a whole. For the purposes hereof, individual nonexempt properties shall mean properties identified by separate lot and square numbers to the extent reasonably ascertainable from the records of the Office of Taxation and Revenue or Office of Recorder of Deeds; provided, that any property subdivided into separate condominium units shall constitute a single property for the purpose of determining the number of nonexempt properties referred to in this paragraph;

Amend  
§ 2-1215.04

provided further, that such condominium units shall constitute separate properties for purposes of assessing and levying any BID charges. Changes in the assessed values occurring after submission of a BID application, whether through regular reassessment, appeals, or otherwise, shall not affect the validity of the BID application to be taken into account in the Mayor's review of the BID application;

“(2) A proposed business plan ("BID plan") for at least the first 3 years of the initial 5-year term of the BID. The BID plan shall contain, at a minimum, the following:

“(A) Specific goals and objectives of the BID consistent with the BID activity as defined in this act, anticipated resources to be used to meet such goals and objectives, and projected timetables for undertaking and completing projects in furtherance of the goals and objectives;

“(B) The annual proposed total BID taxes for the BID's common operations for the BID's first year of operation and the formula used to determine each owner's BID tax which shall be based upon either assessed value, square footage, or a uniform fixed tax per building. BID taxes may vary by class and type of property provided that they are applied fairly and equitably to all owners within the BID; and

“(C) The maximum amount and the nature of any start-up costs incurred prior to the BID's registration that the BID plans to reimburse upon its registration;

“(3) A tax assessor's map of the geographic area comprising the BID clearly designating the BID boundaries and each property by street address, lot, and square number to be included within the BID;

“(4) A list of the initial members of the Board of the BID, which must satisfy the criteria of section 8;

“(5) The adopted articles of incorporation and the adopted bylaws of the nonprofit corporation seeking to be registered as the BID corporation which articles of incorporation or bylaws must include:

“(A) The names and addresses of the initial directors and a provision stating that the term of the initial directors shall expire at such time as new directors are elected pursuant to section 8(b). Such terms shall in no event exceed 120 days after the BID is registered by the Mayor;

“(B) The procedures through which the members of the BID corporation shall propose and vote to adopt amendments to the initial bylaws, including the quorum requirements for the method of allocating votes to members for purposes of this vote which shall occur not more than 120 days after the BID is registered by the Mayor; and

“(C) The number of votes allocated to each member subject to the requirements of section 12(a). The adopted articles of incorporation and the adopted bylaws of the nonprofit corporation may contain any provision not inconsistent with the District nonprofit corporation law or this subchapter;

“(6) A list, by street address, lot, and square number, of all nonexempt real property within the proposed BID, including the names and mailing addresses of the record

owners to the extent reasonably ascertainable from the real property records of the Office of Recorder of Deeds or the real property tax and assessment records of the Office of Taxation and Revenue;

“(7) A list of the names and addresses of all commercial tenants within the BID area, to the extent reasonably ascertainable; and

“(8) The name of the bank and the location of the branch at which the BID will establish its bank accounts, which shall be subject to, in addition to the other approvals required by this section, the approval of the CFO.

“(b) To establish a BID outside the central employment area, Georgetown, Capitol Hill, or Mount Vernon Triangle the statement required by subsection (a)(1) of this section must be signed by at least 51% of the number of commercial tenants (or their authorized representatives) occupying nonexempt real properties in the geographic area of the proposed BID, owners (or their authorized representatives) who own at least a 51% interest in the most recent assessed value of the nonexempt real properties within the proposed BID area, and owners (or their authorized representatives) who own at least 51% in number of the individual nonexempt real properties within the proposed BID area.

“(c) Nothing in this act shall be construed as modifying or waiving the District's right to enact or adjust any District tax, tax rate, fee, or other assessment applicable to categories of persons or businesses that include persons or businesses subject to a BID tax under this act. Nothing in this act shall be used as a rationale for modifying the District's method of property tax assessment.”

(c) Add new titles II and III to read as follows:

“Title II. BID Formations.

“Sec. 201. Downtown BID.

“(a) The formation of the Downtown BID, which shall include all nonexempt real property within the geographic areas set forth in subsection (b) of this section, is hereby authorized and the BID taxes established in subsection (c) of this section are hereby imposed through the earlier of the expiration date of this act or the termination or dissolution of the BID.

“(b) The Downtown BID shall be comprised of all nonexempt real property within the following areas:

“(1) The geographic area bounded by a line that starts at the center of the street at the intersection of Massachusetts Avenue, N.W., and the western edge of I-395; and continues south along the western edge of I-395 to the center of D Street, N.W.; and continues east along the center of D Street, N.W., to the eastern edge of the Department of Labor Building; and continues south along the eastern edge of the Department of Labor Building to the center of C Street, N.W.; and continues west along the center of C Street, N.W., to the center of 2nd Street, N.W.; and continues south along the center of 2nd Street, N.W., to the center of Constitution Avenue, N.W.; and continues west along the center line of Constitution Avenue, N.W., to the center of 15th Street, N.W.; and continues north along the center line of 15th Street, N.W., to the center of Pennsylvania Avenue, N.W.; and continues west along the

center line of Pennsylvania Avenue, N.W., to the western property line of 1503 Pennsylvania Avenue, N.W.; and continues north along the building edge of 1503 Pennsylvania Avenue, N.W., to the center of the north-south alley in Square 221; and continues north along the center line of the north-south alley in Square 221 to the center of H Street, N.W.; and continues west along the center line of H Street, N.W., to the center of 16th Street, N.W.; and continues north along the center line of 16th Street, N.W., to the southern edge of Thomas Circle; and continues counterclockwise around the center line of Thomas Circle to the center point of Massachusetts Avenue, N.W.; and continues southeast along the center line of Massachusetts Avenue, N.W., to the center of 9th Street, N.W.; and continues north along the center line of 9th Street, N.W., to the center of N Street, N.W.; and continues east along the center line of N Street, N.W., to the center of the north-south alley in Square 424; and continues south along the center line of the north-south alley in Square 424 to the center of M Street N.W.; and continues east along M Street N.W., to the center of 7th Street, N.W.; and continues south along the center line of 7th Street, N.W., to the center of K Street, N.W.; and continues east along the center line of K Street, N.W., to the center of 6th Street, N.W.; and continues south along the center line of 6th Street, N.W., to the center of Massachusetts Avenue, N.W.; and continues east along the center line of Massachusetts Avenue, N.W., to the center of the street at the intersection of Massachusetts Avenue and the western edge of I-395, is hereby authorized and the BID taxes specified below are hereby imposed through the expiration date of this act or the earlier termination or dissolution of the BID, subject to the requirements of this act, including the BID application and BID registration procedures established pursuant to sections 5(a), 6, and 7.

“(2) The geographic area bounded by a line that starts at the intersection of the center of Massachusetts Avenue, N.W., and the western edge of I-395; and continues southeast along the center of Massachusetts Avenue, N.W., to the center of North Capitol Street; continues north along the center of North Capitol Street to the center of K Street; and continues east along the center of K Street, N.E., to the eastern edge of the eastern sidewalk on First Street, N.E.; and continues south along the eastern edge of the eastern sidewalk on First Street, N.E., to the center of Massachusetts Avenue, N.E.; and continues northwest along the center line of Massachusetts Avenue, N.E., to the center of North Capitol Street; and continues south along the center line of North Capitol Street to the center line of Louisiana Avenue; and continues southwest along the center line of Louisiana Avenue, N.W., to the center of Constitution Avenue, N.W.; and continues west along the center line of Constitution Avenue, N.W., to the center of Second Street, N.W.; and continues north along the center line of Second Street, N.W., to the center of C Street, N.W.; and continues west along the center line of C Street, N.W., to the eastern edge of the Department of Labor Building; and continues north along the eastern edge of the Department of Labor Building to the center of D Street, N.W.; and continues west along the center line of D Street, N.W., to the western edge of I-395; and continues north along the western edge of I-395 to the center of Massachusetts Avenue, N.W. (the starting point).

“(c)(1) The BID taxes for nonexempt real properties in the Downtown BID shall be:

“(A) Fourteen cents per square foot for each net rentable square foot for improved Class 4 Properties where the Office of Taxation and Revenue has records indicating the net rentable area of the property. Net rentable square feet shall be the number of net rentable square feet reported to the District and shall be calculated by the owner using any method that is recognized generally in the District metropolitan area as an appropriate method for measuring space in agreements between landlords and tenants;

“(B) Fourteen cents per square foot for each equivalent net rentable square foot of improvements for improved Class 4 Properties for any property where the Office of Taxation and Revenue does not have records indicating the net rentable area of the property, and for improved Class 5 Properties. Equivalent net rentable area shall be 90% of the gross building area. For purposes of this paragraph, gross building area shall be determined using records provided by the Office of Taxation and Revenue;

“(C) Sixty dollars per hotel room for Class 3 Properties; and

“(D) Fourteen cents per square foot of land area for all unimproved Class 4 Properties, and all improved Class 4 Properties that are surface parking lots, and all unimproved Class 5 Properties. Land area shall be determined using records provided by the Office of Taxation and Revenue;

“(2) A 3% annual increase in the BID taxes over the current tax year rates specified in subsection (a) of this section is hereby authorized and imposed subject to the requirements of section 9(b).

“Sec. 202. Golden Triangle BID.

“(a) The formation of the Golden Triangle BID, which shall include all nonexempt real property within the geographic areas set forth in subsection (b) of this section, is hereby authorized and the BID taxes established in subsection (c) of this section are hereby imposed through the earlier of the expiration date of this act or the termination or dissolution of the BID.

“(b) The Golden Triangle BID shall be comprised of all nonexempt real property within the following areas:

“(1) Square 70, Lot 195; Square 72, Lots 75 and 76; Square 73, Lots 80, 82, 84, 800, 858, and 876; Square 74, Lots 832 and 840; all of Squares 76, 78, 78s, 85, and 86; Square 99, Lots 49, 50, 52, and 53; all of Squares 100, 105, 106, and 107; Square 115, Lots 79, 81, 82, 84, and 85; all of Squares 116, 117, 118, 126, 127, 137, 138, 139, and 140; Square 159, Lots 75, 76, 82, 84, 814, 815, 816, and 855; all of Squares 160, 161, 162, 163, 164, and 165; Square 182, Lots 827 and 828; Square 183, Lots 91, 105, 106, 107, 111, 847, 857, 879, 880, and 881; Square 184, Lots 3, 69, 71, 804, 805, 842, 845, 849, 855, and 856; all of Squares 185 and 186; and Farragut Square.

“(2) Square 166, Lots 32, 33, 38, 41, 841, 859, and 7000; Square 168, Lots 50, 51, and 823; and Square 169, Lots 70 and 71.”

“(c) The BID taxes for nonexempt real properties in the Golden Triangle BID shall be:

“(1) Eleven cents for each net rentable square foot of improved Class 4 Property, excluding parking lots and above grade parking structures, for any property where the

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**DISTRICT OF COLUMBIA REGISTER**

**ENROLLED ORIGINAL**

owner is required to report net rentable area to the Office of Taxation and Revenue or where the Office of Taxation and Revenue has records indicating the net rentable area of the property. Net rentable square feet shall be the number of net rentable square feet reported to or on record with the District and shall be calculated using any method that is recognized generally in the District Metropolitan area as an appropriate method for measuring space in agreements between landlords and tenants;

“(2) Eleven cents for each equivalent net rentable square foot of improvements of improved Class 4 Property, excluding parking lots and parking structures for any property where the owner is not required to report net rentable area to the Office of Taxation and Revenue and where the Office of Taxation and Revenue maintains no record of net rentable area. Equivalent net rentable area shall be 90% of the gross building area. For purposes of this paragraph, gross building area shall exclude parking facilities and shall be determined using any method that is recognized generally in the District metropolitan area as an appropriate method for measuring gross building area;

“(3) Eight cents for each equivalent net rentable square foot of improvements of Class 3 Property. Equivalent net rentable areas shall be calculated as set forth in paragraph (2) of this subsection;

“(4) Six cents for each equivalent net rentable square foot of class 4 above-grade parking structures consisting of one or more stories. Equivalent net rentable area shall be calculated as set forth in paragraph (2) of this subsection;

“(5) Six cents for each square foot of land for Class 5 Property and improved parking lots located in Class 4 Property without parking structures as defined in paragraph (4) of this subsection; and

“(6) Two hundred and fifty dollars per year for each below-grade parking structure associated with above-ground improvements.

“Sec. 203. Georgetown BID.

“(a) The formation of the Georgetown BID, which shall include all nonexempt real property zoned C or W under applicable District zoning law within the geographic areas set forth in subsection (b) of this section, is hereby authorized and the BID taxes established in subsection (c) of this section are hereby imposed through the earlier of the expiration date of this act or the termination or dissolution of the BID.

“(b) The Georgetown BID shall be comprised of all nonexempt real property zoned C or W under applicable District zoning law within the following areas: along the northern boundary of M Street, N.W., between the western terminus of the Rock Creek bridge on the east and the eastern boundary of Georgetown University on the west; along 28th Street, N.W., between M Street, N.W., and Olive Street, N.W.; along 29th Street, N.W., and 30th Street, N.W., in each instance between the M Street, N.W., and Olive Street, N.W.; along 31st Street, N.W., between M Street N.W., and N Street, N.W.; along Potomac Street, N.W., 33rd Street, N.W., Bank Street, N.W., 34th Street, N.W., and 35th Street, N.W., in each instance between M Street, N.W., and Prospect Street, N.W.; along Prospect Street, N.W., between Wisconsin

Avenue, N.W., and Potomac Street, N.W.; along N Street, N.W., between 31st Street, N.W., and Potomac Street, N.W.; along O Street, N.W., between 31st Street, N.W., and Potomac Street, N.W.; along Dumbarton Street, N.W., between 31st Street, N.W., and Wisconsin Avenue, N.W.; along P Street, N.W., between 32nd Street, N.W., and 33rd Street, N.W.; along Volta Street, N.W., between Wisconsin Avenue, N.W., and 33rd Street, N.W.; along Q Street, N.W., between 32nd Street, N.W., and 33rd Street, N.W.; along 33rd Street, N.W., between Dent Place, N.W., and Wisconsin Avenue, N.W.; along Reservoir Road, N.W., between 32nd Street, N.W., and 34th Street, N.W.; along R Street, N.W., between 32nd Street, N.W., and 34th Street, N.W.; along Wisconsin Avenue, N.W., between M Street, N.W., and R Street, N.W., and within the area bounded on the north by the southern boundary of M Street, N.W., on the east by Rock Creek, on the west by Key Bridge, and on the south by the Potomac River, which area also includes that portion of Pennsylvania Avenue, N.W., between 29th Street, N.W., and Rock Creek.

“(c)(1) The BID taxes for nonexempt real properties zoned C or W under applicable District zoning law in the Georgetown BID shall be:

“(A) Fifteen cents per \$100 of the assessed value of all nonexempt properties and all nonexempt portions of mixed use properties for each Class 3, 4, 5 and 9 nonexempt property within the described geographic area, and for each Class 6, 7, 8, 10, 11, and 12 mixed use property within the described geographic area for which an assessed value for the nonexempt portion of such property reasonably is ascertainable from District tax records; and

“(B) Fifteen cents per \$100 of assessed value of all nonexempt portions for Class 6, 7, 8, 10, 11, and 12 mixed use property within the described geographic area for which an assessed value for the nonexempt portion of such property reasonably is not ascertainable from District tax records, determined as follows:

“(i) The aggregate square foot area for that portion of a mixed use property which is Class 3, 4, or 5 shall be adjusted in each instance by multiplying such square foot area by a factor of 2.7 (which adjusted square footage is referred to herein as the “Adjusted Nonexempt Area”); and

“(ii) The nonexempt portion of a mixed use property shall be deemed to be an adjusted fraction, the numerator of which shall be the Adjusted Nonexempt Area and the denominator of which shall be the Adjusted Nonexempt Area plus the square foot area for the residential portion of such mixed use property (which fraction is referred to herein as the “Adjusted Nonexempt Portion”); and

“(iii) The assessed value of each such mixed use property for purposes of the BID tax shall be deemed to be the Adjusted Nonexempt Portion thereof.

“(2) For the purposes of determining the BID tax under paragraphs (1) of this subsection, the “assessed value” of each nonexempt property and each mixed use property for the entire 5-year term of the BID shall be fixed at the assessed value of each such property as it appears on the assessment roll of the District of Columbia as of the date of registration of the

BID and irrespective of any subsequent reassessment, subject however, to the express exception that the "assessed value" of any nonexempt property and any mixed use property shall increase based upon and effective as of any reassessment by the District of Columbia following either (A) a sale of any property or (B) a reclassification of any property from Class 5 (vacant land and vacant buildings) to a nonexempt property or a mixed use property or a reclassification of any exempt property, or any residential portion of any mixed use property, to a nonexempt property.

"(3) A 5% annual increase in the BID taxes over the current tax year rates specified in subsection (a) of this section is hereby authorized and imposed subject to the requirements of section 9(b).

"Sec. 204. Capitol Hill BID.

"(a) The formation of the Capitol Hill BID, which shall include all nonexempt real property within the geographic areas set forth in subsection (b) of this section, is hereby authorized and the BID taxes established in subsection (c) of this section are hereby imposed through the earlier of the expiration date of this act or the termination or dissolution of the BID.

"(b) The Capitol Hill BID shall be comprised of the following areas:

"(1) The geographic area bounded by a line beginning at the intersection of the center line of 3rd Street, N.W., and Constitution Avenue, N.W.; continuing east along the center line of Constitution Avenue, N.W., to the center line of Louisiana Avenue, N.W.; continuing northeast along the center line of Louisiana Avenue, N.W., to the center line of North Capitol Street; continuing north along the center line of North Capitol Street to the center line of Massachusetts Avenue; continuing southeast along the center line of Massachusetts Avenue, N.E., to the eastern edge of the sidewalk of 1st Street, N.E.; continuing north along the eastern edge of the sidewalk of 1st Street, N.E., to the center line of H Street, N.E.; continuing east on the center line of H Street, N.E., to the center line between 2nd Street, N.E., and 3rd Street, N.E.; continuing south along the center line between 2nd Street, N.E., and 3rd Street, N.E., to the center line between D Street, N.E., and E Street, N.E. (deviating, if necessary, so as to include alley properties and the Capitol Courts complex); continuing east along the center line between D Street, N.E., and E Street, N.E., to the center line of 4th Street, N.E.; continuing south along the center line of 4th Street, N.E., to the center line of D Street, N.E.; continuing east along the center line of D Street, N.E., to the center line between 6th Street, N.E., and 7th Street, N.E.; continuing south along the center line between 6th Street, N.E., and 7th Street, N.E., to the center line between C Street, N.E., and Constitution Avenue, N.E.; continuing west along the center line between C Street, N.E., and Constitution Avenue, N.E., to the center line between 3rd Street, N.E., and 4th Street, N.E. (having moved south along the center line of 6th Street, N.E., and north along the center line of 4th Street, N.E., so as to remain along the center line between C Street, N.E., and Constitution Avenue, N.E.); continuing south along the center line between 3rd Street, N.E., and 4th Street, N.E., to the center line between A Street, N.E., and East Capitol Street; continuing east along the center line between A Street, N.E., and East Capitol Street, to the center line between 5th Street, N.E., and

6th Street, N.E.; continuing south along the center line between 5th Street, N.E., and 6th Street, N.E., to the center line of East Capitol Street; continuing south along the center line between 5th Street, S.E., and 6th Street, S.E., to the center line between A Street, S.E., and East Capitol Street; continuing west along the center line between A Street, S.E., and East Capitol Street, to the center line between 3rd Street, S.E., and 4th Street, S.E.; continuing south along the center line between 3rd Street, S.E., and 4th Street, S.E., to the center line of Independence Avenue, S.E.; continuing east along the center line of Independence Avenue, S.E. to the center line of 4th Street, S. E.; continuing south along the center line of 4th Street, S.E., to the center line of North Carolina Avenue, S.E.; continuing southwest along the center line of North Carolina Avenue, S.E., to the center line of 3rd Street, S.E. (that point being the intersection of 3rd Street, S.E., and D Street, S.E.); continuing west along the center line of D Street, S.E., to the center line of 2nd Street, S.E.; continuing south along the center line of 2nd Street, S.E., to the center line of North Carolina Avenue, S.E.; continuing southwest along the center line of North Carolina Avenue, S.E., to the center line of E Street, S.E.; continuing west along the center line of E Street, S.E., to the center line of Canal Street, S.E.; continuing northwest along the center line of Canal Street, S.E., to the center line of South Capitol Street; continuing northwest along the center line of Washington Avenue, S.W. (the continuation of Canal Street) to the center line of Independence Avenue, S.W.; continuing west along the center line of Independence Avenue, S.W., to the center line of 3rd Street, S.W.; continuing north along the center line of 3rd Street, S.W., and then along the center line of 3rd Street, N.W., to the center line of Constitution Avenue, N.W. (the beginning point);

“(2)(A) Pennsylvania Avenue, S.E., from the center line of 4th Street, S.E., to the center line of 17th Street, S.E. (Barney Circle); and

“(B) The lots abutting the section of Pennsylvania Avenue, S.E., set forth in subparagraph (A) of this paragraph;

“(3)(A) D Street, S.E., from the center line of 7th Street, S.E., to the center line of 9th Street, S.E., and the lots abutting that section of D Street, S.E.; and

“(B) The lots abutting the section of D Street, S.E., set forth in subparagraph (A) of this paragraph;

“(4)(A) E Street, S.E., from the center line of 10th Street, S.E., to the center line of 12th Street, N.E.; and

“(B) The lots abutting the section of E Street, S.E., set forth in subparagraph (A) of this paragraph;

“(5)(A) G Street, S.E., from the center line of 13th Street, S.E., to the center line of 14th Street, S.E.; and

“(B) The lots abutting the section of G Street, S.E., set forth in subparagraph (A) of this paragraph;

“(6)(A) The portion of Potomac Avenue, S.E., north of its center line, from the center line of 13th Street, S.E., to the northern intersection of 13th Street, S.E., with the center line of Pennsylvania Avenue, S.E.; and

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“(B) The lots abutting the northern section of Potomac Avenue, S.E., set forth in subparagraph (A) of this paragraph;

“(7) The geographic area bounded by a line beginning at the intersection of the center line of 6th Street, S.E., and the center line of Pennsylvania Avenue, S.E.; continuing north along the center line of 6th Street, S.E., to the center line of North Carolina Avenue, S.E.; continuing northeast along the center line of North Carolina Avenue, S.E., to the center line of 7th Street, S.E.; continuing north along the center line of 7th Street, S.E., to the center line between Independence Avenue, S.E., and A Street, S.E.; continuing east along the center line between Independence Avenue, S.E., and A Street, S.E., to the center line between 7th Street, N.E., and 8th Street, N.E.; continuing south along the center line between 7th Street, N.E., and 8th Street, N.E., to the center line of Pennsylvania Avenue, S.E.; continuing northwest along the center line of Pennsylvania Avenue, S.E., to the center line of 6th Street, S.E. (the beginning point); and

“(8) The geographic area bounded by a line beginning at the intersection of the center line of 7th Street, S.E., and the center line of Pennsylvania Avenue, S.E.; continuing south along the center line of 7th Street, N.E., to the center line of I Street, S.E.; continuing east along the center line of I Street, S.E., to the center line between 8th Street, S.E., and 9th Street, S.E.; continuing north along the center line between 8th Street, S.E., and 9th Street, S.E., to the center line between E Street, S.E., and G Street, S.E.; continuing east along the center line between E Street, S.E., and G Street, S.E., to the center line between 10th Street, S.E., and 11th Street, S.E.; continuing south along the center line between 10th Street, S.E., and 11th Street, S.E., to the northern border of the Southeast/Southwest Freeway; continuing east along the northern border of the Southeast/Southwest Freeway to the center line of 11th Street, S.E.; continuing north along the center line of 11th Street, S.E., to the center line of K Street, S.E.; continuing east along the center line of K Street, S.E., to the center line between 11th Street, S.E., and 12th Street, S.E.; continuing north along the center line between 11th Street, S.E., and 12th Street, S.E., to the center line of I Street, S.E.; continuing east along the center line of I Street, S.E., to the center line of 12th Street, S.E.; continuing north along the center line of 12th Street, S.E., to the center line of G Street, S.E.; continuing east along the center line of G Street, S.E., to the center line between 12th Street, S.E., and 13th Street, S.E.; continuing north along the center line between 12th Street, S.E., and 13th Street, S.E., to the center line of Pennsylvania Avenue, S.E.; continuing northwest along the center line of Pennsylvania Avenue, S.E., to the center line of 7th Street, S.E. (the beginning point).

“(c)(1) The BID taxes for properties in the Capitol Hill BID shall be:

“(A) Fifteen cents per \$100 of 90% of the assessed value of all nonexempt properties for which the District provides an integrated assessment of both the commercial and residential components; and

“(B) Fifteen cents per \$100 of 100% of the assessed value of all nonexempt properties for which the District does not provide an integrated assessment of the commercial and residential components.

“(2) Notwithstanding paragraph (1) of this subsection, the total BID tax due on a property or distinct assembly of properties (if the property occupies more than one taxable lot) in the Capitol Hill BID shall not exceed \$75,000.00 in any year.

Sec. 205. Mount Vernon Triangle BID.

“(a) The formation of the Mount Vernon Triangle BID, which shall include all nonexempt real property within the geographic areas set forth in subsection (b) of this section, is hereby authorized and the BID taxes established in subsection (c) of this section are hereby imposed through the expiration date of this act or the termination or dissolution of the BID.

“(b) The Mount Vernon Triangle BID shall be comprised of the geographic area bounded by a line that begins at the center of the intersection of Seventh Street, N.W., and New York Avenue, N.W.; and continues northeast down the middle of New York Avenue, N.W., until it reaches New Jersey Avenue, N.W.; and continues southeast down the middle of New Jersey Avenue, N.W., until it reaches Massachusetts Avenue, N.W.; and continues northwest down the middle of Massachusetts Avenue, N.W. until it reaches Sixth Street, N.W., and continues north down the middle of Sixth Street, N.W., until it reaches K Street, N.W.; and continues west down the middle of K Street, N.W., until it reaches Seventh Street, N.W.; and continues north down the middle of Seventh Street, N.W., until it reaches the center of the intersection of Seventh Street, N.W., and New York Avenue, N.W. (the beginning point).

“(c) The BID taxes for the nonexempt real properties in the Mount Vernon Triangle BID shall be 20 cents per square foot of land.

“Title III. Application of Law.

“Sec. 301. Establishment of BIDs not limited.

“The listing of specifically authorized BIDs in title II shall not be construed to prohibit the establishment of a BID in another area pursuant to the terms of this act; provided, that any BID taxes, or BID tax increases, not authorized in title II (whether as adopted or amended by act of Council) shall not become effective until the effective date of an act of Council which makes such BID taxes effective.”

Sec. 3 Amendment to the Anacostia Waterfront Corporation Act of 2004.

(a) The Anacostia Waterfront Corporation Act of 2004, signed by the Mayor on August 5, 2004 (D.C. Act 15-527; 51 DCR 9142), is amended as follows:

(1) Section 101 is amended as follows:

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

(i) Sub-subparagraph (ii) is amended by striking the phrase “, including federal, District, and privately-owned land,”;

(ii) Sub-subparagraph (iii) is amended by striking the phrase “, including federal, District, and privately-owned,”;

(iii) Sub-subparagraph (v) is amended by striking the phrase “, including federal, District, and privately-owned,”;

(iv) Sub-subparagraph (vii) is amended by striking the phrase “, including federal, District, and privately-owned,”;

(v) Sub-subparagraph (viii) is amended by striking the phrase “, including federal, District, and privately-owned,”;

(vi) Sub-subparagraph (ix) is amended as follows:

(I) The lead-in sentence is amended by striking the phrase “, including federal, District, and privately-owned,”; and

(II) Sub-sub-subparagraph (I) is amended by striking “(vi)” and inserting “(viii)” in its place; and

(vii) Sub-subparagraph (x) is amended by striking the phrase “, including federal, District, and privately-owned,”.

(B) Add a new paragraph (1)(C) to read as follows:

“(C) Nothing within the meaning of the term “Anacostia Waterfront” shall authorize the Corporation to take any action affecting federal functions or property unless the federal government has authorized the Corporation to take that action.”.

(2) Section 104 is amended as follows:

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

(i) Paragraph (8) is amended to read as follows:

“(8) Act as agent of the District to undertake development or redevelopment of the Anacostia Waterfront, including matters affecting federal property and functions where authorized by the federal government.”.

(ii) Add a new paragraph (8A) to read as follows:

“(8A) Present requests to the federal government for federal land and other assistance, and enter into agreements with the federal government necessary for the development and redevelopment of the Anacostia Waterfront.”.

(iii) Paragraph (9) is amended by striking the phrase “by the District or federal government”.

(iv) Paragraph (10) is amended by striking the phrase “by the District or federal government”.

(v) Paragraph (17) is amended by striking the phrase “from the District or federal government”.

(vi) Paragraph (39) is amended by striking the phrase “including any department, agency, office, or instrumentality of the federal or District government,”.

(B) Add a new subsection (c) to read as follows:

“(c) None of the powers granted under this act shall authorize the Corporation to take any action affecting federal functions or property unless the federal government has authorized the Corporation to take that action.”.

(3) Section 105 is amended as follows:

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

(i) The lead-in sentence is amended to read as follows:

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“(a) The powers of the Corporation shall be vested in a Board of Directors which shall consist of 9 voting members, and may include 4 nonvoting members to be selected as follows:”.

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

(I) The lead-in sentence is amended to read as follows:

“(3) The following 4 ex-officio nonvoting members who shall be invited to serve at their sole discretion:”.

(II) Subparagraph (B) is amended by striking the word “and” at the end.

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

(IV) Add a new subparagraph (D) to read as follows:

“(D) The Secretary of the United States Department of Defense, or a designee of the Secretary.”.

(4) Section 121 is amended by striking the phrase “government entity” wherever it appears and inserting the phrase “District government entity” in its place.

(5) Section 125(a) is amended by striking the colon and inserting a period in its place.

(b) This section shall not apply until the effective date of the Anacostia Waterfront Corporation Act of 2004, signed by the Mayor on August 5, 2004 (D.C. Act 15-527; 51 DCR 9142).

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Business Improvement Districts Amendment Act of 2004, and the attached fiscal impact statement for the Anacostia Waterfront Corporation Clarification Act of 2004 as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

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

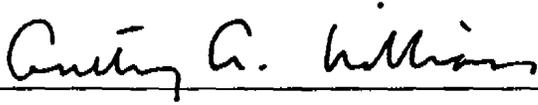
FEB 11 2005

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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  
November 30, 2004

ENROLLED ORIGINAL

AN ACT  
D.C. ACT 15-633

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 30, 2004

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2005 Winter  
Supp.

West Group  
Publisher

To amend An Act To authorize funds for ceremonies in the District of Columbia to authorize the appropriation of not more than "\$100,000 annually for funds for ceremonies in the District by the Mayor and the Council, and to authorize the Mayor and the Council to accept, administer, and use gifts or donations for this purpose.

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

Sec. 2. Section 1 of An Act To authorize funds for ceremonies in the District of Columbia, approved July 11, 1947 (61 Stat. 314, D.C. Official Code § 1-333.09), is amended as follows:

Amend  
§ 1-333.09

(a) Subsection (a) is amended by striking the phrase "\$25,000" and inserting the phrase "\$100,000" in its place.

(b) Subsection (b) is amended by striking the phrase "\$25,000" and inserting the phrase "\$100,000" in its place.

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

"(b-1) The Mayor and Council may accept, administer, and use gifts or donations for the purpose of aiding, facilitating, and promoting the conduct of ceremonies in the District, including personal services, for the reception and entertainment, including ceremonial gifts, of officials of foreign, state, local, or federal governments and other dignitaries and eminent persons visiting or returning to the District, or for the reception or entertainment of officials of foreign, state, local, or federal governments when the Mayor is visiting any other jurisdiction in his or her official capacity."

Sec. 3. This act shall be subject to the availability of appropriations.

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)).

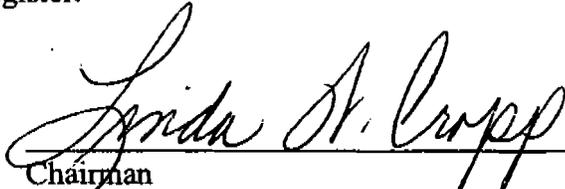
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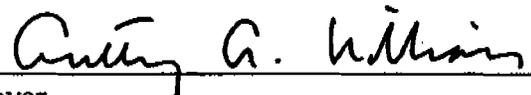
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Sec. 5. Effective date.

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)(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  
November 30, 2004

AN ACT  
D.C. ACT 15-634

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
NOVEMBER 30, 2004

Codification  
District of  
Columbia  
Official Code

2001 Edition

2005 Winter  
Supp.

West Group  
Publisher

To amend section 23-113 of the District of Columbia Official Code to extend to 15 years the statute of limitations for first and second degree sexual abuse and first and second degree child sexual abuse, to extend to 10 years the statute of limitations for third and fourth degree sexual abuse, enticing a child for the purpose of committing felony sexual abuse, first and second degree sexual abuse of a ward, first and second degree sexual abuse of a patient or client, using a minor in a sexual performance or promoting a sexual performance by a minor, and incest, to toll the statute of limitations until the victim has reached 21 years of age for first and second degree child sexual abuse, enticing a child for the purpose of committing felony sexual abuse, using a minor in a sexual performance or promoting a sexual performance by a minor, and incest, to toll the statute of limitations for first and second degree sexual abuse of a ward until the victim is no longer a ward, and to toll the statute of limitations for first and second degree sexual abuse of a patient or client until the victim is no longer a patient or client of the actor; and to amend Chapter 3 of Title 23 of the District of Columbia Official Code to provide that the government may prosecute first or second degree sexual abuse or first or second degree child sexual abuse by fictitious name indictment if the name of the offender is unknown at the time of the indictment and the identity of the offender has been established through forensic testing of nuclear deoxyribonucleic acid ("DNA") evidence or equivalently accurate DNA evidence, and to prohibit the use of mitochondrial DNA or Y-DNA evidence from being used as the evidentiary basis of a fictitious name indictment.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Felony Sexual Assault Statute of Limitations Act of 2004".

Sec. 2. Section 23-113 of the District of Columbia Official Code is amended as follows:

Amend  
§ 23-113

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

"(a) *Time Limitations.* - (1) A prosecution for the following crimes may be commenced at any time:

- “(A) murder in the first or second degree (D.C. Official Code §§ 22-2101 and 2102);
  - “(B) murder in the second degree (D.C. Official Code § 22-2103);
  - “(C) murder of a law enforcement officer or public safety employee (D.C. Official Code § 22-2106);
  - “(D) first degree murder that constitutes an act of terrorism (D.C. Official Code § 22-3153(a));
  - “(E) second degree murder that constitutes an act of terrorism (D.C. Official Code § 22-3153(c)); and
  - “(F) murder of a law enforcement officer or public safety employee that constitutes an act of terrorism (D.C. Official Code § 22-3153(b)).
- “(2) A prosecution for the following crimes is barred if not commenced within fifteen (15) years after it is committed:
- “(A) first degree sexual abuse (D.C. Official Code § 22-3002);
  - “(B) second degree sexual abuse (D.C. Official Code § 22-3003);
  - “(C) first degree child sexual abuse (D.C. Official Code § 22-3008); and
  - “(D) second degree child sexual abuse (D.C. Official Code § 22-3009).
- “(3) A prosecution for the following crimes is barred if not commenced within ten (10) years after it is committed:
- “(A) third degree sexual abuse (D.C. Official Code § 22-3004);
  - “(B) fourth degree sexual abuse (D.C. Official Code § 22-3005);
  - “(C) enticing a child for the purpose of committing felony sexual abuse (D.C. Official Code § 22-3010);
  - “(D) first degree sexual abuse of a ward (D.C. Official Code § 22-3013);
  - “(E) second degree sexual abuse of a ward (D.C. Official Code § 22-3014);
  - “(F) first degree sexual abuse of a patient or client (D.C. Official Code § 22-3015);
  - “(G) second degree sexual abuse of a patient or client (D.C. Official Code § 22-3016);
  - “(H) using a minor in a sexual performance or promoting a sexual performance by a minor (D.C. Official Code § 22-3102); and
  - “(I) incest (D.C. Official Code § 22-1901).
- “(4) Except as provided in paragraph (6), a prosecution for a felony other than those crimes enumerated in paragraphs (1) through (3) is barred if not commenced within six (6) years after it is committed.
- “(5) Except as provided in paragraph (6), a prosecution for any other criminal offense is barred if not commenced within three (3) years after it is committed.
- “(6) A prosecution for a felony or a misdemeanor may be brought within three (3) years:

“(A) after a public officer or employee has left office, for any completed offense based on official conduct; or

“(B) after a fraud or breach of fiduciary trust has been, or reasonably should have been, discovered for any completed offense based on that fraud or breach of fiduciary trust; even if barred by the provisions of paragraphs (4) and (5):

“Provided, that, in no case shall this provision extend the period of limitations to more than nine (9) years in the case of a felony nor more than six (6) years in the case of a misdemeanor.”.

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

“(d) *Suspension of period of limitation.* – (1) The period of limitation for an offense, and any necessarily included offense, does not run during any time when a prosecution against the defendant for that offense is pending in the courts of the District of Columbia.

“(2) The period of limitation shall not begin to run until the victim reaches 21 years of age for the following offenses:

“(A) first degree child sexual abuse (D.C. Official Code § 22-3008);

“(B) second degree child sexual abuse (D.C. Official Code § 22-3009);

“(C) enticing a child for the purpose of committing felony sexual abuse (D.C. Official Code § 22-3010);

“(D) using a minor in a sexual performance or promoting a sexual performance by a minor (D.C. Official Code § 22-3102); and

“(E) incest (D.C. Official Code § 22-1901).

“(3) The period of limitation shall not begin to run for first degree sexual abuse of a ward (D.C. Official Code § 22-3013) or second degree sexual abuse of a ward (D.C. Official Code § 22-3014) until the victim is no longer a ward.

“(4) The period of limitation shall not begin to run for first degree sexual abuse of a patient or client (D.C. Official Code § 22-3015) or second degree sexual abuse of a patient or client (D.C. Official Code § 22-3016) until the victim is no longer a patient or client of the actor.”.

Sec. 3. Chapter 3 of Title 23 of the District of Columbia Official Code is amended as follows:

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

(1) Strike the phrase “23-324. Subordination of perjury.” and insert the phrase “23-324. Subornation of perjury.” in its place.

(2) Add after the phrase “23-324. Subornation of perjury.” the following:

“Subchapter IV. Fictitious Name Indictments.

“23-331. Fictitious name indictments for first or second degree sexual abuse or first or second degree child sexual abuse.”.

(b) A new Subchapter IV is added to read as follows:

“Subchapter IV. Fictitious Name Indictments.

“§ 23-331. Fictitious name indictments for first or second degree sexual abuse or first or second degree child sexual abuse.

“(a) A defendant may be prosecuted for first or second degree sexual abuse or first or second degree child sexual abuse by indictment under a fictitious name, such as “John Doe” or “Jane Doe,” if, at the time of indictment, the defendant’s true name is unknown and the defendant’s identity has been established with reasonable certainty by the means of forensic testing of nuclear deoxyribonucleic acid (“DNA”) evidence or DNA evidence with a comparable level of accuracy with nuclear DNA evidence.

“(b) Mitochondrial DNA (“mtDNA”) and Y-DNA cannot be used for the purposes of prosecuting by indictment under a fictitious name a defendant whose true name is unknown under subsection (a) of this section.

“(c) Nothing in this section shall be construed as prohibiting the use or admissibility of mtDNA, Y-DNA, or similar genetic material for any purpose other than obtaining a fictitious name indictment pursuant to subsection (a) of this section.”.

**Sec. 4. Applicability.**

This act shall apply to an offense committed before its effective date only if the statute of limitations for the offense has not expired prior to the effective date.

**Sec. 5. Fiscal impact statement.**

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

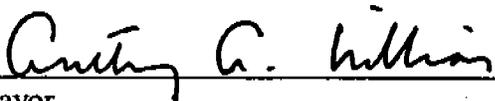
**Sec. 6. Effective date.**

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

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
November 30, 2004

AN ACT

D.C. ACT 15-635

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 30, 2004

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2005 Winter  
Supp.

West Group  
Publisher

To amend, on a temporary basis, the Producer Licensing Act of 2002 to clarify the due process rights afforded to producers under the suspension and revocation provisions of the act; and to provide the Commissioner of the Department of Insurance, Securities, and Banking with summary suspension authority to suspend the certificate of authority of an individual or firm producer without giving notice if the Commissioner finds upon examination that the further transaction of business by the producer would be hazardous to the public or to the policyholders or to the creditors of the producer in the District.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Producer Summary Suspension Temporary Amendment Act of 2004".

Sec. 2. Section 12 of the Producer Licensing Act of 2002, effective March 27, 2003 (D.C. Law 14-264; D.C. Official Code § 31-1131.12), is amended as follows:

Note,  
§ 31-1131.12

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

"Sec. 12. License denial, nonrenewal, suspension, or revocation."

(b) The lead-in text of subsection (a) is amended to read as follows:

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

(c) Paragraph (b) is amended as follows:

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

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

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

"(B) The Commissioner shall not revoke or suspend the license of any such producer until the Commissioner has given the producer not less than 30 days notice of the proposed revocation or suspension and of the grounds alleged thereof, and has afforded the producer an opportunity for a full hearing; provided, that if the Commissioner shall find upon examination that the further transaction of business by the producer would be hazardous to the

public or to the policyholders or creditors of the producer in the District, the Commissioner may suspend the authority without giving notice as herein required, subject to a hearing within 30 days of the effective date of the order of suspension.”

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

“(2) In a hearing under this subsection, the Commissioner may administer oaths to witnesses and issue subpoenas. A witness testifying falsely under oath shall be subject to the penalties of perjury. The Commissioner’s authority to issue subpoenas shall not be limited to the context of a hearing if the Commissioner shall find upon examination that the issuance of a subpoena is necessary to protect the public interest.”

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

“(c)(1) The license of a business entity may be suspended, revoked, or denied renewal if the Commissioner finds, after a hearing as provided in paragraph (2) of this subsection, that:

“(A) The occurrence of a license violation was known or should have been known by one or more of the partners, officers, or managers acting on behalf of the business entity;

“(B) The violation was not reported to the Commissioner; and

“(C) Corrective action was not taken.

“(2) The Commissioner shall not suspend, revoke, or deny renewal of the license of a business entity until the Commissioner has given the producer not less than 30 days notice of the proposed suspension, revocation, or denial and of the grounds alleged therefor, and has afforded the producer an opportunity for a full hearing; provided, that if the Commissioner shall find upon examination that the further transaction of business by the producer would be hazardous to the public or to the policyholders or creditors of the producer in the District, the Commissioner may suspend the authority without giving notice as herein required, subject to a hearing within 30 days of the effective date of the order of suspension.”

Sec. 3. 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. (a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

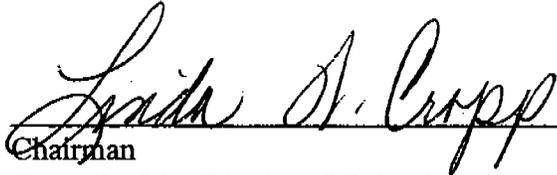
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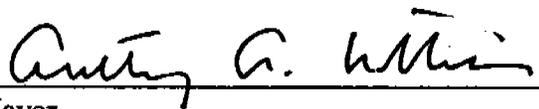
DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

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

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

  
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Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
November 30, 2004

FEB 11 2005

AN ACT  
D.C. ACT 15-636

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 30, 2004

Codification  
District of  
Columbia  
Official Code

2001 Edition

2005 Winter  
Supp.

West Group  
Publisher

To amend, on an temporary basis, the District of Columbia Housing Authority Act of 1999 to clarify the original intent of the tax exemption provisions of the District of Columbia Housing Authority authorizing legislation to assure that the exemption is limited to affordable housing activities and ensure no interruption in the District of Columbia Housing Authority's revitalization and redevelopment projects involving critical affordable housing.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Housing Authority Revitalization Projects Temporary Amendment Act of 2004".

Sec. 2. The District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-201 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 6-201) is amended by adding a new paragraph (19A) to read as follows:

Note,  
§ 6-201

"(19A) "For-profit activities" means ancillary activities to the main activities of the District of Columbia Housing Authority, such as retail, commercial office, manufacturing, or recreational real property development activities undertaken by for-profit entities intended to support or contribute to the financial viability of Housing Properties, but does not include residential real property development activities."

(b) Section 5 (D.C. Official Code § 6-204) is amended as follows:

Note,  
§ 6-204

(1) Subsection (a) is amended by striking the phrase "for-profit activities involving Housing Properties" and inserting the phrase "for-profit activities" in its place.

(2) Subsection (b) is amended by striking the phrase "for-profit activities involving Housing Properties" and inserting the phrase "for-profit activities" in its place.

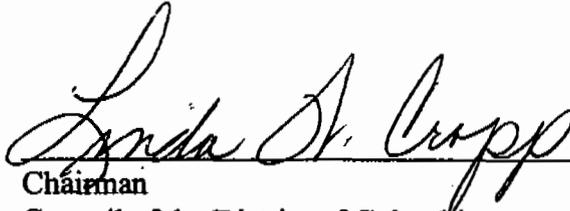
Sec. 3. Fiscal impact statement.

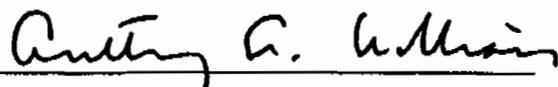
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(3)).

Sec. 4. Effective date.

(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  
November 30, 2004