

A RESOLUTION

16-31

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 1, 2005

To declare the existence of an emergency, due to Congressional review, with respect to the need to clarify the original intent of the tax exemption provisions for affordable housing activities of the District of Columbia Housing Authority to ensure no interruption in the Authority's revitalization and redevelopment projects involving critical affordable housing.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Housing Authority Revitalization Projects Congressional Review Emergency Declaration Resolution of 2005".

Sec. 2. (a) On October 5, 2004, the Council passed Bill 15-1038, the District of Columbia Housing Authority Revitalization Projects Emergency Amendment Act of 2004, which clarifies the original intent in the enabling law creating the District of Columbia Housing Authority ("DCHA") relating to tax exemption provisions for affordable housing activities of DCHA to ensure no interruption in the Authority's revitalization and redevelopment projects involving critical affordable housing. That bill was enacted on October 26, 2004 and expired January 24, 2005.

(b) On November 9, 2004, the Council passed the temporary version of Bill 15-1038. That temporary bill is now D.C. Act 15-636 and is pending Congressional review. Moreover, the Council passed Bill 15-1076, the District of Columbia Housing Authority Amendment Act of 2004 on December 21, 2004. Bill 15-1076 is a permanent bill that incorporates the provisions of the District of Columbia Housing Authority Revitalization Projects Emergency Amendment Act of 2004. It was enacted as D.C. Act 15-752 on January 19, 2005. It too is pending Congressional review.

(c) Each of these pieces of legislation provide a technical amendment to clarify that Housing Properties qualify for the tax exemption contained in section 5 of the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-204), as distinct from those for-profit activities that do not involve housing, but rather are commercial or retail in nature, although being developed as part of the revitalization or redevelopment project. The legislation will not modify the requirement that for-profit, ancillary

FEB 25 2005

ENROLLED ORIGINAL

activities to the main activities of DCHA, such as those of a commercial office or retail nature, even when these are in support of affordable housing development, will require a special action of the Council to be tax-exempt. DCHA and its development partners are trying to finalize financing for several projects requiring clarity as to the tax status of the housing and the non-housing for-profit activities of the projects. DCHA requires clarity promptly to proceed with these critical revitalization and redevelopment projects that will fill an urgent need for affordable housing.

(d) In order to avoid a gap in enforcement due to Congressional review of both the temporary and permanent legislation, it is necessary to pass the District of Columbia Housing Authority Revitalization Projects Congressional Review Emergency Amendment Act of 2005 and to make it applicable after January 24, 2005.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the District of Columbia Housing Authority Revitalization Projects Congressional Review Emergency Amendment Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-32

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 1, 2005

To declare an emergency, due to Congressional review, with respect to the need to amend Title 12A of the District of Columbia Municipal Regulations to establish appropriate graphics for the Gallery Place Project.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Gallery Place Project Graphics Congressional Review Emergency Amendment Declaration Resolution of 2005".

Sec. 2. (a) On December 7, 2004, the Council passed Bill 15-313, the Gallery Place Graphics Amendment Act of 2004, that amends Title 12A of the District of Columbia Municipal Regulations to establish appropriate graphics for the Gallery Place Project. The Council had previously passed 2 versions of this bill on both an emergency and temporary basis. Both the temporary bill (D.C. Act 15-530) and the permanent bill (D.C. Act 15-669) are pending Congressional review.

(b) The latest emergency version of the bill, D.C. Act 15-626, the Gallery Place Project Graphics Congressional Review Emergency Amendment Act of 2004, expired on January 29, 2005.

(c) Each of these pieces of legislation are amendments to the construction code that would allow the permitting of graphics or signs that are consistent with the specifications, drawings, limitations and requirements set forth in a new 12A DCMR § 3107.18.

(d) The new section and the agreed-upon Illustrations that will be incorporated thereto have been discussed and negotiated for over a year among various District government agencies, including the Department of Consumer and Regulatory Affairs, the Office of Planning, the Deputy Mayor for Economic Development and Planning, and the Office of the Attorney General, along with the developers of the Project.

(e) The legislation is needed to provide the city with a mechanism, like those used in other jurisdictions, that allow signs and graphics that contribute to an entertainment district. The legislation has been drafted to ensure that the District government has authority for enforcement of the provisions of the bill, including the ability to take down non-compliant signs. The

legislation places limits, restrictions, and requirements, including a design review that is unusual for an area outside of a historic district, on the 3 distinct signage areas that are defined in the Illustrations and legislation. Moreover, regulations required as part of the Chinatown Design Review still apply. To ensure that these are met, the Office of Planning is included in the permit review process.

(f) Because of Congressional review, the temporary version of the legislation is not projected to become law until March 4, 2005, and the underlying permanent version of this legislation, Bill 15-313, which was enacted on December 29, 2004, will become effective after the projected date.

(g) In order to avoid a gap in enforcement due to Congressional review of both the temporary and permanent legislation, it is necessary to pass the Gallery Place Project Graphics Congressional Review Emergency Amendment Act of 2005 and to make it applicable after January 29, 2005.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Gallery Place Project Graphics Congressional Review Emergency Amendment Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-33

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 1, 2005

To declare the existence of an emergency, due to Congressional review, with respect to the need to extend the time period for the disposition of property authorized by the Disposal of District Owned Surplus Property Amendment Act of 1989.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Extension of Time to Dispose of Property for Golden Rule Development Project Congressional Review Emergency Declaration Resolution of 2005".

Sec. 2. (a) On October 5, 2004, the Council passed Bill 15-588, the Extension of Time to Dispose of Property for Golden Rule Development Project Emergency Act of 2004, which extends further the 2-year time period set forth in section 3 of the Disposal of District Owned Surplus Property Amendment Act of 1989 as it applies to the disposition of property permitted under D.C. Law 14-294, the Disposal of District Owned Surplus Real Property Temporary Amendment Act of 2002. D.C. Law 14-294 expired on November 22, 2003 and the disposition of the property was not completed by that date. Despite extensive efforts, Golden Rule Plaza, Inc., which is seeking to acquire the disposition site, has been unable to complete the prerequisites to the District of Columbia disposition in the required time period due to constraints associated with the project that is planned for the disposition site, and the extensive work that was undertaken on the principal disposition site where a 119-unit senior citizen housing project has been constructed and opened at a cost of approximately \$ 18 million. Golden Rule Plaza Inc., is anticipating moving forward with this 2nd phase of the project in the near future now that the 1st phase has been completed.

(b) On November 9, 2004, the Council passed the temporary version of this legislation. It is D.C. Act 15-608 and is pending Congressional review.

(c) The emergency legislation, which is D.C. Act 15-588, expired on January 30, 2005.

(d) The Golden Rule Plaza project will benefit the District of Columbia by providing needed social services and other facilities to aid the community as a whole. Once the disposition of land is completed, Golden Rule Plaza, Inc., will be able to proceed with obtaining the building permits and finalizing the financing arrangements to begin construction of this second phase of

the project.

(e) To avoid a gap in enforcement due to Congressional review of the temporary legislation, it is necessary to pass the Extension of Time to Dispose of Property for Golden Rule Development Project Congressional Review Emergency Amendment Act of 2005 and make it applicable after January 30, 2005.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Extension of Time to Dispose of Property for Golden Rule Development Project Congressional Review Emergency Amendment Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-34

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 1, 2005

To declare the existence of an emergency, due to Congressional review, with respect to the need to clarify the due process rights afforded to producers under the suspension and revocation provisions, and to provide the Commissioner of the Department of Insurance, Securities, and Banking with summary suspension authority to suspend the certificate of authority of individual or firm producers 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 the creditors of the producer in the District.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Producer Summary Suspension Congressional Review Emergency Declaration Resolution of 2005".

Sec. 2. (a) On October 5, 2004, the Council of the District of Columbia passed D. C. Act 15-548, the Producer Summary Suspension Emergency Amendment Act of 2004, which was enacted on October 26, 2004. The act clarified the due process rights afforded to producers under the suspension and revocation provisions, and provided the Commissioner of the Department of Insurance, Securities, and Banking with summary suspension authority to suspend the certificate of authority of individual or firm producers 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 the creditors of the producer in the District.

(b) Moreover, the Council passed a temporary version of the legislation on November 9, 2004, which was enacted on November 30, 2004. The temporary legislation is D.C. Act 15-635. It is pending Congressional review. Meanwhile, the emergency act, D. C. Act 15-548, expired January 24, 2005.

(c) In order to avoid a gap in enforcement due to Congressional review of the temporary legislation, it is necessary to pass the Producer Summary Suspension Congressional Review Emergency Amendment Act of 2005 and to make it applicable after January 24, 2005.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Producer Summary Suspension Congressional Review Emergency Amendment Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-35

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 1, 2005

To declare the existence of an emergency, due to Congressional review, with respect to the need to establish a mandatory drug and alcohol testing program for District of Columbia government employees who provide direct services to children, to establish a criminal background checks program for the District of Columbia workforce, to establish uniform health screening requirements for all District of Columbia children, to establish an Early Intervention Program in the District of Columbia to provide early intervention services for infants and toddlers from birth through 2 years of age and their families, and to establish a Trust Fund for Postsecondary Education Assistance into which shall be deposited funds generated by a tax check-off on individual income tax returns to assist needy children with the cost of postsecondary education..

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Child and Youth, Safety and Health Omnibus Congressional Review Emergency Declaration Resolution of 2005".

Sec. 2. (a) The Child and Youth, Safety and Health Omnibus Emergency Amendment Act of 2004 (Act 15-630), effective November 30, 2004, will expire on February 28, 2005.

(b) Temporary and permanent versions of this legislation, the Child and Youth, Safety and Health Omnibus Temporary Amendment Act of 2004 (Act 15-716) and the Child and Youth, Safety and Health Omnibus Amendment Act of 2004 (Act 15-759) have been approved by the Council and signed by the Mayor, and will take effect following completion of respective 30-day periods of Congressional review.

(c) It is important that the provisions of the emergency act remain in effect, without interruption, until the temporary and permanent legislation is in effect.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Child and Youth, Safety and Health Omnibus Congressional Review Emergency Amendment Act of 2005 be adopted after a single reading.

Sec. 4. Effective date.
This resolution shall take effect immediately.

A RESOLUTION

16-36

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 1, 2005

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the Public Congestion and Venue Protection Temporary Act of 2004 to prohibit the Metropolitan Police Department from charging not-for-profit events for police details.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Public Congestion and Venue Protection Congressional Review Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate need to clarify the interpretation of the Public Congestion and Venue Protection Temporary Act of 2004, effective December 7, 2004 (D.C. Law 15-201; 51 DCR 7606).

(b) The original intent of the bills was to cover large, for-profit events created in connection with commercial venues. Because of the broad language used in the bills, the Metropolitan Police Department has interpreted them as applying to not-for-profit gatherings, such as university charity events and neighborhood block parties, and subsequently has charged such groups for overtime police details.

(c) The Council has passed emergency and temporary legislation that narrows the scope of the Public Congestion and Venue Protection Temporary Act of 2004 to its original intent by exempting not-for-profit events from the mandatory police details for which the Metropolitan Police Department is permitted to charge.

(d) The Public Congestion and Venue Protection Emergency Amendment Act of 2004, effective November 30, 2004 (D.C. Act 15-613; 51 DCR 11435), expires on February 28, 2005.

(e) The Public Congestion and Venue Protection Temporary Amendment Act of 2004, signed by the Mayor on December 29, 2004 (D.C. Act 15-711), is pending Congressional review.

(f) This emergency legislation is necessary to prevent a gap in the legal authority.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Public Congestion and Venue Protection Congressional Review Emergency Amendment Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-37

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 1, 2005

To declare the existence of an emergency, due to Congressional review, with respect to the need for the Council to amend An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes to require the Mayor to include 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.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Real Property Disposition Economic Analysis Congressional Review Emergency Declaration Resolution of 2005".

Sec. 2. (a) Throughout the year, the District of Columbia ("District") government is likely to issue requests for proposals to dispose of major parcels of land that it owns, possibly including sites on the Southwest Waterfront and the St. Elizabeth's campus, as well as the Franklin School and the Nichols Avenue School.

(b) Although upcoming disposals of District-owned real property will have a major impact on the local economy and could serve as an important source of revenue for the District government, there is presently no requirement that the District consider the economic value of the disposition, including the revenues, payments, and fees that would accrue to the District government or the impact on the local economy.

(c) To ensure that the District government and its residents derive maximum economic benefit from the forthcoming disposition of major parcels of real property, while providing the Mayor with appropriate flexibility to consider other important factors such as housing and community development, legislation is urgently needed to require an economic analysis as part of any real property disposition, and to ensure that economic factors are an explicit component of any real property disposition that will be effected through a request for proposal or competitive sealed proposal. Otherwise, the District may forego millions of dollars in potential benefits from such dispositions.

(d) The Council has adopted emergency and temporary legislation that requires that the District consider the economic value of a real property disposition, including the revenues, payments, and fees that would accrue to the District government or the impact on the local economy.

(e) The Real Property Disposition Economic Analysis Second Emergency Amendment Act of 2004, effective November 30, 2004 (D.C. Act 15-627; 51 DCR 2314), expires on February 28, 2004. The Real Property Disposition Economic Analysis Second Temporary

Amendment Act of 2004, signed by the Mayor on January 4, 2005 (D.C. Act 15-710), is pending Congressional review.

(f) This emergency legislation is necessary to prevent a gap in the legal authority.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Real Property Disposition Economic Analysis Congressional Review Emergency Amendment Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-38

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 1, 2005

To declare the existence of an emergency, due to Congressional review, with respect to the need to allow former District government employees who are reemployed annuitants the option of continuing to receive a reduction in pay.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District Government Reemployed Annuitant Offset Alternative Congressional Review Emergency Declaration Resolution of 2005".

Sec. 2. The Council of the District of Columbia finds that:

(1) Legislation has been enacted that would treat former District government employees who are federal annuitants the same as former federal government employees who are federal annuitants by eliminating the reduction in the pay of a former District government employee who is a reemployed federal annuitant.

(2) Currently, a reemployed annuitant is provided the opportunity to receive an increased retirement annuity.

(3) After the completion of at least one additional year of service, the reemployed annuitant may receive a supplemental annuity, or they may receive a redetermined annuity after the completion of 5 years of additional service. Employees in this group typically earn a higher salary upon their return to the District government, which will result in a higher annuity.

(4) It is necessary to ensure that reemployed annuitants who are currently receiving an offset may continue to do so or elect to opt out.

(5) Employees hired on or after the effective date of this legislation will not be subject to an offset.

(6) The emergency legislation is scheduled to expire on February 28, 2005, and Act 15-714, the District Government Reemployed Annuitant Offset Alternative Temporary Amendment Act of 2004 has not been transmitted for Congressional review to date.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the District of Columbia Government Purchase Card Program Reporting Requirements Congressional Review Emergency Amendment Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-39

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 1, 2005

To declare the existence of an emergency, due to Congressional review, with respect to the need to establish new reporting requirements for the tracking of purchase card expenditures and interest penalty payments.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Government Purchase Card Program Reporting Requirements Congressional Review Emergency Declaration Resolution of 2005".

Sec. 2. The Council of the District of Columbia finds that:

- (1) It is necessary to enact legislation that will ensure that participants in the District of Columbia Purchase Card Program are adhering to the rules governing the use of government-issued credit cards.
- (2) A comprehensive hearing conducted by the Committee on Government Operations found that the Office of Contracting and Procurement was not monitoring purchase card utilization to the extent that was necessary.
- (3) The Office of Contracting and Procurement did not possess an accurate account of the number of employees that were issued purchase cards and the daily, monthly, and yearly limits established for each employee.
- (4) Law 15-61, Suspension of Purchase Authority in the District of Columbia Government Purchase Card Program Temporary Amendment Act of 2004, expired on July 21, 2004.
- (5) Law 15-61 required new protocols to be implemented, and required quarterly reporting of purchase card usage to the Council.
- (6) Reporting requirements are necessary to monitor purchase card utilization and interest penalty payments on a quarterly basis.
- (7) The requirements established will help to deter improper utilization of government issued purchase cards and assist the government in monitoring all purchases.
- (8) Emergency legislation is necessary to ensure that all District agencies participating in the purchase card program continue to report the details of their usage in a timely manner, without any lapses in the legal authority of the Council to require those reports.
- (9) The emergency legislation expired on January 24, 2005, and the permanent legislation, Act 15-681, the District of Columbia Government Purchase Card Program Reporting Requirements Amendment Act of 2004 is currently pending Congressional review.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the District of Columbia Government Purchase Card Program Reporting Requirements Congressional Review Emergency Amendment Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-40

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 1, 2005

To declare the existence of an emergency, due to Congressional review, with respect to the need to provide equitable real property tax relief and a tax exemption to the Capitol Hill Community Garden Land Trust, a tax-exempt organization.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Kings Court Community Garden Equitable Real Property Tax Relief Congressional Review Emergency Declaration Resolution of 2005".

Sec. 2. (a) The current emergency version of the accompanying bill (D.C. Act 15-619) expires on February 28, 2005.

(b) The permanent bill (D.C. Act 15-652) had 2nd reading on December 21, 2004 and is pending congressional review.

(c) There is no fiscal impact to this legislation as previous legislation has granted a property tax exemption to the Capitol Hill Community Garden Land Trust, a 501(c)(3) organization, for the land in question.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Kings Court Community Garden Equitable Real Property Tax Relief Congressional Review Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-41

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 1, 2005

To declare the existence of an emergency, due to Congressional review, with respect to the need to clarify the effective date of the estate tax filing threshold.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Estate and Inheritance Tax Clarification Congressional Review Emergency Declaration Resolution of 2005".

Sec. 2. (a) Title XIV of D.C. Law 14-307, the Fiscal Year 2003 Budget Support Amendment Act of 2002, decoupled the District's estate tax code from the federal code.

(b) Title XXI of D.C. Law 15-39, the Fiscal Year 2004 Budget Support Act of 2003, and prior emergency and temporary versions of this legislation, increased the District's filing threshold for estates to \$1 million from the previous \$675,000.

(c) It was the intent of the Council in raising the estate tax filing threshold that it would apply to decedents who die on or after January 1, 2003, and that the fiscal impact of this title was predicated upon that reading of the title.

(d) The proposed emergency legislation will make this intent clearer, and is warranted so the Office of Tax and Revenue may advise tax practitioners and residents properly as to the effect of Title XXI of D.C. Act 15-106.

(e) The current emergency version (D.C. Act 15-620) expires on February 28, 2005. The temporary version (D.C. Act 15-712) is pending Congressional review.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary the Estate and Inheritance Tax Clarification Congressional Review Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-42

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 1, 2005

To declare the existence of an emergency, due to Congressional review, with respect to the need to de-couple the District tax code from the Internal Revenue Code for depreciation purposes in order to prevent significant loss of revenue.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Bonus Depreciation De-Coupling From the Internal Revenue Code Congressional Review Emergency Declaration Resolution of 2005".

Sec. 2. (a) As part of D.C. Law 14-190, the Fiscal Year 2003 Budget Support Act of 2002, the Council passed legislation to de-couple the District tax code from the Internal Revenue Code in various ways.

(b) At that time the Committee on Finance and Revenue wrote: "On March 9, 2002, President Bush signed into law the Job Creation and Work Assistance Act of 2002, otherwise known as the stimulus package. Section 101 amends section 168(k) of the IRC to provide a special additional first-year depreciation deduction equal to 30 percent of the adjusted basis for certain qualified property acquired after September 10, 2001, and before September 11, 2004. The additional first-year depreciation deduction is allowed for both regular and alternative minimum tax purposes for the taxable year in which the property is placed in service. In order to prevent significant loss of revenue, many states are de-coupling from the IRC for depreciation purposes to block allowance of this 30% 'bonus depreciation' for state income and franchise tax purposes."

(c) The change proposed by this emergency legislation would update what was previously passed in order to take into account changes made this year by Congress. This emergency is necessary to ensure the authority remains in place to allow the Office of Tax and Revenue to continue to issue tax forms for Tax Year 2005 reflecting Congress' change.

(d) The current emergency version (D.C. Act 15-621) expires on February 28, 2005. The temporary version (D.C. Act 15-713) is pending Congressional review.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Bonus Depreciation De-Coupling from the Internal Revenue Code Congressional Review Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-43

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 1, 2005

To declare the existence of an emergency, due to Congressional review, with respect to the need to exempt from sales taxation goods sold at certain charity auctions not more than 5 times a year by a nonprofit teaching hospital.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Charity Auction Sales Tax Exemption Congressional Review Emergency Declaration Resolution of 2005".

Sec. 2. (a) The permanent version of this legislation was introduced earlier this year, and the Committee on Finance and Revenue held a public roundtable on the bill on July 7, 2003.

(b) Nonprofit teaching hospitals hold charity auction events, which help fund activities which are beneficial to the District and its residents.

(c) Accounting for and collecting sales taxes on such incidental sales is an administrative burden to these organizations, and very few such organizations now either collect or are aware they should collect sales taxes on such sales.

(d) At the Committee's public roundtable, the Office of Tax and Revenue expressed concerns over the drafting of the original introduced bill, and those concerns have been addressed in this emergency bill.

(e) The current version of the emergency bill (D.C. Act 15-618) expires on February 28, 2005.

(f) The permanent bill (D.C. Act 15-668) had 2nd reading on December 2, 2004 and is pending Congressional review.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary the Charity Auction Sales Tax Exemption Congressional Review Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-44

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 1, 2005

To declare the existence of an emergency, due to Congressional review, with respect to the need to approve certain tax-related provisions of the Ballpark Omnibus Financing and Revenue Act of 2004.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Ballpark Omnibus Financing and Revenue Tax Provisions Congressional Review Emergency Declaration Resolution of 2005".

Sec. 2. (a) The Ballpark Omnibus Financing and Revenue Tax Provisions Emergency Act of 2004 approved certain tax-related provisions of the Ballpark Omnibus Financing and Revenue Act of 2004, giving the Office of Tax and Revenue, and other offices within the Office of the Chief Financial Officer, the authority to set up the Ballpark Revenue Fund and make other necessary preparations for collecting and processing sales taxes on tickets of admission, personal property, and certain services at the ballpark.

(b) The Office of the Chief Financial Officer needs to have this authority immediately in order to establish the necessary accounts, systems, and procedures prior to the sale of the first ticket of admission.

(c) The current emergency version (D.C. Act 15-719) expires on March 1, 2005.

(d) The current emergency version was included as part the Ballpark Omnibus Financing and Revenue Act of 2004 (Bill 15-1028), which had 2nd reading on December 21, 2004 and is pending Congressional review.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Ballpark Omnibus Financing and Revenue Tax Provisions Congressional Review Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-45

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 1, 2005

To declare the existence of an emergency, due to Congressional review, with respect to the need to establish the Low-Income Housing Tax Credit Fund.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Low-Income Housing Tax Credit Fund Congressional Review Emergency Declaration Resolution of 2005".

Sec. 2. (a) The Internal Revenue Service has informed the Department of Housing and Community Development that its compliance with its monitoring requirements under the Internal Revenue Code's Low-Income Housing Tax Credit Program ("LIHTC") are not being met.

(b) The Council enacted the Low-Income Housing Tax Credit Fund Emergency Act of 2004, effective August 2, 2004 (D.C. Act 15-511; 51 DCR 8969) which expired October 31, 2004 to establish a fund to pay for the required monitoring under LIHTC.

(c) The Low-Income Housing Tax Credit Fund Temporary Act of 2004, signed by the Mayor on November 1, 2004 (D.C. Act 15-570; 51 DCR 10573) is pending Congressional review, making emergency legislation necessary. The Council enacted emergency Congressional review gap-closing legislation on December 21, 2004, but due to the retroactive date of that legislation it will expire on January 29, 2005. Consequently, it is necessary to pass another gap-closing emergency bill to close the gap between January 29, 2005 and February 7, 2005.

Sec. 3. The Council of the District of Columbia finds that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary for the Low-Income Housing Tax Credit Fund Congressional Review Act of 2005 to be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-46

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 1, 2005

To declare the existence of an emergency with respect to the need to amend the Construction Codes Approval and Amendments Act of 1986 to provide for stiffer penalties for violation of the Construction Codes, to clarify the types of injunctive relief available to prevent, deter, and penalize illegal construction activity in the District of Columbia, to clarify the standard for injunctive relief for violation of the Construction Codes, to include illegal construction activity as a basis for denying building permits; to amend section 23-581 of the District of Columbia Code to include illegal construction as a probable cause misdemeanor; and to amend An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes to provide for civil fines, penalties, and fees to be imposed as alternative sanctions for any infraction of the requirements for building registration, inspection, fees or maintenance, and to adjust the reporting period for updates to the vacant building list.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Abatement of Nuisance Construction Projects Amendment Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate crisis regarding the ability of the District of Columbia to prevent nuisance construction projects from impacting the neighborhoods where they exist.

(b) Property owners who commence construction projects without sufficient respect for the District of Columbia's Construction Codes or permitting process are without sufficient incentive to complete their work on residential housing in accordance with the Construction Codes of the District of Columbia because the existing civil enforcement mechanisms do not form a strong enough disincentive for disregarding District law.

(c) Without stronger incentives to comply with the Construction Codes in the present real estate market, real estate renovators and construction companies find it in their own interests to pay the fines and proceed at a snail's pace on a multitude of projects, rather than minimizing the negative impacts of their activities on neighboring residents.

(d) In order to strengthen the enforcement capabilities of the District of Columbia, and for the protection of would be purchasers of renovated or newly constructed real estate, the

District must be equipped with a strong enforcement mechanism.

(e) Increasing the penalty in the District of Columbia Code for violating any of the provisions of the Construction Codes or orders issued under their authority from \$300 to \$2,000 and increasing the days of imprisonment from 10 to 90 days shall reduce the ability of individuals to violate the District's construction laws and stay in business.

(f) Permitting the Attorney General to prosecute scofflaws will enhance the ability of the District to protect future renters and homeowners from hidden shoddy construction.

(g) Enhancing the power of the Attorney General to seek court ordered mandatory injunctions and other equitable remedies when pursuing construction scofflaws provides further protection from scofflaws for persons interested in making a home in the District.

(h) Denying building permits to individuals who offend District laws by violating the Construction Codes further protects current and would be District residents from unknowingly investing large sums of money in real estate that is poorly constructed.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Abatement of Nuisance Construction Projects Emergency Amendment Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

FEB 25 2005

ENROLLED ORIGINAL

A RESOLUTION

16-47

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 1, 2005

To declare the existence of an emergency with respect to the need to prohibit large shipments of certain extremely hazardous materials near the United States Capitol in order to reduce the risk of attacks by terrorists, to allow for the issuance of permits authorizing such shipments in special cases, and to require the Mayor to issue regulations implementing the restrictions on the transportation of hazardous materials.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Terrorism Prevention in Hazardous Materials Transportation Emergency Declaration Resolution of 2005".

Sec. 2. (a) A terrorist attack on a large-quantity hazardous material shipment near the United States Capitol ("Capitol") could create a deadly toxic cloud extending 14 miles, kill as many as 100,000 people within 30 minutes, injure hundreds of thousands of people, and result in billions of dollars in economic damages. In October 2002, the Federal Bureau of Investigation reported that terrorists are specifically interested in targeting hazardous material containers in attacks on rail cars on U.S. soil.

(b) The terrorism threat facing District of Columbia residents and workers in the vicinity of the Capitol requires an urgent response that recognizes and addresses the unique status of this area as the nerve center of American political life, and the terrorism risk that results from this status. In the recent past, only the New York metropolitan area has been subject to a similar level of terror attacks and terror alerts as the Washington, D.C., metropolitan area.

(c) The federal government has not acted to prevent the terrorist threat resulting from the transportation of dangerous quantities of ultra-hazardous materials near the Capitol. The federal government has not issued any rule or order addressing this issue. In a November 22, 2004, public roundtable held by the Committee on Public Works and the Environment, a senior official of the U.S. Department of Homeland Security stated that the department had not used and would not use its authority to mandate re-routing of hazardous rail cargo.

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

(e) Regulating the shipments of ultra-hazardous materials from an exclusion zone encompassing parts of the District of Columbia within 2.2 miles of the Capitol would impose no significant burden on interstate commerce. The ultra-hazardous materials to be regulated are carried by only a small subset of the hazardous material rail shipments that pass through the District of Columbia.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Terrorism Prevention in Hazardous Materials Transportation Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-48

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 1, 2005

To declare the existence of an emergency with the respect to the need to extend the terms of current members of the Washington Convention Center Authority Advisory Committee until December 31, 2005.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Washington Convention Center Authority Advisory Committee Continuity Emergency Declaration Resolution of 2005".

Sec. 2. Emergency circumstances.

(a) The Washington Convention Center Authority began construction of the new convention center in August 1998.

(b) The terms of the appointees of the current Washington Convention Center Authority Advisory Committee ("WCCAAC") expired on December 31, 2004.

(c) The WCCAAC serves as an adviser to the WCCA Board of Directors and has proven to provide good recommendations to the Board over the years.

(d) The WCCAAC maintains a wealth of expertise in the areas of community relations, financial, hotel industry, restaurant affirmative action and union relations.

(e) The WCCAAC has proven to be a necessary entity and mediator on behalf of the Shaw community, the Convention Center and the District Government.

(f) There is a need to maintain the continuity of the WCCAAC.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that Washington Convention Center Advisory Committee Continuity Emergency Amendment Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-49

IN THE COUNCIL OF DISTRICT OF COLUMBIA

February 1, 2005

To declare the existence of an emergency with respect to the need to require the Metropolitan Police Department to electronically record custodial interrogations, and to establish civil penalties for violations of this requirement.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Electronic Recording Procedures and Penalties Emergency Declaration Resolution of 2005".

Sec. 2. The Council finds that:

(1) The underlying emergency act would require the Metropolitan Police Department to electronically record custodial interrogations of persons suspected of committing a crime of violence when the interrogation takes place in Metropolitan Police Department interview rooms equipped with electronic recording equipment.

(2) Emergency legislation is necessary because of the strong public safety and welfare interest arising from the assurance, without further delay, of the regularity and accuracy of confessions made in Metropolitan Police Department facilities, along with the greater jury acceptance of electronically recorded statements to those confessions.

(3) There is also an immediate need to ensure that there is statutory reinforcement of the forthcoming Metropolitan Police Department General Order permitted under the legislation and to establish penalties for violations of the recording requirements set forth in the emergency act.

Sec. 3. The Council of the District of Columbia finds that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Electronic Recording Procedures Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-50

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 1, 2005

To declare the existence of an emergency with respect to the need to authorize payment to Excel Institute for automotive technology training services provided to the Department of Employment Services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Excel Institute Payment Authorization Emergency Declaration Resolution of 2005".

Sec. 2. (a) Contingent upon the availability of appropriated funds, Excel Institute provided automotive technology training services during the months of August and September 2004. Appropriated funds were not made available prior to the expiration of the fiscal year on September 30, 2004. Excel Institute submitted invoices in the amount of \$196,307.39 for services provided during those two months.

(b) The Department of Employment Services submitted to the Office of Contracting and Procurement documents to authorize payment to Excel Institute in accordance with section 105(d) of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.05(d)). The Chief Procurement Officer has reviewed the documents and recommends that payment be authorized to Excel Institute.

(c) Since the proposed payment amount is over \$100,000, Council approval, by act, is necessary for the automotive training technology services already provided.

(d) Excel Institute is a small nonprofit organization that needs this payment of \$196,307.39 in order to meet its various financial obligations, such as rent, staff salaries, and equipment leases. Without this approval, Excel Institute will experience a significant financial loss that could not be absorbed without a negative impact on its ability to continue to provide automotive training services to the District.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Excel Institute Payment Authorization Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-51

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 1, 2005

To declare the existence of an emergency with respect to the need to authorize a grant during fiscal year 2005 of \$1.2 million of local funds appropriated to the District of Columbia in the District of Columbia Appropriations Act, 2005 to the Excel Institute.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Excel Institute Grant Authority Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate need to authorize the Mayor to make a grant during fiscal year 2005 to the Excel Institute for the express purpose of providing automotive technology training services to District residents.

(b) Local funds in the amount of \$1.2 million have been earmarked for the Excel Institute under the District of Columbia Appropriations Act, 2005, approved October 18, 2004 (Pub. L. No. 108-335; 118 Stat. 1322).

(c) The Excel Institute is a nonprofit entity that provides much needed training services to high risk, low-income District residents.

(d) Without this authorization the Excel Institute will not have the financial resources to continue to provide automotive technology training services to high risk, low-income District residents.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the District of Columbia Excel Institute Grant Authority Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.