

AN ACT

D.C. ACT 15-761

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 19, 2005*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Spring
Supp.West Group
Publisher

To amend, on an temporary basis, the Anacostia Waterfront Corporation Act of 2004 to ensure that there is an appropriate number of board members on the Corporation's board by adding 2 new board members to be filled by a recognized labor union organization and a recognized environmental organization.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Anacostia Waterfront Corporation Board Expansion Temporary Amendment Act of 2004".

Sec. 2. The Anacostia Waterfront Corporation Act of 2004, effective December 7, 2004 (D.C. Law 15-219; 51 DCR 9142), is amended as follows:

(a) Section 105(a) is amended as follows:

(1) The lead-in text is amended to read as follows:

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

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

(A) Subparagraph (A) is amended by striking the word "Seven" and inserting the word "Nine" in its place.

(B) New subparagraphs (E) and (F) are added to read as follows:

"(E) One public citizen member shall be a representative of a recognized labor union organization.

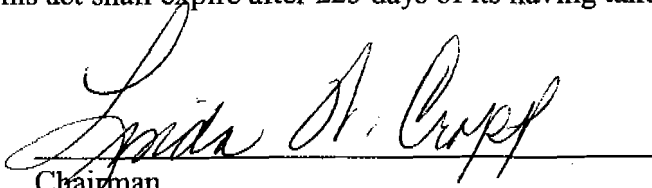
"(F) One public citizen member shall be a representative of a recognized environmental organization."

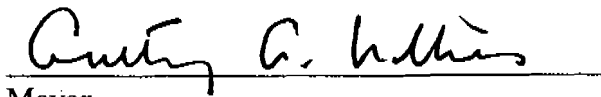
(b) Section 107(a) is amended by striking the phrase "not less than 4 of these voting" and inserting the phrase "not less than 5 of these voting" in its place.

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 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
January 19, 2005

AN ACT
D.C. ACT 15-762

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 19, 2005

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To amend, on a temporary basis, the Fiscal Year 2005 Budget Support Act of 2004 to authorize the Department of Human Services to expend \$250,000 for the Southeast Veteran's Access Housing, Inc., for operation of the men's shelter.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2005 Southeast Veteran's Access Housing, Inc., Budget Support Temporary Amendment Act of 2005".

Sec. 2. Section 5903 of the Fiscal Year 2005 Budget Support Act of 2004, signed by the Mayor on August 2, 2004 (D.C. Act 15-487; 51 DCR 8441), is amended by striking the word "renovation" and inserting the word "operation" in its place.

Note,
§ 47-308.01

Sec. 3. Fiscal impact statement.

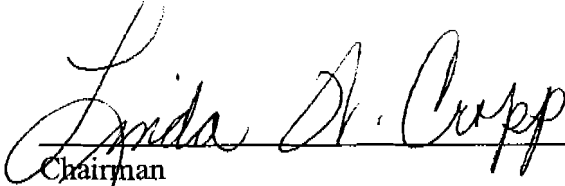
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

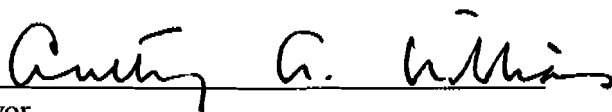
(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 19, 2005

AN ACT

D.C. ACT 15-763

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 19, 2005

To amend, on an temporary basis, section 47-3505 of the District of Columbia Official Code to provide certain nonprofit organizations with exemption from certain real property taxation.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Nonprofit Housing Organizations Tax Exemption Temporary Act of 2005".

Sec. 2. Section 47-3505 of the District of Columbia Official Code is amended by adding a new subsection (f) to read as follows: Note,
§ 47-3505

“(f)(1) Beginning October 1, 2002, any nonprofit organization that has (i) acquired property to develop more than 10 units of housing for affordable or lower income home ownership in the District of Columbia, (ii) subdivided the acquired property into more than 10 units, and (iii) been denied exemption from District of Columbia real property taxes pursuant to § 47-1002 shall have 2 years from the date of the subdivision of the property to hold the property without liability for the recordation, transfer, or real property taxes associated with the acquisition and development of the property.

“(2) Beginning October 1, 2002, no recordation, transfer, or real property taxes associated with the acquisition of properties pursuant to paragraph (1) of this subsection shall be assessed against the nonprofit organization if it is not liable for taxes pursuant to paragraph (1) of this subsection.”.

Sec. 3. Inclusion in budget and financial plan.

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

ENROLLED ORIGINAL

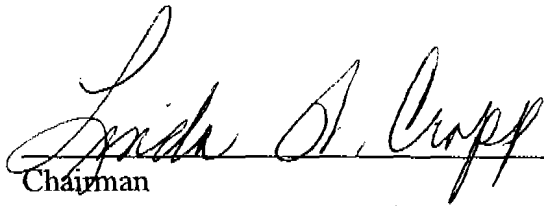
Sec. 4. Fiscal impact statement.

The fiscal impact of this act is minimal in fiscal years 2003, 2004, and 2005. 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)).

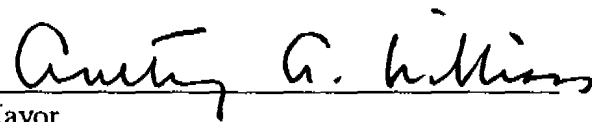
Sec. 5. Effective date.

(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
January 19, 2005

AN ACT
D.C. ACT 15-764IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 19, 2005

To approve, on an emergency basis, 13 retroactive congregate care contracts for foster care services for individuals in group homes and in independent living residences.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Congregate Care Contracts Approval Authorization Emergency Act of 2004".

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

CONGREGATE CARE CONTRACTS

Diagnostic And Emergency Care Aged 12 & Younger

CFSA-04-C-0336	St. Ann's Infant and Maternity Home- 0395	\$ 1,305,875.00
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Traditional Group Home Services

CFSA-04-C-03457	Association for Renewal in Education -0396	\$ 2,140,725.00
CFSA-04-C-0340	Terrific, Inc.-0397	\$ 1,047,915.00
CFSA-04-C-0349	VOCA Corporation, Inc.-0398	\$ 3,214,190.00
CFSA-04-C-0343	IONIA R. Whipper Home, Inc.-0399	\$ 1,511,100.00
CFSA-04-C-0341	NAFFCCA, Inc.-0400	\$ 1,162,218.40

INDEPENDENT LIVING PROGRAM - MAIN FACILITY

CFSA-04-C-0350	Jones & Associates, Inc.-0403	\$ 3,376,604.50
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INDEPENDENT LIVING PROGRAM - RESIDENTIAL UNITS

CFSA-04-C-0358	Catholic Charities, Inc.-0401	\$ 1,364,991.00
CFSA-04-C-0357	NAFFCCA, Inc.-0402	\$ 3,126,189.25

ENROLLED ORIGINAL

TEEN PARENTS

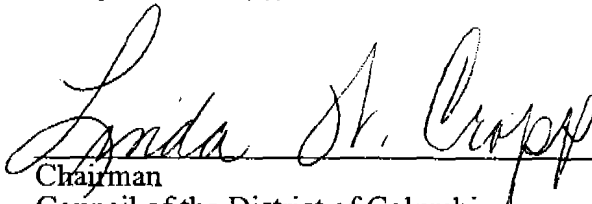
CFSA-04-C-0365	Catholic Charities, Inc.-0404	\$ 1,406,243.00
CFSA-04-C-0360	St. Ann's Infant & Maternity Home, Inc.-0405	\$ 1,406,301.70
CFSA-04-C-0363	Fihankra Place, Inc.-0406	\$ 1,989,784.00
CFSA-04-C-0364	NAFFCCA, Inc.-0407	\$ 1,722,156.00


Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED
January 19, 2005

AN ACT
D.C. ACT 15-765

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 19, 2005

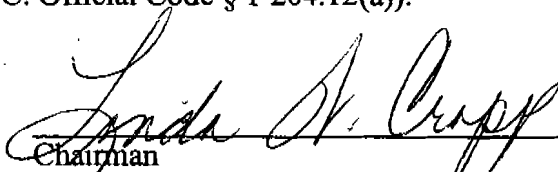
To approve, on an emergency basis, the award of Contract No. POKV-2004-C-0002 for ticket processing services and to authorize payment for the services received under that contract.

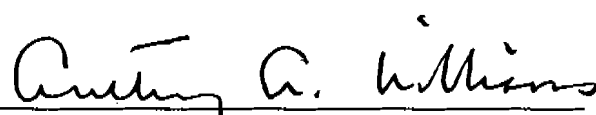
BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. POKV-2004-C-0002 Approval and Payment Authorization Emergency Act of 2004".

Sec. 2. Notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), Contract No. POKV-2004-C-0002 for ticket processing is approved and payment is authorized for services received under that contract.

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

Sec. 4. 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

January 19, 2005

2619

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-766

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 19, 2005

To approve, on an emergency basis, the award of Contract No. POAM-2004-C-0005-DW for facilities management at the Wilson Building, and to authorize payment for the services received under that contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. POAM-2004-C-0005-DW with CB Richard Ellis Real Estate Services, Inc. Approval and Payment Authorization Emergency Act of 2004".

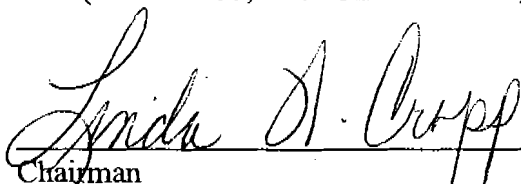
Sec. 2. Notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), Contract No. POAM-2004-C-0005-DW for facilities management services at the Wilson Building, located at 1350 Pennsylvania Avenue, N.W., Washington, D.C., is approved and payment is authorized for services received under that contract.

Sec. 3. The Council of the District of Columbia 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

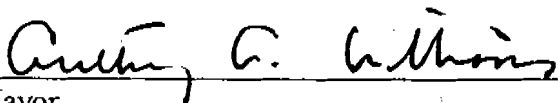
ENROLLED ORIGINAL

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

January 19, 2005

AN ACT

D.C. ACT 15-767

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 19, 2005

To approve, on an emergency basis, 4 supply schedule contracts for Temporary Support Services and to authorize payment for the services received under those contracts.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Supply Schedule for Temporary Support Services Approval and Payment Authorization Emergency Act of 2004".

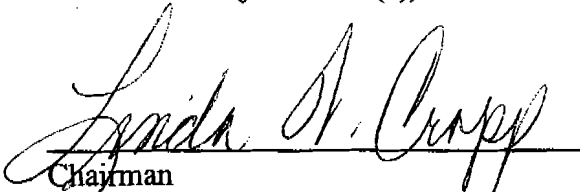
Sec. 2. Notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the following contracts for temporary support services are approved and payment is authorized for services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


PODS-2002-C-96269-05	National Associates, Inc.		
	(base year)	1,136,606.80	
	(option year 1)	1,673,826.71	
			2,810,433.51
PODS-2003-C-615-05	Standard Office Supply		
	(base year)	1,790,518.31	
	(option year 1)	2,782,615.81	
			4,573,134.12

PODS-2003-C-96269-09	Midtown Personnel, Inc.		
	(base year)	1,120,287.00	
	(option year 1)	1,695,527.00	
			2,815,814.00
PODS-2003-C-96269-08	V-Tech Solutions, Inc.		
	(base year)	1,258,851.11	
	(option year 1)	1,462,029.81	
			2,720,880.92

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. 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
January 19, 2005

AN ACT

D.C. ACT 15-768

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 19, 2005

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To amend, on an temporary basis, Chapter 46 of Title 47 of the District of Columbia Official Code to provide for tax and fee waivers and exemptions for the Carver 2000 Low-Income and Senior Housing Project located in various lots within squares 5140, 5190, and 5348.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Carver 2000 Low-Income and Senior Housing Project Amendment Temporary Act of 2005".

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

(a) The table of contents is amended by adding the section designation "47-4607. Carver 2000 Low-Income and Senior Housing Project –tax exemptions." at the end. New
§ 47-4607

(b) A new section 47-4607 is added to read as follows:

"47-4607. Carver 2000 Low-Income and Senior Housing Project –tax exemptions .

"(a) For the purposes of this section, the term "Carver 2000 Low Income and Senior Housing Project" means the financing, refinancing, or reimbursing of costs incurred for the acquisition, development, construction, installation, and equipping of the mixed-use 176 units of apartment and town homes for senior citizens and low-income residents of the District of Columbia, located in the following lots and squares: 5140-0819; 5140-0820; 5140-0821; 5140-0822; 5140-0823; 5140-0824; 5140-0825; 5140-0826; 5190-0806; 5190-0807; 5190-0808; 5348-0001; 5348-0002; 5348-0003; 5348-0004; 5348-0005; 5348-0006; 5348-0007; 5348-0008, and consisting of:

"(1) Land and improvements that are to be renovated into approximately 176 units of apartments and town homes for senior citizens and low-income families; and

"(2) All common areas and ancillary improvements identified in any pre-existing financing agreements supporting the development of low-income and senior housing in the lots and squares identified in this subsection.

"(b) The Carver 2000 Low-Income and Senior Housing Project project shall be exempt

from the tax imposed by §§ 42-1102 and 47-903.

“(c) The sales and rental of tangible personal property to be incorporated in or consumed in the Carver 2000 Low-Income and Senior Housing Project, whether or not the sale, rental, or nature of the material or tangible personal property is incorporated as a permanent part of the Carver 2000 Low-Income and Senior Housing Project or the Carver 2000 Low-Income and Senior Housing Project property, shall be exempt from the tax imposed by § 47-2002.

“(d)(1) The Carver 2000 Low-Income and Senior Housing Project property shall be exempt from the tax imposed by Chapter 8.

“(2) The real property tax exemption granted by paragraph (1) of this subsection shall only apply for the 8 consecutive real property tax years beginning with Tax Year 2003.

“(e) The exemptions pursuant to subsections (c) and (d) of this section shall be in addition to, and not in lieu of, any other tax relief or assistance from any other source applicable to the Carver 2000 Low-Income and Senior Housing Project or the Carver 2000 Low-Income and Senior Housing Project property and shall not exceed, in the aggregate, \$50,000 per year.”.

Sec. 3. Inclusion in the budget and financial plan.

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

Sec. 4. Fiscal impact statement.

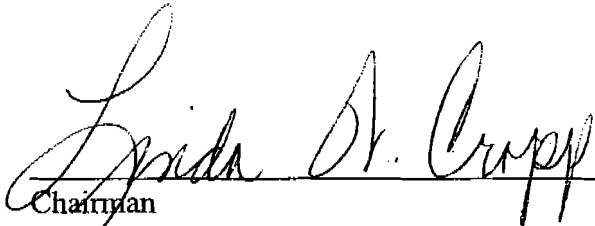
The fiscal impact of this act is minimal since the over eight years of taxes, which in total amount on average to less than \$40,000 per year are divided among at least 176 units of housing for existing low-income and senior citizen residents of the District. The Council adopts the attached fiscal impact 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.

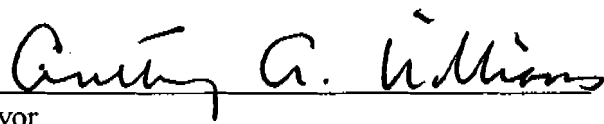
(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

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
January 19, 2005

AN ACT
D.C. ACT 15-769

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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To amend the Lead-Based Paint Abatement and Control Act of 1996 to conform District of Columbia law more closely with federal law, to focus Department of Health lead paint poisoning prevention efforts on target housing and child-occupied facilities, and to increase criminal and civil penalties and fines for violations to match federal standards; to amend the Public Property Lead Elimination Act of 1977 to provide the Mayor with authority to inspect for the presence of lead paint in all public buildings and publicly-operated residences regularly frequented by children under 8 years of age, and to conform the inspection standards to those used under federal law; and to amend the Housing Regulations of the District of Columbia to require notice to the Department of Health of peeling paint in older housing businesses and to clarify inspection and enforcement procedures.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Lead-Based Paint Abatement and Control Amendment Act of 2004".

Sec. 2. The Lead-Based Paint Abatement and Control Act of 1996, effective April 9, 1997 (D.C. Law 11-221; D.C. Official Code § 8-115.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 8-115.01) is amended as follows:

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

"(1)(A) "Abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards at target housing, child-occupied facilities, and zero-bedroom units that are known to have children under 8 years of age residing in or regularly visiting the unit, including:

"(i) The removal of lead-based paint and dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of lead-based painted surfaces or fixtures, or the removal or permanent covering of soil, when lead-based paint hazards are present in such paint, dust, or soil; and

"(ii) All preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures.

Amend
§ 8-115.01

"(B) The term "abatement" includes:

"(i) Projects for which there is a written contract or other documentation, which provides that an individual or business entity will be conducting lead-based paint activities in or to a residential dwelling, a child-occupied facility, or a zero-bedroom unit that is known to have children under 8 years of age residing in or regularly visiting the unit that:

"(I) Shall result in the permanent elimination of lead-based paint hazards; or

"(II) Are designed to permanently eliminate lead-based paint hazards and are described in subparagraph (A)(i) and (ii) of this paragraph;

"(ii) Projects resulting in the permanent elimination of lead-based paint hazards, conducted by individuals or business entities certified in accordance with this act or rules issued pursuant to this act, unless such projects are covered by subparagraph (C) of this paragraph;

"(iii) Projects resulting in the permanent elimination of lead-based paint hazards, conducted by individuals or business entities who, through their company name or promotional literature, represent, advertise, or hold themselves out to be in the business of performing lead-based paint activities as identified and defined by this section, unless such projects are covered by subparagraph (C) of this paragraph; or

"(iv) Projects resulting in the permanent elimination of lead-based paint hazards that are conducted in response to federal or District of Columbia abatement orders.

"(C) The term "abatement" does not include:

"(i) Renovation, remodeling, landscaping, or other activities, when such activities are not designed to permanently eliminate lead-based paint hazards, but, instead, are designed to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards; and

"(ii) Interim controls, operations and maintenance activities, or other measures and activities designed to temporarily, but not permanently, reduce lead-based paint hazards.

(2) Paragraph (4) is amended by striking the word "activities" and inserting the phrase "activities or interim controls" in its place.

(3) Paragraph (5) is amended by striking the word "activities" and inserting the phrase "activities or interim controls" in its place.

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

"(5A) "Child-occupied facilities" means a building, or portion of a building, constructed prior to 1978, and visited regularly by the same child, under the age of 8 years. The term "child-occupied facilities" may include day-care centers, preschools, and kindergarten classrooms. The location of a child-occupied facility as part of a larger structure does not make

the entire structure a child-occupied facility, only the portion of the structure that is occupied or regularly visited by children under 8 years of age.

(5) A new paragraph (7A) is added to read as follows:

"(7A) "Interim controls" means a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, renovations, remodeling, restoration, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs.

(6) Paragraph (8) is amended by striking the phrase ", or in any quantity sufficient to constitute a health or environmental hazard".

(7) Paragraph (9) is amended as follows:

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

(i) Sub-subparagraph (i) is amended as follows:

(I) Strike the phrase "Identification, risk" and insert the word "Risk" in its place.

(II) Strike the word "and" at the end.

(ii) Sub-subparagraph (ii) is amended by striking the phrase "subparagraph." and inserting the phrase "subparagraph; or" in its place.

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

"(iii) Performing lead-based paint projects that permanently eliminate lead-based paint hazards, and are not otherwise excluded or exempted under section 5."

(B) Subparagraph (B) is amended by striking the phrase "routine, ordinary, and common maintenance and repairs" and inserting the phrase "interim controls, operations and maintenance activities, or other measures and activities designed to temporarily, but not permanently, reduce lead-based paint hazards" in its place.

(8) New paragraphs (12), (13), (14), (15), (16), (17), and (18) are added to read as follows:

"(12) "Reduction" means measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls and lead-based paint activities.

"(13) "Regularly visited by children under 8" means visited regularly by the same child, under 8 years of age, on at least 2 different days within any week (Sunday through Saturday); provided, that each day's visit lasts at least 3 hours and the combined weekly visits last at least 6 hours, and the combined annual visits last at least 60 hours.

"(14) "Residential dwelling" means:

"(A) A single-family dwelling, including attached structures, such as porches and stoops; or

"(B) A single-family dwelling unit in a structure that contains more than one separate residential dwelling unit, and in which each such unit is used or occupied, or

intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.

"(15) "Residential real property" means real property on which there is situated one or more residential dwellings used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.

"(16)(A) "Risk assessment" means an on-site investigation to determine and report the existence, nature, severity, and location of lead-based paint hazards in a residential dwelling, including:

"(i) Gathering information regarding the age and history of the housing and occupancy by children under 8 years of age;

"(ii) Visual inspection;

"(iii) Dust wipe sampling or other environmental sampling techniques;

"(iv) Other activity as may be appropriate; and

"(v) Provision of a report explaining the results of the investigation and options for reducing lead-based paint hazards.

"(B) The term "risk assessment" does not preclude other disciplines from performing tasks appropriate to their discipline (e.g. air monitors collecting air samples, inspectors from conducting visual inspection or clearance related procedures).

"(17) "Target housing" means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than 8 years of age resides, or is expected to reside in, or regularly visits such housing), or any zero-bedroom unit.

"(18) "Zero-bedroom unit" means any residential unit in which the living areas are not separated from the sleeping areas."

(b) Section 3(3) (D.C. Official Code § 8-115.02(3)) is amended by striking the word "Mayor" and inserting the phrase "Mayor, through the formal rulemaking and regulatory process of section 15" in its place.

Amend
§ 8-115.02

(c) Section 4 (D.C. Official Code § 8-115.03) is amended as follows:

Amend
§ 8-115.03

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

(A) Paragraph (2) is amended by striking the word "or" the end.

(B) Paragraph (3) is amended by striking the phrase "activities." and inserting the phrase "activities;" in its place.

(C) New paragraphs (4), (5), and (6) are added to read as follows:

"(4) Perform any lead-based paint activity in violation of any applicable federal standards, including:

"(A) The Occupational Safety and Health Administration ("OSHA") occupational standards relating to lead, including those standards found at 29 C.F.R. § 1926.62 and 29 C.F.R. § 1910.1025;

"(B) The United States Housing and Urban Development Methods and Standards for Lead-Paint Hazard Evaluation and Hazard Activities in 24 C.F.R. Part 35, Subpart R; and

"(C) The United States Environmental Protection Agency certification and training requirements and work practices standards found at 40 C.F.R. § 745.226 and § 745.227 when performing lead-based paint activities or interim controls;

"(5) Perform interim controls; or

"(6) Perform any lead-based paint activity without first providing 7 days notification to the Mayor containing the following information:

"(A) The location of the lead-based paint activity project; and

"(B) The starting, projected clearance, and completion dates of the lead-based paint activity."

(2) Subsection (b) is amended by striking the word "individual" and inserting the phrase "business entity or individual" in its place.

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

"(d) No individual or business entity who performs lead-based paint activities or interim controls may cause lead-based paint dust, chips, debris, or residue to be disbursed onto adjacent property or increase the risk of exposure to lead-based paint hazards for the public by failing to follow applicable lead-safe work practices."

(d) Section 5 (D.C. Official Code § 8-115.04) is amended to read as follows:

Amend
§ 8-115.04

"Sec. 5. Exemptions from provisions of this act.

"(a) The following are exempt from the provisions of this act:

"(1) Individuals who perform lead-based paint activities or interim controls at residences which they own, unless:

"(A) The residence is occupied by a person or persons other than the owner or the owner's immediate family; or

"(B) Any child under the age of 8 years resides, is expected to reside in, or regularly visits such housing;

"(2) Any structure built after 1977;

"(3) Any structure built prior to 1978, that has been determined, through a certified lead-risk assessment or lead-based paint inspection, to be free of lead-based paint and lead-based paint hazards in both the structure and the surrounding real property in accordance with the United States Environmental Protection Agency standards in 40 C.F.R. § 745.65(a) through (c); and

"(4) Any individuals performing interim controls.

"(b) The following are exempt from sections 4(a)(6), 6, 8, 8a, 9, and 10:

"(1) Business entities that are in the business of performing interim controls;

"(2) Individuals or business entities who perform lead-based paint activities at housing for the elderly or persons with disabilities, unless any child under the age of 8 years resides, is expected to reside in, or regularly visits, such housing; and

"(3) Individuals or business entities who perform lead-based paint activities at a zero-bedroom unit, unless the owner or business entity removing the lead-based paint has actual knowledge that:

"(A) A child under 8 years of age resides in or regularly visits the unit;

or

"(B) A child under 8 years of age will reside in or regularly visit the unit immediately upon the completion of the project.

"(c) Individuals or business entities who perform the following lead-based paint activities are exempt from the requirements of sections 4(a)(6), 8, 8a, and 10:

"(1) Risk assessment and inspection of lead-based paint hazards, lead-contaminated dust, and lead-contaminated soil; and

"(2) Planning, project designing, and supervision of lead-based paint activities.

"(d) Individuals or business entities who perform lead-based paint activities at commercial and government buildings are exempt from sections 6, 8, and 8a, unless the commercial or governmental building is a child-occupied facility or it is known that the building will become target housing or a child-occupied facility immediately following the project's completion.

"(e) Individuals or business entities who perform lead-based paint activities at the following buildings, units, or structures are exempt from sections 6 and 8:

"(1) Vacant commercial buildings that are known to become a child-occupied facility immediately following the project's completion;

"(2) Vacant zero-bedroom units, unless the owner or business entity removing the lead-based paint has actual knowledge that a child under 8 years of age will reside in or regularly visit the unit within 30 days of the completion of the project; and

"(3) Other outdoor structures, including bridges and towers."

(e) Section 6 (D.C. Official Code § 8-115.05) is amended as follows:

Amend
§ 8-115.05

(1) The section title is amended by striking the phrase "entities." and inserting the phrase "entities to conduct lead-based paint abatement; risk assessment and inspection of lead-based paint hazards, lead-contaminated dust, and lead-contaminated soil; or planning, project designing, and supervision of lead-based paint activities." in its place.

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

(A) The lead-in language is amended by striking the phrase "a lead-based paint activity" and inserting the phrase "lead-based paint abatement; risk assessment and inspection of lead-based paint hazards, lead-contaminated dust, and lead-contaminated soil; or planning, project designing, and supervision of lead-based paint activities" in its place.

(B) Paragraph (3) is amended by striking the phrase "Mayor." and inserting the phrase "Mayor through the formal rulemaking and regulatory process of section 15." in its place

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

(A) The lead-in language is amended by striking the phrase "activity or" and inserting the word "abatement; risk assessment and inspection of lead-based paint hazards, lead-contaminated dust, and lead-contaminated soil; or planning, project designing, and supervision of lead-based paint activities" in its place.

(B) Paragraph (1) is amended by striking the word "activities" and inserting the word "abatement; risk assessment and inspection of lead-based paint hazards, lead-contaminated dust, and lead-contaminated soil; or planning, project designing, and supervision of lead-based paint activities" in its place.

(C) Paragraph (2) is amended by striking the word "activities" and inserting the word "abatement; risk assessment and inspection of lead-based paint hazards, lead-contaminated dust, and lead-contaminated soil; or planning, project designing, and supervision of lead-based paint activities" in its place.

(D) Paragraph (4) is amended by striking the phrase "act." and inserting the phrase "act through the formal rulemaking and regulatory process of section 15." in its place.

(4) Subsection (c) is amended by striking the phrase "certification." and inserting the phrase "certification through the formal rulemaking and regulatory process of section 15." in its place.

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

"Sec. 6a. Required training of employees of a business entity performing interim controls and certain lead-based paint activities.

"Employees of a business entity performing lead-based paint activities and interim controls that are not covered by section 6 and not otherwise exempted under section 5:

"(1) Are required to complete a United States Department of Housing and Urban Development-approved course on lead-safe work practices (24 C.F.R. § 35.1330) or a comparable training course as approved by the Mayor; or

"(2) Shall, in the case of target housing and child-occupied facilities, be supervised by an individual who is certified under section 6."

(g) Section 7(a)(1)(D) (D.C. Official Code § 8-115.06(a)(1)(D)) is amended by striking the phrase "accreditation;" and inserting the phrase "accreditation through the formal rulemaking and regulatory process of section 15." in its place.

Amend
§ 8-115.06

(h) Section 8 (D.C. Official Code § 8-115.07) is amended as follows:

Amend
§ 8-115.07

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

(A) The lead-in language is amended by striking the phrase "individuals, except governmental agencies," and inserting the word "individuals" in its place.

(B) Paragraph (2) is amended by striking the phrase "activity" and inserting the phrase "abatement" in its place.

(C) Paragraph (9) is amended by striking the phrase "Mayor." and inserting the phrase "Mayor through the formal rulemaking and regulatory process of section 15." in its place.

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

"(c) A single application and permit shall be sufficient for an entire abatement project. Separate permits for each unit or building are not required as long as the units and buildings are located on the same real property."

(i) A new section 8a is added to read as follows:

"Sec. 8a. Clearance report required.

"(a) All individuals or business entities performing lead-based paint activities that are not otherwise exempted under section 5 are required to submit to the Mayor a clearance report from a certified lead-risk assessor or certified lead-based paint inspector certifying that the project scope of work area is free of lead-based paint hazards.

"(b) A single clearance report shall be sufficient for an entire lead-based paint activity project. Separate reports for each unit or building are not required as long as the units and buildings are located on the same real property and random sampling has been performed throughout the lead-based paint scope of work area according to the methods found at 40 C.F.R. § 745.227(e)(9)."

(j) Section 9(c)(7) (D.C. Official Code § 8-115.08(c)(7)) is amended by striking the phrase "requires." and inserting the phrase "requires through the formal rulemaking and regulatory process of section 15." in its place.

Amend
§ 8-115.08

(k) Section 10 (D.C. Official Code § 8-115.09) is amended by inserting a new subsection (a-1) to read as follows:

Amend
§ 8-115.09

"(a-1) The Mayor shall have the right to inspect a lead-based paint project upon receiving credible information that a violation of section 4(d) is occurring."

(l) Section 13 (D.C. Official Code § 8-115.12) is amended as follows:

Amend
§ 8-115.12

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

"(a) Notwithstanding any other provision of this act, any person who knowingly or willfully violates sections 4, 6, 7, or 8, or the implementing rules and regulations, shall be subject, upon conviction, to a fine of not more than \$25,000 for each day of each violation, or to imprisonment for not more than one year, or both."

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

"(b) In determining the severity of a criminal penalty, the Superior Court of the District of Columbia shall take into account the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require."

(3) Subsection (c) is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General" in its place.

(m) Section 14 (D.C. Official Code § 8-115.13) is amended as follows:

Amend
§ 8-115.13

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

"(a) Any violation of this act is punishable by a civil penalty not to exceed \$25,000 for each day of each violation."

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

(2) Subsection (b) is amended by striking the word "fines" and inserting the phrase "infraction fines" in its place.

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

"(c) In determining the severity of a civil penalty under subsection (a) of this section, the Superior Court of the District of Columbia shall take into account the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require."

Sec. 3. Section 2(a) of the Public Property Lead Elimination Act of 1977, effective October 26, 1977 (D.C. Law 2-28; D.C. Official Code § 10-702(a)), is amended to read as follows:

Amend
§ 10-702

"(a) The Mayor of the District of Columbia is hereby authorized and directed to inspect for the presence of lead paint in all public buildings and publicly-operated residences belonging to or in the possession of the District of Columbia and regularly frequented by children under 8 years of age. Where there are reasonable grounds to believe that a lead-based paint hazard exists to the health of such children, because of the presence of lead or lead compounds in the paint, plaster, or structural materials of any such interior surface, the Mayor shall cause an analysis to be made of the paint, plaster, or structural materials of the interior structure to determine the quantity of lead or lead compounds contained in the material. If the analysis reveals the presence of lead-based paint hazards, as identified by the United States Environmental Protection Agency in 40 C.F.R. § 745.65(a) through (c), the Mayor shall cause the lead condition to be repaired or controlled; provided, that the repairs and controls shall be of a sufficient quality to equal or exceed that required of private housing located in the District of Columbia pursuant to regulations promulgated with respect to housing in the District of Columbia."

Sec. 4. The Housing Regulations of the District of Columbia, issued August 11, 1955 (C.O. 55-1503; 14 DCMR Chapters 2 and 7), are amended as follows:

DCMR

(a) Section 2605.2 (14 DCMR § 707.8) is amended by striking the first sentence and inserting the following in its place:

"The Director of the agency responsible for the enforcement of the health regulations shall be the designated agent of the District of Columbia to inspect any residential premises where there is reason to believe lead may present a health hazard because of the presence of a child under the age of 8 years who lives in the premises or is a regular visitor to the premises who spends a substantial portion of his or her time there."

(b) Section 2605.3 (14 DCMR § 707.13 and 707.14) is amended to read as follows:

"2605.3. In any case in which analysis reveals the presence of lead or lead in its compounds in a quantity exceeding five-tenths (0.5) of one percent (1%) of the total weight of the material or more than seven-tenths of a milligram per square centimeter (0.7 mg/cm²) or

lead-based paint hazards as identified by the United States Environmental Protection Agency in 40 C.F.R. § 745.65(a) through (c), the agent shall notify the Director of the agency responsible for enforcement of the housing regulations, in writing, within seventy-two (72) hours, that the premises contain lead-based paint or that a lead poisoning hazard exists. The Director of the agency responsible for enforcement of the health regulations shall notify, in writing, the inhabitants and the owner of record of the property that a lead poisoning hazard exists."

(c) Section 2605.4 (14 DCMR § 707.3-707.7) is amended to read as follows:

"2605.4. (a) The owner of any residential premises in which there resides a child under the age of 8 years or to which a child under the age of 8 years is a regular visitor who spends a substantial portion of his or her time in the premises, shall maintain the interior and exterior surfaces of the residential premises free of lead-based paint hazards as defined by the United States Environmental Protection Agency in 40 C.F.R. § 745.65(a) through (c). The Director of the agency responsible for enforcement of housing regulations shall order the owner of the residential premises in which a lead-based paint hazard was found to:

"(1) Remove all materials containing lead or lead in its compounds from the interior or exterior surfaces to their base surface, under safety conditions approved by the directors of the agencies responsible for the enforcement of the housing and health regulations, and then either cover surfaces with a paint containing not more than six one-hundredths of one percent (0.06%) lead by weight (calculated as lead metal in the total nonvolatile content of the paint) or leave the surfaces in their natural state; provided, that the flame spread rating of the natural state complies with the requirements of the 2000 International Existing Building Code as incorporated into the District of Columbia Construction Codes Supplement of 2003;

"(2) Covering the interior or exterior surfaces with a durable material approved by the agency responsible for the enforcement of health regulations; or

"(3) Eliminate the lead hazard by other methods approved by the agency responsible for the enforcement of health regulations..

"(b) Inaccessible exterior surfaces must be scraped to remove peeling and flaking paint and to make the surface tight.

"(c) No surface which is the subject of a notice pursuant to this section shall be refinished until a District of Columbia certified inspector or risk assessor has certified in writing that the condition affecting the surface has been abated in accordance with this section.

"(d) Any owner who is served with an order pursuant to this section shall comply with the order within fifteen (15) days of its service upon him or her or shall obtain an extension of the fifteen (15)-day period from the Director of the agency responsible for enforcement of the housing regulations. No extension shall exceed thirty (30) days, but thirty (30)-day extensions may be renewed at the discretion of the Director of the agency responsible for enforcement of the housing regulations."

(d) A new section 3103.6 (14 DCMR § 201.6) is added to read as follows:

"3103.6. The Director of the District agency responsible for enforcement of the housing regulations shall report to the Director of the agency responsible for enforcement of the health

regulations the presence of peeling, chipping, flaking, or loose paint observed or lead hazards identified during a routine inspection, on the interior or exterior surface of any housing built before 1978, where a child under 8 years of age resides or is a regular visitor, or is expected to reside or be a regular visitor."

Sec. 5. Applicability.

Section 2(l) and (m) shall apply upon publication in the District of Columbia Register by the Mayor of a list of civil infraction fines and a recommended schedule of fines or penalties for the Superior Court of the District of Columbia to consider.

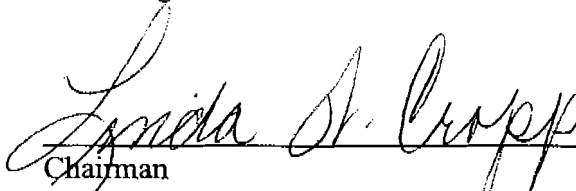
Note,
§§ 8-115.12,
8-115.13

Sec. 6. Fiscal impact statement

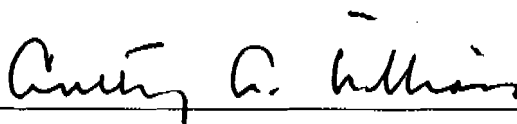
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 7. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 19, 2005

AN ACT
D.C. ACT 15-770

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 9, 2005*Codification
District of
Columbia
Official Code*

2001 Edition

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Publisher

To amend the Confirmation Act of 1978 to eliminate unnecessary language, and to eliminate the Board of Appeals and Review from the list of boards and commissions for which nominations are to be submitted to the Council for approval; the District of Columbia Retirement Reform Act of 1979 to revise references to proper agency or body; the Police Officers, Fire Fighters and Teachers Retirement Benefit Replacement Plan Act of 1998 clarify Retirement Board procedures and obligations; the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to eliminate the Board of Appeals and Review from the list of subordinate agencies, to correct a grammatical error, conform language to District legislative drafting style, to add the name of the Office of Risk Management to the list of subordinate agencies, and to add new sections regarding Post Employment Benefit plans; the National Capital Revitalization and Self-Government Improvement Act of 1997 to conform language to District legislative drafting style; the District of Columbia Administrative Procedure Act to correct a paragraph designation; the District of Columbia Human Rights Act to correct an incorrect cross-reference in a conforming amendment to the Housing Act of 2003; the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 to make conforming amendments to reflect the establishment of the Office of Administrative Hearings; the Office of Administrative Hearings Establishment Act of 2001 to correct a reference to a defined term; the District of Columbia Health Occupations Revisions Act of 1985 to conform language to District legislative drafting conventions; the Medicaid and Special Education Reform Fund Establishment Act of 2002 to correct a subtitle designation; the Policemen and Firemen's Retirement Disability Act to change references to Mayor to reference to the District of Columbia Retirement Board and to clarify creditable service for certain law enforcement employees; An Act to fix the salaries of officers and members of the Metropolitan police force and fire department of the District of Columbia to change a reference to the Mayor to a reference to the district of Columbia Retirement Board; An Act To fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia to clarify the intent of the Council that the President of the Board of Education be elected at-large when the Board becomes an all elected board in 2009; the

Neighborhood Investment Act of 2004 to correct a section designation; the Tobacco Product Manufacturing Reserve Fund Complementary Procedures Act of 2004 to correct a grammatical error; the Security and Fire Alarm Systems Regulations Act of 1980 to reflect the establishment of the Office of Administrative Hearings as the successor to the Board of Appeals and Review; the Water Pollution Control Act of 1984 to correct a grammatical error; the Wastewater System Regulation Amendment Act of 1985 to reflect the establishment of the Office of Administrative Hearings as the successor to the Board of Appeals and Review; the Pesticide Operations Act of 1977 to reflect the establishment of the Office of Administrative Hearings as the successor to the Board of Appeals and Review; the Urban Forest Preservation Act of 2002 to add a word inadvertently omitted; the Street and Alley Closing and Acquisition Procedures Act of 1982 to correct the name of the title of the agency head of the Office of Property Management; Title 11 of the District of Columbia Code to positively enact the title, and change subsection designations; Title 13 of the District of Columbia Code to positively enact the title, and change a subsection designation; Title 14 of the District of Columbia Code to positively enact the title; Title 15 of the District of Columbia Code to positively enact the title; Title 16 of the District of Columbia Code to positively enact the title, and change subsection designations; Title 17 of the District of Columbia Code to positively enact the title; Title 18 of the District of Columbia Code to positively enact the title; Title 19 of the District of Columbia Code to positively enact the title; Title 20 of the District of Columbia Code to positively enact the title, and change subsection designations; Title 21 of the District of Columbia Code to positively enact the title, and change a subsection designation; Title 23 of the District of Columbia Code to positively enact the title; Title 28 of the District of Columbia Code to positively enact the title, and change a subsection designation; the 21st Century Financial Modernization Act of 2000 to revise a subtitle heading, to change a reference from singular to plural, to correct paragraph connectors, and to add punctuation; to repeal the Office of Banking and Financial Institutions Enterprise Fund Establishment Act of 1997 to conform to the provisions of the Consolidation of Financial Services Amendment Act of 2004; the District of Columbia Regional Banking Act of 1985 to revise a section heading and to reflect the abolishment of the Office of Banking and Financial Institutions and the Superintendent of Banking and Financial Institutions; the Home Loan Protection Act of 2002 to correct subparagraph numbering; Title 28 of the District of Columbia Official Code to correct the form of a cross-reference; the Department of Insurance and Securities Regulation Establishment Act of 1996 to make additional conforming amendments to reflect the merger of the Department of Banking and Financial Institutions into a renamed Department of Insurance, Securities, and Banking; the Department of Insurance and Securities Regulation Merger Review Amendment Act of 2003 to correct paragraph numbering; the Insurance Industry Material Transactions

ENROLLED ORIGINAL

Disclosure Act of 1996 to make additional conforming amendments to reflect the merger of the Department of Banking and Financial Institutions into a renamed Department of Insurance, Securities, and Banking; the Producer Licensing Act of 2002 to strike an extra word; the Long-Term Care Insurance Act of 2000 to conform a phrase to a defined term; the Health Organizations RBC Amendment Act of 2002 to change the conjunctive to the disjunctive, add punctuation, and change a word from singular to plural; the Insurance Redomestication Act of 1996, and the Fire and Casualty Act to make additional conforming amendments to reflect the merger of Department of Banking and Financial Institutions into a renamed Department of Insurance, Securities, and Banking; the Life Insurance Act to change a subparagraph designation; the Certified Capital Companies Act of 2003 to correct a cross reference and change a reference from a section to a subsection designation; the District of Columbia Worker's Compensation Act of 1979 to reflect the merger of Department of Banking and Financial Institutions into a renamed Department of Insurance, Securities, and Banking; the Employment Services Licensing and Regulation Act of 1984 to correct a grammatical error; the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996 to reflect the change of an agency's name; the Education Licensure Commission Act of 1976 to eliminate unnecessary language; An Act for the retirement of public school teachers in the District of Columbia to references to the Mayor, the Board of Education, the Auditor of the District of Columbia to references to the District of Columbia Retirement Board and to clarify review procedures by the District of Columbia Retirement Board; An Act to increase annuities payable to certain annuitants of the District of Columbia teachers retirement and annuity fund, and for other purposes insert a clarify the commencement of an annuity; An Act for the retirement of public school teachers in the District of Columbia to change a reference to the Mayor to a reference to the District of Columbia Retirement Board; the Uniform Disposition of Unclaimed Property Act of 1980 to correct a typographical error; the Housing Act of 2002 to correct an incorrect cross-reference; the Housing Production Trust Fund of 1988 to correct paragraph numbering and to make a conforming drafting change; the District of Columbia Deed Recordation Tax Act to correct a grammatical error; 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 reflect the establishment of the Office of Administrative Hearings as the successor to the Board of Appeals and Review; the Clinical Laboratory Act of 1988 to reflect the change of the name of the Office of the Corporation Counsel to the Office of the Attorney General for the District of Columbia; the Health Services Planning Program Re-establishment Act of 1996 to reflect the change of name from the Office of the Corporation Counsel to the Office of the Attorney General for the District of Columbia, and the establishment of the Office of Administrative Hearings as the successor to the Board of Appeals and Review, the

ENROLLED ORIGINAL

Health-Care and Community Residence Facility Hospice and Home Care Licensure Act of 1983 to reflect the change of name from the Office of the Corporation Counsel to the Office of the Attorney General for the District of Columbia, and the establishment of the Office of Administrative Hearings as the successor to the Board of Appeals and Review; the Healthcare Entity Conversion Act of 1997, the Nursing Home and Community Residence Facility Residents' Protections Act of 1985, the Uniform Management of Institutional Funds Act, An Act To provide full and fair disclosure of the character of charitable, benevolent, patriotic, or other solicitations in the District of Columbia, and for other purposes, the District of Columbia Law Revision Commission Act of 1980, the D.C. Child Support Enforcement Amendment Act of 1985, and An Act To amend title 10, United States Code, to permit members of the armed forces to be assigned or detailed to the Environmental Science Services Administration, Department of Commerce to reflect the change of the name of the Office of the Corporation Counsel to the Office of the Attorney General for the District of Columbia; Title 47 of the District of Columbia Official Code to reflect the change of the name of the Office of the Corporation Counsel to the Office of the Attorney General for the District of Columbia, reflect the establishment of the Office of Administrative Hearings as the successor to the Board of Appeals and Review, restore language inadvertently stricken when it was added in the Omnibus Alcoholic Beverage Amendment Act of 2004, and to restore a penalty inadvertently repealed, to add conforming amendments for the change of the name of a Master Business License to a Basic Business License, to add text which was inadvertently repealed, to reflect the establishment of the Office of Administrative Hearings as the successor to the Board of Appeals and Review and to make other technical corrections; An Act to authorize the bonding of persons engaging in the home improvement business, and for other purposes to reflect the change of the name of the Office of the Corporation Counsel to the Office of the Attorney General for the District of Columbia; the District of Columbia Pharmacist and Pharmacy Regulation Act of 1980 to reflect the establishment of the Office of Administrative Hearings as the successor to the Board of Appeals and Review; and the Professional Engineers' Registration Act to reflect the change of the name of the Office of the Corporation Counsel to the Office of the Attorney General for the District of Columbia; the Department of Transportation Establishment Act of 2002 to correct the name of the title of the agency head of the Office of Property Management, and to change the name by which the District's transportation agency is known to the District Department of Transportation; the Medical Support Establishment and Enforcement Amendment Act of 2004 to change a reference from "paragraphs" to "subsections"; the Office of Administrative Hearings Establishment Amendment Act of 2004 to add a subsection designation; the District of Columbia Board of Education Budget Submission Amendment Act of 2003 to correct a typographical error; the Removal and Disposition of Abandoned and Other Unlawfully

Parked Vehicles Reform Act of 2003 to correct a section designation; the Motor Vehicle and Safe Driving Amendment Act of 2000 to add an omitted word; the Streamlining Regulation Act of 2003 to add an omitted word; the Fiscal Year 2004 Budget Support Act of 2003 to correct a citation, a figure, punctuation, and to add an omitted word; the Technical Amendments Act of 2003 to correct numbering; the Office of Administrative Hearings Establishment Act of 2004 to make grammatical changes; the Board of Veterinary Examiners Amendment Act of 2004 to correct an internal cross reference; the Millicent Allewelt Amendment Act of 2004 to correct an internal cross reference; the Local Roads Construction and Maintenance Fund Amendment Act of 2003 to correct a typographical error; the Extension of the Time Period for Disposition of a Property Located at 2341 4th Street, N.E., Amendment Act of 2004 to correct a subsection designation; the School Governance Companion Amendment Act of 2000 to clarify amendatory language; the Deed Recordation Tax Amendment Act of 2002 to correct amendatory language and to correct a subsection designation; the Prevention of Child Abuse and Neglect Act of 1977 to repeal a duplicative provision; the Improved Child Abuse Investigations Amendment Act of 2002 to correct paragraph numbering; the Fiscal Year 2001 Budget Support Act of 2000 to change a phrase to make its usage consistent throughout the code; the Department of Insurance and Securities Regulation Establishment Act of 1996 to make additional conforming amendments to reflect the merger of Department of Banking and Financial Institutions into a renamed Department of Insurance, Securities, and Banking; the Health Services Planning and Development Amendment Act of 2002 to make stylistic changes; the Fiscal Year 2005 Budget Support Act of 2004 to correct typographical errors; the District of Columbia Unemployment Compensation Act to renumber paragraphs necessitated by the expiration of Law 5-3; the Omnibus Alcoholic Beverages Amendment Act of 2004 to correct an erroneous subsection designation, a misspelling, and section numbering; the Emmaus Rehabilitation Project Real Property Exemption Act of 2004 to correct an erroneous section numbering; and the Omnibus Juvenile Justice Act of 2004 to correct a reference to a section of the District of Columbia Official Code.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Technical Amendments Act of 2005".

Sec. 2. Section 2 of the Confirmation Act of 1978 is amended as follows:

(a) Subsection (e) is amended by striking the phrase "in paragraphs (1)-(27) of this subsection" and inserting the phrase "in this subsection" in its place.

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

(1) Strike the phrase "in paragraphs (1)-(42) of this subsection" and insert the phrase "in this subsection" in its place.

(2) Paragraph (3) is repealed.

Sec. 3. The District of Columbia Retirement Reform Act of 1979 is amended as follows:

(a) Section 125 is amended by striking the phrase "Custodian of Retirement Funds" both times it appears and inserting the phrase "District of Columbia Retirement Board" in its place.

(b) Section 126 is amended to read as follows:

"The District of Columbia Retirement Board shall determine the amount of any payments to be made from the funds established by this act for annuities or any other retirement or disability benefits, including refunds and lump-sum payments, and the Board shall make such payments from the appropriated fund."

(c) Section 186 is amended by striking the phrase ", the Council, the Speaker, or the President pro tempore" and inserting the phrase "or the Council" in its place.

(d) Section 188 is amended by striking the phrase "In accordance with regulations of the Council, the Mayor shall" and inserting the phrase "In accordance with regulations issued by the Board, the Board shall" in its place.

(e) Section 191 is amended as follows:

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

(A) Strike the word "Mayor" and insert the word "Board" in its place.

(B) Strike the phrase "Director of Personnel" wherever it appears and insert the word "Board" in its place.

(2) Subsection (c) is amended by striking the word "Mayor" wherever it appears and inserting the word "Board" in its place.

(3) Subsection (d) is amended by striking the word "Mayor" and the phrase "Mayor or his or her designee" wherever they appear and inserting the word "Board" in its place.

(f) Section 253(a)(6) is amended by striking the phrase "Mayor of the District of Columbia" wherever it appears and inserting the phrase "District of Columbia Retirement Board" in its place.

Sec. 4. The Police Officers, Fire Fighters and Teachers Retirement Benefit Replacement Plan Act of 1998 is amended as follows:

(a) Section 114(a) is amended by striking the phrase "The Mayor shall notify the Retirement Board" and inserting the phrase "The Retirement Board shall determine the amount of" in its place.

(b) Section 133(c) is amended by striking the phrase "Prior to the enactment of any law" and inserting the phrase "Prior to the enactment of any law, resolution, regulation, rule, or agreement" in its place.

(c) Section 143 is amended as follows:

(1) Subsection (a)(1) is amended by striking the phrase "A summary plan description of the Retirement Program, for service and benefits accrued after June 30, 1997, shall be furnished to participants and beneficiaries," and inserting the phrase "The Retirement Board shall furnish to participants and beneficiaries a summary plan description of the Retirement Program for service and benefits accrued after June 30, 1997," in its place.

(2) Subsection (c) is amended by striking the phrase "Copies of the summary plan descriptions shall be provided to" and inserting the phrase "The Retirement Board shall provide copies of the summary plan descriptions to" in its place.

Sec. 5. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, is amended as follows:

(a) Section 301(q) is amended as follows:

(1) Paragraph (22) is repealed.

(2) Paragraph (50) is amended by striking the word "and".

(3) Paragraph (51) is amended by striking the phrase "Department of Transportation." and inserting the phrase "District Department of Transportation; and" in its place.

(4) A new paragraph (52) is added to read as follows:

"(52) The Office of Risk Management, established by Reorganization Plan No. 1 of 2003."

(b) Section 1108(c)(1)(E) is amended by striking the comma after "Chairperson".

(c) Section 1231(3) is amended by striking the phrase "in §1-603.01(7)" and inserting the phrase "in section 301(7)" in its place.

(d) Section 1232(d)(2) is amended by striking the phrase "this Voluntary" and inserting the phrase "the Voluntary" in its place.

(e) Add a new section 2116 to read as follows:

"Sec. 2116. Information about Post Employment Benefit Plans.

"Upon a request of the District of Columbia Retirement Board, the Mayor, the Chief Financial Officer, the Chairman of the District of Columbia Public Charter School Board, the President of the Board of Education, or their successors, shall furnish to the Retirement Board information with respect to health benefit plans that the Retirement Board considers necessary to enable it to carry out its responsibilities under this act."

Sec. 6. Section 11012(f) of the National Capital Revitalization and Self-Government Improvement Act of 1997 is amended by adding the phrase "of this section" after the phrase "subsection (a)".

Sec. 7. Section 206(a) of the District of Columbia Administrative Procedure Act is amended by striking the paragraph designation "(8)(A)" and inserting the paragraph designation "(8A)" in its place.

Sec. 8. The District of Columbia Human Rights Act is amended as follows:

(a) Section 221 is amended by adding a new subsection (e) to read as follows:

"(e) The monetary assistance provided to an owner of a housing accommodation under section 8 of the United States Housing Act of 1937, approved August 22, 1974 (88 Stat. 662; 42 U.S.C. § 1437f), either directly or through a tenant, shall be considered a source of income under this section."

(b) Section 231(c) is repealed.

Sec. 9. The Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 is amended as follows:

(a) Section 103 is amended as follows:

(1) Subsection (a) is amended by striking the word "The" and inserting the phrase "Except as provided in the Office of Administrative Hearings Establishment Act of 2001 ("OAH Establishment Act"), the" in its place.

(2) Subsection (c) is amended by striking the phrase "section," and inserting the phrase "section or pursuant to the OAH Establishment Act," in its place.

(3) Subsection (d) is amended by striking the word "Mayor" and inserting the phrase "Mayor or the Chief Administrative Law Judge of the Office of Administrative Hearings" in its place.

(4) Subsection (e) is amended by striking the word "section" and inserting the phrase: "section, or pursuant to the OAH Establishment Act," in its place.

(b) Section 203(j)(1) is amended by striking the phrase "final order" and inserting the phrase "notice of infraction" in its place.

(c) Section 204(a) is amended by striking the word "The" and inserting the phrase "Except as provided in the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03(f)), the" in its place.

Sec. 10. Section 6(f) of the Office of Administrative Hearings Establishment Act of 2001 is amended by striking the phrase "contested cases" and inserting the phrase "adjudicated cases" in its place.

Sec. 11. Section 901 of the District of Columbia Health Occupations Revision Act of 1985 is amended as follows:

- (a) Subsection (e)(B) is amended by adding the word "or" at the end.
- (b) Subsection (e-1)(C) is amended by adding the word "or" at the end.

Sec. 12. Section 1555 of the Medicaid and Special Education Reform Fund Establishment Act of 2002 is amended as follows:

- (a) Subsection (a-4) is amended by striking the phrase "Subtitle I" and inserting the phrase "Subtitle H" in its place.
- (b) Subsection (a-5) is amended by striking the phrase "Subtitle I" and inserting the phrase "Subtitle H" in its place.

Sec. 13. The Policemen and Firemen's Retirement Disability Act is amended as follows:

- (a) Section 12(c) is amended as follows:
 - (1) Paragraph (5) is amended by striking the phrase "Mayor of the District of Columbia" wherever it appears and inserting the phrase "District of Columbia Retirement Board" in its place.
 - (2) Paragraph (6)(C) is amended by striking the word "Mayor" wherever it appears and inserting the phrase "District of Columbia Retirement Board" in its place.
 - (3) Paragraph (8) is amended as follows:
 - (A) Subparagraph (A) is amended as follows:
 - (i) Strike the phrase "the Mayor shall redetermine" and insert the phrase "the District of Columbia Retirement Board shall re-determine" in its place.
 - (ii) Add the phrase "; and the Mayor shall forward this information to the District of Columbia Retirement Board." at the end of the last sentence.
 - (B) Subparagraph (B) is amended as follows:
 - (i) Sub-subparagraph (i)(a) is amended by striking the word "Mayor" wherever it appears and inserting the phrase "District of Columbia Retirement Board" in its place.
 - (ii) Sub-subparagraph (iii) is amended by adding the phrase "; and the Mayor shall forward this information to the District of Columbia Retirement Board" at the end of the last sentence.
 - (4) Add new paragraphs (10), (11), and (12) to read as follows:
 - "(10) Service as a retired police officer hired pursuant to section 2 of the Retired Police Officer Redevelopment Amendment Act of 1992, effective September 29, 1992 (D.C. Law 9-163; D.C. Official Code § 5-761), shall not count as creditable service for the purposes of this section.
 - "(11)(A) An employee hired as a lateral law enforcement officer pursuant to

section 1072 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 1-601.01 *et seq.*) ("personnel act"), shall be covered by the Police Officers, Fire Fighters and Teachers Retirement Benefit Replacement Plan Act of 1998, effective September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-901.01 *et seq.*) ("Benefit Replacement Plan Act"). These lateral law enforcement officers shall be treated as new hires for retirement purposes and for the purposes of this section except as provided by law for federal government and military service and as provided by subparagraph (B) of this paragraph.

"(B) In computing length of service of a retiring lateral law enforcement officer hired pursuant to section 1072 of the personnel act, credit shall be granted for prior law enforcement service outside the Metropolitan Police Department only if the lateral law enforcement officer has deposited to the credit of the Police Officers' and Firefighters' Retirement Fund an amount equal to the dollar increase in the present value of future benefits that results from crediting the prior service. The calculation of the present value of future benefits shall be based on the actuarial assumptions and methods used to calculate the present value of future benefits pursuant to section 133(a)(3)(B) of the Benefit Replacement Plan Act for the applicable fiscal year. Upon separation from District law enforcement duty for reasons other than retirement, any law enforcement officer who purchased prior service credit shall receive that purchase amount along with any interest credited on the amount. Any law enforcement officer that withdraws the purchase amount and is later reinstated shall not be entitled to this prior service credit until the purchase amount plus interest is again deposited.

"(12) Service as a former Metropolitan Police Department detective hired as a detective advisor pursuant to the Omnibus Public Safety Agency Reform Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-194; to be codified at D.C. Official Code § 5-129.31), shall not count as creditable service for the purposes of this section."

(b) Section 12(d) is amended as follows:

(1) Strike the word "Mayor" wherever it appears and insert the phrase "District of Columbia Retirement Board" in its place.

(2) Strike the phrase "Custodian of Retirement Funds" wherever it appears and insert the phrase "District of Columbia Retirement Board" in its place.

(c) Section 12(h)(1) is amended by adding the phrase "upon notice to the District of Columbia Retirement Board" after the phrase "the Mayor shall be authorized".

(d) Section 12(j) is amended by striking the word "Mayor" wherever it appears and inserting the phrase "District of Columbia Retirement Board" in its place.

(e) Section 12(k) is amended by adding a new subsection (a-2) to read as follows:

"(a-2) The determination of the Mayor authorized by subsection (a) of this section shall be subject to review and final determination by the District of Columbia Retirement Board."

(f) Section 12(l)(3)(A) is amended by striking the word "Mayor" and inserting the phrase "District of Columbia Retirement Board" in its place.

(g) Section 12(m)(1) is amended by adding the phrase "subject to review and final determination by the District of Columbia Retirement Board" after the term "section" in the first sentence.

(h) Section 12(n) is amended by striking the word "Mayor" wherever it appears and inserting the phrase "District of Columbia Retirement Board" in its place.

(i) Add a new section 12(n-2) to read as follows:

"Sec. 12(n-2). Longevity Compensation.

"The additional compensation provided for in section 401 of An Act to fix and regulate the salaries of officers and members of the Metropolitan Police Force and the Fire department of the District of Columbia, of the United States Park Police, and the White House Police, and for other purposes, approved August 1, 1958 (72 Stat. 484; D.C. Official Code § 5-544.01), shall be included for purposes of retirement annuity calculations pursuant to this section for those officers and members who complete 25 years of active service prior to retirement."

(j) Section 12(o)(2) is amended to read as follows:

"(b) The Mayor is authorized to promulgate such rules and regulations as the Mayor may deem necessary to carry out the Mayor's responsibilities under this section."

Sec. 14. Section 6 of An Act to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia is amended by striking the word "Mayor" and inserting the phrase "District of Columbia Retirement Board" in its place.

Sec. 15. Section 3(c) of the Neighborhood Investment Act of 2004 is amended by striking the phrase "3(f)" and inserting the phrase "2(f)" in its place.

Sec. 16. Section 8(g)(2)(A) of the Tobacco Product Manufacturing Reserve Fund Complementary Procedures Act of 2004 is amended by striking the phrase "of the Model" and inserting the phrase "the Model" in its place.

Sec. 17. Section 5(j) of the Security and Fire Alarm Systems Regulations Act is amended to read as follows:

"(j) Any person who has been served with a notice of final action may file a request for a hearing with the Office of Administrative Hearings. Any such hearing shall be held in accordance with the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 5-501 *et seq.*)".

Sec. 18. Section 7(d) of the Water Pollution Control Act of 1984 is amended by striking the phrase "the act" and inserting the phrase "this act" in its place.

Sec. 19. The Wastewater System Regulation Amendment Act of 1985 is amended as follows:

(a) Section 11(d) is amended as follows:

(1) Strike the phrase "Board of Appeals and Review ("Board")" and insert the phrase "Office of Administrative Hearings ("Office")" in its place.

(2) Strike the word "Board" wherever it appears and insert the word "Office" in its place.

(b) Section 13(c) is amended by striking the phrase "Board of Appeals and Review" and inserting the phrase "Office of Administrative Hearings" in its place.

Sec. 20. Section 11(f) of the Pesticide Operations Act of 1977 is amended as follows:

(a) Strike the phrase "Board of Appeals and Review" in the first sentence and insert the phrase "Office of Administrative Hearings ("Office")" in its place.

(b) Strike the phrase "Board of Appeals and Review" in the second sentence and insert the word "Office" in its place.

(c) Strike the word "Board" in the third sentence and insert the word "Office" in its place.

Sec. 21. The Urban Forest Preservation Act of 2002 is amended as follows:

(a) Section 107(a) is amended by striking the phrase "subsection (b) of this pursuant" and inserting the phrase "subsection (b) of this section pursuant" in its place.

(b) Section 201 is amended as follows:

(1) Subsection (a) is redesignated paragraph (1).

(2) Subsection (b) is redesignated paragraph (2).

Sec. 22. Section 412(b)(4) of the Street and Alley Closing and Acquisition Procedures Act of 1982 is amended by striking the phrase "Director of the Office of Property Management" and inserting the phrase "Chief Property Management Officer" in its place.

Sec. 23. Title 11 of the District of Columbia Code is amended as follows:

(a) Title 11 is designated Title 11 of the District of Columbia Official Code.

(b) The section designation of section 11-1568.1 of the District of Columbia Official Code is redesignated as section 11-1568.01.

(c) The section designation of section 11-1568.2 of the District of Columbia Official Code is redesignated as section 11-1568.02.

(d) The section designation of section 11-1568.3 of the District of Columbia Official Code is redesignated as section 11-1568.03.

Sec. 24. Title 12 of the District of Columbia Code is designated Title 12 of the District

of Columbia Official Code.

Sec. 25. Title 13 of the District of Columbia Code is amended as follows:

- (a) Title 13 is designated Title 13 of the District of Columbia Official Code.
- (b) The section designation of section 13-302.1 of the District of Columbia Official Code is redesignated as section 13-302.01.

Sec. 26. Title 14 of the District of Columbia Code is designated Title 14 of the District of Columbia Official Code.

Sec. 27. Title 15 of the District of Columbia Code is designated Title 15 of the District of Columbia Official Code.

Sec. 28. Title 16 of the District of Columbia Code is amended as follows:

- (a) Title 16 is designated Title 16 of the District of Columbia Official Code.
- (b) Chapter 9 is amended as follows:
 - (1) The section designations of sections 16-909.1, 16-909.2, 16-909.3, 16-909.4, and 16-909.5 of the District of Columbia Official Code are redesignated as sections 16-909.01, 16-909.02, 16-909.03, 16-909.04, and 16-909.05.
 - (2) The section designations of sections 16-916.1, 16-916.2, and 16-916.3 of the District of Columbia Official Code are redesignated as sections 16-916.01, 16-916.02, and 16-916.03.
- (c) Chapter 23 is amended as follows:
 - (1) The section designations of sections 16-2305.1 and 16-2305.2 of the District of Columbia Official Code are redesignated as sections 16-2305.01 and 16-2305.02.
 - (2) The section designation of section 16-2310.1 of the District of Columbia Official Code is redesignated as section 16-2310.01.
 - (3) The section designation of section 16-2311.1 of the District of Columbia Official Code is redesignated as section 16-2311.01.
 - (4) The section designation of section 16-2325.1 of the District of Columbia Official Code is redesignated as section 16-2325.01.
 - (5) The section designation of section 16-2326.1 of the District of Columbia Official Code is redesignated as section 16-2326.01.
 - (6) The section designation of section 16-2342.1 of the District of Columbia Official Code is redesignated as section 16-2342.01.
 - (7) The section designations of sections 16-2343.1, 16-2343.2, and 16-2343.3 of the District of Columbia Official Code are redesignated as sections 16-2343.01, 16-2343.02, and 16-2343.03.
 - (8) The section designation of section 16-2349.1 of the District of Columbia

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

Official Code is redesignated as section 16-2349.01.

Sec. 29. Title 17 of the District of Columbia Code is designated Title 17 of the District of Columbia Official Code.

Sec. 30. Title 18 of the District of Columbia Code is designated Title 18 of the District of Columbia Official Code.

Sec. 31. Title 19 of the District of Columbia Code is designated Title 19 of the District of Columbia Official Code.

Sec. 32. Title 20 of the District of Columbia Code is amended as follows:

- (a) Title 20 is designated Title 20 of the District of Columbia Official Code.
- (b) The section designation of section 20-108.1 of the District of Columbia Official Code is redesignated as section 20-108.01.
- (c) The section designation of section 20-701.1 of the District of Columbia Official Code is redesignated as section 20-701.01.
- (d) The section designation of section 20-713.1 of the District of Columbia Official Code is redesignated as section 20-713.01.
- (e) The section designation of section 20-743.1 of the District of Columbia Official Code is redesignated as section 20-743.01.

Sec. 33. Title 21 of the District of Columbia Code is amended as follows:

- (a) Title 21 is designated Title 28 of the District of Columbia Official Code.
- (b) The section designation of section 21-501.1 of the District of Columbia Official Code is redesignated as section 21-501.01.

Sec. 34. Title 23 of the District of Columbia Code is designated Title 23 of the District of Columbia Official Code.

Sec. 35. The 21st Century Financial Modernization Act of 2000 is amended as follows:

- (a) The subtitle heading for Subtitle B is amended by striking the phrase "DEPARTMENT OF" and inserting the phrase "ABOLISHMENT OF DEPARTMENT OF" in its place.
- (b) Section 105(a)(12) is amended by striking the phrase "Department of Banking and Financial Institutions" and inserting the word "Commissioner" in its place.
- (c) Section 107(b) is amended by striking the phrase "ex officio members" and inserting the phrase "an ex officio member" in its place.
- (d) Section 209(a)(18) is amended by striking the phrase "universal bank." and inserting

the phrase "universal bank; and" in its place.

(e) Section 308(a)(18) is amended by striking the phrase "universal bank" and inserting the phrase "universal bank." in its place.

Sec. 36. The Office of Banking and Financial Institutions Enterprise Fund Establishment Act of 1997 is repealed.

Sec. 37. Section 3a of the District of Columbia Regional Banking Act of 1985 is amended as follows:

(a) The section heading is amended by striking the phrase "Establishment of the Office of Banking and Financial Institutions; Superintendent" and inserting the word "duties" in its place.

(b) Subsection (a) is repealed.

Sec. 38. Section 305(c)(2) of the Home Loan Protection Act of 2002 is amended to read as follows:

"(2) With respect to all other causes of action, the sum of:

"(A) The amount of all remaining indebtedness; and

"(B) The total amount paid by the consumer in connection with the transaction, reduced by the amount of any damages awarded under paragraph (1) of this subsection."

Sec. 39. Title 28 of the District of Columbia Code is amended as follows:

(a) Title 28 is designated Title 28 of the District of Columbia Official Code.

(b) Section 28:2-210(2) is amended by striking the phrase "Section 9-406" and inserting the phrase "section 28:9-406" in its place.

(c) The section designation of section 28:2-316.1 of the District of Columbia Official Code is redesignated as section 28:2-316.01.

Sec. 40. The Department of Insurance and Securities Regulation Establishment Act of 1996 is amended as follows:

(a) The section heading for section 3 is amended by striking the phrase "Department of Insurance and Securities Regulation" and inserting the phrase "Department of Insurance, Securities, and Banking" in its place.

(b) Section 4(a)(3) is amended by striking the phrase "Banking Code" and inserting the phrase "Banking Code, as defined in section 102(14) of the 21st Century Financial Modernization Act of 2000, effective June 9, 2001 (D.C. Law 13-308; D.C. Official Code § 26-551.02(14))" in its place.

(c) The section heading for section 5 is amended by striking the phrase "of Insurance

and Securities Regulation" and inserting the phrase "of the Department of Insurance, Securities, and Banking" in its place.

(d) Section 6(a) is amended by striking the phrase "Department of Insurance and Securities Regulation" and inserting the phrase "Department of Insurance, Securities, and Banking" in its place.

Sec. 41. Section 2(a) of the Department of Insurance and Securities Regulation Merger Review Amendment Act of 2003 is amended as follows:

(a) Add a new paragraph (3A) to read as follows:

"(3A) "Hospital service plan" means a plan for providing hospital and related services by hospitals and others that entitles a subscriber to certain hospital and related services, or to benefits and indemnification for such services."

(b) Add new paragraph (5A) and (5B) to read as follows:

"(5A) "Medical service plan" means a plan for providing medical services and related services by physicians and others that entitles a subscriber to certain medical and related services, or to benefits and indemnification for such services.

"(5B) "Party" means the Mayor and any person or District government agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in any proceeding before the Mayor or an agency, but nothing herein shall be construed to prevent the Mayor or an agency from admitting the Mayor or any person or agency as a party for limited purposes."

Sec. 42. Section 2(a) of the Insurance Industry Material Transactions Disclosure Act of 1996 is amended by striking the phrase "of Insurance and Securities Regulation" and inserting the phrase "of the Department of Insurance, Securities, and Banking" in its place.

Sec. 43. Section 2(2) of the Producer Licensing Act of 2002 is amended by striking the word "Regulation".

Sec. 44. Section 7(b)(7) of the Long-Term Care Insurance Act of 2000 is amended by striking the phrase "long-term care insurance contract" both times it appears and inserting the phrase "qualified long-term care insurance contract" in its place.

Sec. 45. The Health Organizations RBC Amendment Act of 2002 is amended as follows:

(a) Section 101(11) is amended by striking the phrase "Health Maintenance Organization Act of 1996, effective April 9, 1997 (D.C. Law 11-235; D.C. Official Code § 31-3401 *et seq.*), and the Hospital and Medical Services Corporation Regulatory Act of 1996, effective April 9, 1997 (D.C. Law 11-245; D.C. Official Code § 31-3501 *et seq.*)." and inserting

the phrase "Health Maintenance Organization Act of 1996, effective April 9, 1997 (D.C. Law 11-235; D.C. Official Code § 31-3401 *et seq.*), or the Hospital and Medical Services Corporation Regulatory Act of 1996, effective April 9, 1997 (D.C. Law 11-245; D.C. Official Code § 31-3501 *et seq.*)." in its place.

(b) Section 105 is amended as follows:

(1) Paragraph (1) is amended by striking the word "or" and inserting the word "and" in its place.

(2) Paragraph (2) is amended by striking the word "or" in the second sentence and inserting the word "and" in its place.

(c) Section 106 is amended as follows:

(1) Subsection (a) is amended by striking the word "or" in the last sentence and inserting the word "and" in its place.

(2) Subsection (b) is amended by striking the word "or" and inserting the word "and" in its place.

(d) Section 113 is amended by striking the phrase "section 103, 104, 105 and 106" and inserting the phrase "sections 103, 104, 105, and 106" in its place.

Sec. 46. The Insurance Redomestication Act of 1996 is amended as follows:

(a) Section 2(1) is amended by striking the phrase "of Insurance and Securities Regulation" and inserting the phrase "of the Department of Insurance, Securities, and Banking" in its place.

(b) Section 4 is amended by striking the phrase "of Insurance and Securities Regulation".

Sec. 47. The third unnumbered paragraph, entitled "Commissioner," of section 3 of Chapter I of the Fire and Casualty Act is amended by striking the phrase "of Insurance and Securities" and inserting the phrase "of the Department of Insurance, Securities, and Banking" in its place.

Sec. 48. Section 5c(c)(1) of Chapter V of the Life Insurance Act is amended by striking the phrase "(A-1) Notwithstanding" and inserting the phrase "(A-I) Notwithstanding" in its place.

Sec. 49. The Certified Capital Companies Act of 2003 is amended as follows:

(a) Section 2(8) is amended by striking the phrase "section 650 of the Life Insurance Act, effective October 13, 1978 (D.C. Law 2-120; D.C. Official Code § 31-205) ("Act") or, in the case of a repeal or reduction by the District of the tax imposed by the Act" and inserting the phrase "section 650 of An Act To establish a code of laws for the District of Columbia, effective March 3, 1901 (31 Stat. 676; D.C. Official Code § 31-205), or, in the case of a repeal

or reduction by the District of the tax imposed by section 650" in its place.

(b) Section 4(c) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase "section 650(b)(4) of the Life Insurance Act, effective October 13, 1978 (D.C. Law 2-120; D.C. Official Code § 31-205(b)(4)) ("Act")" and inserting the phrase "section 650(b)(4) of An Act To establish a code of laws for the District of Columbia, effective March 3, 1901 (31 Stat. 676; D.C. Official Code § 31-205(b)(4))" in its place.

(2) Paragraph (2) is amended by striking the phrase "section 650(f)(1) of the Life Insurance Act, effective October 13, 1978 (D.C. Law 2-120; D.C. Official Code § 31-205(f)(1)) ("Act")" and inserting the phrase "section 650(f)(1) of An Act To establish a code of laws for the District of Columbia, effective March 3, 1901 (31 Stat. 676; D.C. Official Code § 31-205(f)(1))" in its place.

(c) Section 6(g)(3) is amended striking the phrase "section (a)" and inserting the phrase "subsection (a)" in its place.

Sec. 50. Section 39(c)(4) of the District of Columbia Worker's Compensation Act of 1979 is amended by striking the phrase "Commissioner of Insurance and Securities" and inserting the phrase "Commissioner of the Department of Banking and Financial Institutions" in its place.

Sec. 51. Section 3(e) of the Employment Services Licensing and Regulation Act of 1984 is amended by striking the phrase "Employment Services" and inserting the phrase "an Employment Services" in its place.

Sec. 52. Section 206(c) of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996 is amended by striking the phrase "Department of Transportation" and inserting the phrase "District Department of Transportation" in its place.

Sec. 53. Section 2 of An Act To fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia is amended as follows:

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

"(3) Beginning January 2, 2009, the Board of Education shall consist of 9 members. One member shall be elected from each of the 8 school election wards established pursuant to section 2 of the Boundaries Act of 1975, effective December 16, 1975 (D.C. Law 1-38; D.C. Official Code § 1-1011.01), and one member shall be elected at-large as the president of the Board."

(b) Subsection (b)(3)(F) is amended to read as follows:

“(F) The initial terms of the members of the Board of Education elected in the general election in November 2008 shall be as follows:

“(i) The 4 members elected from wards 1, 3, 5, and 6 shall serve 2 year terms, ending at noon January 2, 2011.

“(ii) The 4 members elected from wards 2, 4, 7, and 8 and the member elected at-large shall serve 4 year terms, ending at noon January 2, 2013.

“(iii) The member elected at-large as President of the Board shall serve a 4-year term, ending at noon January 2, 2013.”.

Sec. 54. Section 6(b)(3) of the Education Licensure Commission Act of 1976 is amended by striking the phrase “, within 180 days of March 16, 1989,”.

Sec. 55. An Act for the retirement of public school teachers in the District of Columbia is amended as follows:

(a) Section 1(b) is amended as follows:

(1) Strike the phrase “Council of the District of Columbia” and insert the phrase “District of Columbia Retirement Board” in its place.

(2) Strike the phrase “prescribed by the Council, in” and insert the phrase “prescribed by the District of Columbia Retirement Board” in its place.

(b) Section 4 is amended as follows:

(1) Add a new subsection (b-1) to read as follows:

“(b-1) Any initiation, termination, or change of annuity payments made under subsection (b) of this section shall be subject to review and final determination by the District of Columbia Retirement Board.”.

(2) Subsection (c) is amended by striking the phrase “Board of Education” wherever it appears and inserting the phrase “District of Columbia Retirement Board” in its place.

(c) Section 5 is amended as follows:

(1) Subsection (b)(2) is amended by striking the phrase “Auditor of the District of Columbia” and inserting the phrase “District of Columbia Retirement Board” in its place.

(2) Subsection (d) is amended by striking the phrase “Mayor of the District of Columbia” and the term “Mayor” wherever it appears and inserting the phrase “District of Columbia Retirement Board” in its place.

(d) Section 8(a) is amended by striking the phrase “Mayor of the District of Columbia, or his designated agent.” and inserting the phrase “District of Columbia Retirement Board.” in its place.

(e) Section 9 is amended as follows:

(1) Subsection (c)(2)(C) is amended by striking the phrase “Mayor of the District of Columbia” and inserting the phrase “District of Columbia Retirement Board” in its

place.

(2) Subsection (c)(6) is amended by striking the phrase "Board of Education" and inserting the phrase "District of Columbia Retirement Board" in its place.

(f) Section (10) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "Mayor of the District of Columbia" and inserting the phrase "District of Columbia Retirement Board" in its place."

(2) Subsection (b)(1) is amended as follows:

(A) Subparagraph (A) is amended by striking the phrase "Mayor of the District of Columbia before his death;" and inserting the phrase "District of Columbia Retirement Board before the teacher's death;" in its place.

(B) Subparagraph (F) is amended by striking the phrase "Mayor of the District of Columbia" and inserting the phrase "District of Columbia Retirement Board" in its place.

(g) Section 16 is repealed..

(h) Section 24 is amending by striking the word "Mayor" wherever it appears and inserting the phrase "District of Columbia Retirement Board" in its place.

Sec. 56. Section 3(b) of An Act to increase annuities payable to certain annuitants of the District of Columbia teachers retirement and annuity fund, and for other purposes is amended by adding the phrase "or, after October 1, 2004, the 1st day of the month in which application for such annuity is received by the District of Columbia Retirement Board," after the term "agent,".

Sec. 57. Section 2 of An Act for the retirement of public school teachers in the District of Columbia is amended by striking the phrase "Mayor of the District of Columbia or his designated agent" and inserting the phrase "District of Columbia Retirement Board" in its place.

Sec. 58. Section 117(d) of the Uniform Disposition of Unclaimed Property Act of 1980 is amended by striking the phrase "shall be filed later than October 1" and inserting the phrase "shall be filed not later than October 1" in its place.

Sec. 59. Section 206(b) of the Housing Act of 2002 is amended by striking the phrase "section 231 of the District of Columbia Human Rights Act, effective December 13, 1977 (D.C. Law 2-48, D.C. Official Code § 2-1402.31)." and inserting the phrase "section 221 of the District of Columbia Human Rights Act, effective December 13, 1977 (D.C. Law 2-48, D.C. Official Code § 2-1402.21)." in its place.

Sec. 60. Section 2 of the Housing Production Trust Fund of 1988 is amended as follows:

(a) Paragraph (1B) is redesignated as paragraph (1D).

- (b) Paragraph (3) is redesignated as paragraph (1B).
- (c) Paragraph (3A) is redesignated as paragraph (3).
- (d) Paragraph (3B) is redesignated as paragraph (1C).
- (e) Paragraph (4) is redesignated as paragraph (5).
- (f) Paragraph (5) is redesignated as paragraph (4).
- (g) The newly designated paragraph (1C) is amended by striking the phrase "Continuing affordability" and inserting the phrase "'Continuing affordability'" in its place.

Sec. 61. Section 303(a)(1) of the District of Columbia Real Estate Deed Recordation Tax Act is amended by adding a comma before the phrase "is submitted".

Sec. 62. Section 15 of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes is amended by striking the phrase "seek administrative review by the Board of Appeals and Review, or any successor board or agency" and inserting the phrase "file a request for a hearing with the Office of Administrative Hearings" in its place.

Sec. 63. Section 13 of the Clinical Laboratory Act of 1988 is amended by striking the phrase "Corporation Counsel" wherever it appears and inserting the phrase "Attorney General for the District of Columbia" in its place.

Sec. 64. The Health Services Planning Program Re-establishment Act of 1996 is amended as follows:

(a) Section 7 is amended by striking the phrase "Corporation Counsel" wherever it appears and inserting the phrase "Attorney General for the District of Columbia" in its place.

(b) Section 14 is amended as follows:

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

(A) Strike the phrase "to the Board of Appeals and review established by Organization Order 112, dated August 11, 1955 (C.O. 55-1500) ("Board of Appeals and Review")." and insert the phrase "to the Office of Administrative Hearings." in its place.

(B) Strike the last sentence.

(2) Subsection (b) is amended by striking the phrase "Board of Appeals and Review" wherever it appears and inserting the phrase "Office of Administrative Hearings" in its place.

(3) Subsection (c) is amended by striking the phrase "Board of Appeals and Review" and inserting the phrase "Office of Administrative Hearings" in its place.

(c) Section 17 is amended by striking the phrase "Corporation Counsel" wherever it appears and inserting the phrase "Attorney General for the District of Columbia" in its place.

Sec. 65. Section 10 of the Health-Care and Community Residence Facility Hospice and Home Care Licensure Act of 1983 is amended as follows:

(a) Strike the phrase "Corporation Counsel" wherever it appears and insert the phrase "Attorney General for the District of Columbia" in its place.

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

(1) Strike the phrase "hearing examiner" and insert the phrase "Administrative Law Judge" in its place.

(2) Strike the phrase "the District of Columbia Board of Appeals and Review or".

Sec. 66. Sections 2, 3, 4, 5, 7, 8, 10, and 11 of the Healthcare Entity Conversion Act of 1997 are amended by striking the phrase "Corporation Counsel" wherever it appears and inserting the phrase "Attorney General for the District of Columbia" in its place.

Sec. 67. Sections 203, 204, 210, and 401 of the Nursing Home and Community Residence Facility Residents' Protections Act of 1985 are amended by striking the phrase "Corporation Counsel" wherever it appears and inserting the phrase "Attorney General for the District of Columbia" in its place.

Sec. 68. Section 8 of the Uniform Management of Institutional Funds Act is amended by striking the phrase "Corporation Counsel" wherever it appears and inserting the phrase "Attorney General for the District of Columbia" in its place.

Sec. 69. Section 13 of An Act To provide full and fair disclosure of the character of charitable, benevolent, patriotic, or other solicitations in the District of Columbia, and for other purposes is amended by striking the phrase "Corporation Counsel" wherever it appears and inserting the phrase "Attorney General for the District of Columbia" in its place.

Sec. 70. Section 2 of the District of Columbia Law Revision Commission Act of 1980 is amended by striking the phrase "Corporation Counsel" wherever it appears and inserting the phrase "Attorney General for the District of Columbia" in its place.

Sec. 71. Sections 27c and 27f of the D.C. Child Support Enforcement Amendment Act of 1985 are amended by striking the phrase "Corporation Counsel" wherever it appears and inserting the phrase "Attorney General for the District of Columbia" in its place.

Sec. 72. Section 1 of An Act To amend title 10, United States Code, to permit members of the armed forces to be assigned or detailed to the Environmental Science Services Administration, Department of Commerce is amended by striking the phrase "Corporation

Counsel" wherever it appears and inserting the phrase "Attorney General for the District of Columbia" in its place.

Sec. 73. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Chapter 3 is amended as follows:

(1) Section 47-340.03 is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General for the District of Columbia" in its place.

(2) Section 47-368.01(a) is amended as follows:

(A) Strike the word "Columba" and insert the word "Columbia" in its place.

(B) Strike the phrase "§ 1-202.03(10)" and insert the phrase "§ 1-201.03(10)" in its place.

(3) Section 47-391.08 is amended by striking the phrase "Corporation Counsel" wherever it appears and inserting the phrase "Attorney General for the District of Columbia" in its place.

(4) Section 47-432 is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General for the District of Columbia" in its place.

(b) Chapter 8 is amended as follows:

(1) Section 47-813 is amended as follows:

(A) Strike the phrase "Corporation Counsel" and insert the phrase "Attorney General for the District of Columbia" in its place.

(B) Subsection (d-1)(3A)(B)(iii) is amended by striking the phrase "subsection (d-1)(6) of this section" and inserting the phrase "paragraph (6) of this subsection" in its place.

(2) Section 47-821 is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General for the District of Columbia" in its place.

(3) Section 47-825.01 is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General for the District of Columbia" in its place.

(4) Section 47-830(c-1)(2)(A) is amended by striking the phrase "rationale for" the first time it occurs and inserting the word "the" in its place.

(5) Section 47-850.02 is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General for the District of Columbia" in its place.

(6) Section 47-863 is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General for the District of Columbia" in its place.

(7) Section 47-872(b) is amended by striking the phrase "owned as a condominium" and inserting the phrase "owned as a condominium if the " in its place.

(c) Section 47-902 is amended as follows:

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

(2) Paragraph (17)(B) is amended by striking the word "and" at the end.

(d) Section 47-1245 is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General for the District of Columbia" in its place.

(e) Section 47-1249 is amended as follows:

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

(A) Strike the phrase "notice of appeal with the District of Columbia Board of Appeals and Review" and insert the phrase "request for a hearing with the Office of Administrative Hearings" in its place.

(B) Strike the phrase "and shall be conducted pursuant to the rules of the District of Columbia Board of Appeals and Review in Chapter 5 of Title 1 of the District of Columbia Municipal Regulations (1 DCMR 500 *et seq.*)".

(2) Subsection (b) is amended by striking the phrase "an appeal" and inserting the phrase "a request for a hearing" in its place.

(f) Section 47-1805.04 is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General for the District of Columbia" in its place.

(g) Section 47-2106 is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General for the District of Columbia" in its place.

(h) Section 47-2312 is amended by striking the phrase "Corporation Counsel" wherever it appears and inserting the phrase "Attorney General for the District of Columbia" in its place.

(i) Chapter 24 is amended as follows:

(1) Section 47-2409 is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General for the District of Columbia" in its place.

(2) Section 47-2418 is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General for the District of Columbia" in its place.

(3) Section 47-2421 is amended by striking the phrase "subject to the penalties under § 47-2414(a)" and inserting the phrase "fined not more than \$5,000 or imprisoned for not more than 3 years, or both" in its place.

(j) Section 47-2605 is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General for the District of Columbia" in its place.

(k) Section 47-2707 is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General for the District of Columbia" in its place.

(l) Chapter 28 is amended as follows:

(1) Section 47-2820(b-2) is amended by striking the phrase "Title 25" and inserting the phrase "Title 25 and who holds a certificate of occupancy for less than 401 persons" in its place.

(2) Section 47-2834(d) is amended by striking the phrase "shall be issued" both times it appears and inserting the phrase "shall be issued as a" in its place.

(3) Section 47-2842(d) is amended by striking the phrase "master business licensing scheme" and inserting the phrase "basic business license system" in its place.

(4) Section 47-2845 is amended by striking the phrase "Corporation Counsel"

and inserting the phrase "Attorney General for the District of Columbia" in its place.

(5) Section 47-2851.01(1B) is amended by striking the phrase "District of Columbia." and inserting the phrase "District of Columbia" in its place.

(6) Section 47-2851.08 is amended as follows:

(A) The section heading is amended by striking the phrase "Master business" and inserting the phrase "Basic business" in its place.

(B) Subsection (a)(2) is amended by striking the word "master" and inserting the word "basic" in its place.

(C) Subsection (b)(2) is amended by striking the word "Basic" and inserting the phrase "Basic Business" in its place.

(7) The section heading for section 47-2851.13 is amended by striking the phrase "Master Business" and inserting the phrase "Basic Business" in its place.

(8) Section 47-2853.01 is amended by striking the phrase "Corporation Counsel" wherever it appears and inserting the phrase "Attorney General for the District of Columbia" in its place.

(9) Section 47-2853.28 is amended by striking the phrase "Corporation Counsel" wherever it appears and inserting the phrase "Attorney General for the District of Columbia" in its place.

(10) Section 47-2853.30 is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General for the District of Columbia" in its place.

(11) Section 47-2887.14 is amended by striking the phrase "Corporation Counsel" wherever it appears and inserting the phrase "Attorney General for the District of Columbia" in its place.

(m) Section 47-3719 is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General for the District of Columbia" in its place.

(n) Chapter 41 is amended as follows:

(1) Section 47-4101 is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General for the District of Columbia" in its place.

(2) Section 47-4102 is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General for the District of Columbia" in its place.

(3) Section 47-4103 is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General for the District of Columbia" in its place.

(4) Section 47-4104 is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General for the District of Columbia" in its place.

(5) Section 47-4105 is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General for the District of Columbia" in its place.

(6) Section 47-4106 is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General for the District of Columbia" in its place.

(7) Section 47-4107 is amended by striking the phrase "Corporation Counsel"

and inserting the phrase "Attorney General for the District of Columbia" in its place.

(o) Chapter 44 is amended as follows:

(1) Section 47-4405 is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General for the District of Columbia" in its place.

(2) Section 47-4406 is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General for the District of Columbia" in its place.

(p) Section 47-4506(c)(12) is amended by adding the word "and" after the semi-colon.

Sec. 74. Section 5 of An Act to authorize the bonding of persons engaging in the home improvement business, and for other purposes is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General for the District of Columbia" in its place.

Sec. 75. The District of Columbia Pharmacist and Pharmacy Regulation Act of 1980 is amended as follows:

(a) Section 21 is amended by striking the phrase "Corporation Counsel" wherever it appears and inserting the phrase "Attorney General for the District of Columbia" in its place.

(b) Section 22 is amended to read as follows:

"Sec. 22. Review.

"Any person aggrieved by an adverse action of the Mayor may file a request for a hearing with the Office of Administrative Hearings. The Office of Administrative Hearings shall provide the aggrieved person with an opportunity for a hearing and shall sustain, modify, or vacate such action by the Mayor as is appropriate in the case. Judicial review of the decision of the Office of Administrative Hearings shall be in accordance with section 19 of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.16)."

Sec. 76. Section 15 of the Professional Engineers' Registration Act is amended by striking the phrase "Corporation Counsel" wherever it appears and inserting the phrase "Attorney General for the District of Columbia" in its place.

Sec. 77. The Department of Transportation Establishment Act of 2002 is amended as follows:

(a) Section 2 is amended by striking the phrase "Department of Transportation ("DOT")" and inserting the phrase "District Department of Transportation ("DDOT")" in its place.

(b) Sections 3, 4, 5, 6, 7, and 8 are amended by striking the acronym "DOT" wherever it appears and inserting the acronym "DDOT" in its place.

(c) Section 5(4)(F) is amended by striking the phrase "Director of the Office of Property Management" and inserting the phrase "Chief Property Management Officer" in its place.

(d) Add a new section 14 to read as follows:

"Sec. 14. Any reference in law or regulation to the Department of Transportation established by the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.01 *et seq.*), or to its former acronym DOT shall be deemed to be a reference to the District Department of Transportation and to DDOT, respectively."

Sec. 78. Section 105(a)(2)(B) of the Medical Support Establishment and Enforcement Amendment Act of 2004 is amended by striking the word "paragraphs" and inserting the word "subsections" in its place.

Sec. 79. Section 4 of the Office of Administrative Hearings Establishment Amendment Act of 2004 is amended by striking the phrase "'§ 47-1528. Deficiency; request for hearing. 'Assessments'" and inserting the phrase "'§ 47-1528. Deficiency; request for hearing. '(a) Assessments'" in its place.

Sec. 80. Section 353 of the District of Columbia Board of Education Budget Submission Amendment Act of 2003 is amended by striking the phrase "Section 362" and inserting the phrase "Section 352" in its place.

Sec. 81. Section 15 of the Removal and Disposition of Abandoned and Other Unlawfully Parked Vehicles Reform Act of 2003 is amended by striking the word "subsections" and inserting the word "section" in its place.

Sec. 82. Section 801 of the Motor Vehicle and Safe Driving Amendment Act of 2000 is amended by striking the phrase "members of Council" and inserting the phrase "members of the Council" in its place.

Sec. 83. Section 3 of the Streamlining Regulation Act of 2003 is amended as follows:

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

(1) Paragraph (1) is amended by striking the number "8" and inserting the number "9" in its place.

(2) Paragraph (2) is amended by striking the number "9" and inserting the number "10" in its place.

(3) Paragraph (3) is amended by striking the number "10" both times it appears and inserting the number "11" in its place.

(b) Subsection (1)(2) is amended by striking the phrase "Environmental Services" the first time it appears and inserting the phrase "Environmental Materials" in its place.

(c) Subsection (ee) is amended as follows:

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

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

(A) Add the phrase "or Class A Public Health: Human Services Facility endorsement" before the phrase "to a master business license".

(B) Add the phrase "or a Public Health: Human Services Facility endorsement" before the phrase "to a basic business license".

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

(A) Add the phrase "or Class A Public Health: Human Services Facility endorsement" before the phrase "to a master business license".

(B) Add the phrase "or a Public Health: Human Services Facility endorsement" before the phrase "to a basic business license".

(d) Subsection (hh) is amended by striking the phrases "under the master" and "under the basic".

(e) Subsection (kk) is amended by adding the article "an" before the phrase "Inspected Sales" the second time it appears.

Sec. 84. The Fiscal Year 2004 Budget Support Act of 2003 is amended as follows:

(a) Section 303 is amended by striking the citation "38-2602(b)" and inserting the citation "38-2602" in its place.

(b) Section 373(1) is amended by striking the figure "384" and inserting the figure "374" in its place.

(c) Section 402(b)(2)(A) is amended as follows:

(1) Strike the phrase "Public Schools" and insert the phrase "Public Schools; and" in its place.

(2) Strike the phrase "Regulatory Affairs" and insert the phrase "Regulatory Affairs;" in its place.

(d) Section 612 is amended as follows:

(1) Subsection (b)(2) is amended by striking the phrase "conformance with the act" and inserting the phrase "conformance with this act" in its place.

(2) Subsection (c)(1) is amended to read as follows:

"(1) A section heading is added to read as follows:

""District of Columbia Wetland and Stream Mitigation Trust Fund."."

(e) Section 622 is amended by adding the article "the" before the word "Department" the second time it appears.

(f) Section 623 is amended to read as follows:

"Section 1704(b) of the Fiscal Year 2002 Budget Support Act of 2001 is repealed."

(g) Section 1503(d)(2) is amended by striking the phrase "Subtitle I" and inserting the phrase "Subtitle H" both times it appears.

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

Sec. 85. The Technical Amendments Act of 2003 is amended as follows:

(a) The lead-in language to section 6 is amended to read as follows:

"Section 504(b) of the Fiscal Year 2001 Budget Support Act of 2000 is amended as follows:"

(b) Section 12(f) is amended by striking the phrase "47-2851.03a(f)(1)(B)" and inserting the phrase "47-2851.03a(f)(2)(A)" in its place.

(c) Section 36 is amended by striking the phrase "cochair" and inserting the phrase "cochairs" in its place and by striking the phrase "co-chair" and inserting the phrase "co-chairs" in its place.

(d) Section 70 is amended by striking the phrase "section 4" and inserting the number "4" in its place.

(e) Section 101 is amended by striking the phrase "this subchapter" and inserting the phrase "this chapter" in its place.

(f) Section 104(b) is amended by striking the phrase "Subchapter XII" the second time it appears and inserting the phrase "Subchapter XXI" in its place.

Sec. 86. Section 402(b)(2)(A) of the Office of Administrative Hearings Establishment Act of 2003 is amended as follows:

(a) Add the phrase "; and" after the phrase "Public Schools".

(b) Add a comma after the phrase "Regulatory Affairs".

Sec. 87. Section 2(b) of the Board of Veterinary Examiners Amendment Act of 2004 is amended by striking the phrase "the Board of Veterinary Examiners Amendment Act of 2004, passed on 2nd reading on January 6, 2004 (Enrolled Version of Bill 15-149)" and inserting the phrase "subsection (b) of this section" in its place.

Sec. 88. Section 302 of the Millicent Allewelt Amendment Act of 2004 is amended by adding the phrase "title I of" before the phrase "the Millicent Allewelt".

Sec. 89. The Draft Master Plan for Public Reservation 13 Amendment Act of 2003 is amended as follows:

(a) Section 2(a) is amended to read as follows:

"(a) Section 4 is amended by repealing subsections (b) and (c)."

(b) Section 3(a)(2) is amended by striking the phrase "(R13BA)" and inserting the phrase "(R13BA)" in its place.

Sec. 90. Section 612(c)(1) of the Water Pollution Control Amendment Act of 2003 is amended to read as follows:

"(1) Strike the phrase "Sec. 10." and insert the phrase "Sec. 10. Accounting for

revenues and expenses of pollutant removal; available funds for future years; District of Columbia Wetland and Stream Mitigation Trust Fund." in its place.

Sec. 91. Section 623 of Local Roads Construction and Maintenance Fund Amendment Act of 2003 is amended to read as follows:

"Sec. 623. Section 1704(b) of the Fiscal Year 2002 Budget Support Act of 2001 is repealed."

Sec. 92. Section 2 of the Extension of the Time Period for Disposition of a Property Located at 2341 4th Street, N.E., Amendment Act of 2004 is amended by striking the subsection designation "(d-2)" both times it appears and inserting the subsection designation "(d-1)" in its place.

Sec. 93. The lead-in language to section 2(e) of the School Governance Companion Amendment Act of 2000 is amended to read as follows:

"(e) Subsection (f) is amended to read as follows:"

Sec. 94. Section 1102 of the Deed Recordation Tax Amendment Act of 2002 is amended as follows:

(a) Subsection (a)(1)(A) is amended by adding the phrase "both times it appears" before the phrase "and insert the phrase".

(b) Subsection (b) is amended by striking the subsection designation "(a-3)" both times it appears and inserting the subsection designation "(a-2)" in its place.

Sec. 95. Section 303(a)(12) of the Prevention of Child Abuse and Neglect Act of 1977 is repealed.

Sec. 96. Section 2(a) of the Improved Child Abuse Investigations Amendment Act of 2002 is amended as follows:

(a) Paragraph (2) is amended by striking the phrase "(12A)" and inserting the phrase "(13A)" in its place.

(b) Paragraph (3) is amended by striking the phrase "(14A)" and inserting the phrase "(15A)" in its place.

(c) Paragraph (4) is amended by striking the phrase "(17)" and inserting the phrase "(18)" in its place.

(d) Paragraph (5) is amended by striking the phrase "(18A)" and inserting the phrase "(19A)" in its place.

(e) Paragraph (6) is amended by striking the phrase "(19A)" and inserting the phrase "(20A)" in its place.

(f) Paragraph (7) is amended by striking the phrase "(20)" and inserting the phrase "(21)" in its place.

Sec. 97. Subtitle E of Title VIII of the Fiscal Year 2001 Budget Support Act of 2000 is amended as follows:

(a) Strike the phrase "Patrol Services Area" and insert the phrase "Police Services Area" in its place.

(b) Section 843 is amended by striking the phrase "Patrol Service Area" and inserting the phrase "Police Service Area" in its place.

Sec. 98. Section 2 of the Department of Insurance and Securities Regulation Establishment Act of 1996 is amended by striking the phrase "Department of Insurance and Securities Regulation" and inserting the phrase "Department of Insurance, Securities, and Banking" in its place.

Sec. 99. Section 2002(c) of the Health Services Planning and Development Amendment Act of 2002 is amended to read as follows:

"(c) Section 4(c) is amended as follows:

"(1) Paragraph (7) is repealed.

"(2) Paragraph (8) is repealed."

Sec. 100. The Fiscal Year 2005 Budget Support Act of 2004 is amended as follows:

(a) Section 1233(a) is amended to read as follows:

"(a)(1) Section 47-368.03(b) and (c) is repealed.

"(2) This subsection shall apply as of August 2, 2004."

(b) Section 6032 is amended as follows:

(1) The infraction "Solid wastes not properly stored and contained for collection (21 DCMR 700.3)" is amended by striking the fine figure "\$7" and inserting the fine figure "\$75" in its place.

(2) The infraction "Improper storage of solid waste (21 DCMR 700.3)" is amended by striking the service hour figure "24" and inserting the service hour figure "64" in its place.

(3) The infraction "Improper storage of solid waste (21 DCMR 700.3)" is amended by striking the fine figure "\$1500" and inserting the fine figure "\$150" in its place.

(4) The infraction "Open-bodied vehicles licensed after 2/29/1980 (21 DCMR 705.4(a))" is amended by striking the service hour figure "100" and inserting the service hour figure "200" in its place.

(5) The infraction "Trailing mud, earth, rocks onto public space (24 DCMR 1000.1)" is amended as follows:

- (A) Strike the word "onto" and insert the phrase "on to" in its place.
- (B) Strike the figure "64" and insert the figure "100" in its place.

Sec. 101. Section 7(b) of the District of Columbia Unemployment Compensation Act is amended as follows:

- (a) The undesignated paragraph is designated as paragraph (1).
- (b) Paragraph (3) is redesignated as paragraph (2).

Sec. 102. The Omnibus Alcoholic Beverages Amendment Act of 2004 is amended as follows:

- (a) Section 301 is amended as follows:
 - (1) Redesignate the second subsection "(c)" as subsection "(d)".
 - (2) Subsection (c) is amended by striking the word "dinning" and inserting the word "dining" in its place.
- (b) Section 403 is amended as follows:
 - (1) Strike the section designation "402" and insert the section designation "401" in its place.
 - (2) Strike the section designation "403" and insert the section designation "402" in its place.

Sec. 103. Section 2 of the Emmaus Rehabilitation Project Real Property Exemption Act of 2004 is amended by striking the section designation "47-1057" each time that it appears and inserting the section designation "47-1058" in its place.

Sec. 104. Section 102 of the Omnibus Juvenile Justice Act of 2004 is amended as follows:

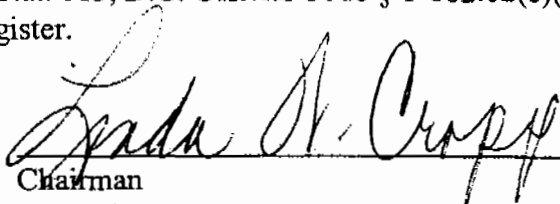
- (a) Subsection (a) is amended as follows:
 - (1) Strike the phrase "16-2301.01" and insert the phrase "16-2301.02" in its place.
 - (2) Strike the phrase "16-2301. Definitions." and insert the phrase "16-2301.01. References deemed to refer to Family Court of the Superior Court." in its place.
- (b) Subsection (b) is amended by striking the phrase "16-2301.01" both times it appears and inserting the phrase "16-2301.02" in its place.

Sec. 105. Fiscal impact statement.

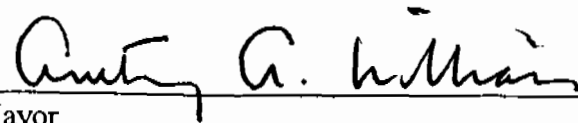
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 106. 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 § 1-602.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
February 9, 2005

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-1IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 19, 2005Codification
District of
Columbia
Official Code

2001 Edition

2005 Spring
Supp.West Group
Publisher

To amend, on an emergency basis, due to Congressional review, the Fiscal Year 1997 Budget Support Act of 1996 to establish the Automated Traffic Enforcement Fund as a lapsing fund, and to require that revenue collected and deposited into the Automated Traffic Enforcement Fund be used for the expenses associated with automated traffic enforcement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Automated Traffic Enforcement Fund Congressional Review Emergency Amendment Act of 2005".

Sec. 2. Title IX of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.01 *et seq.*), is amended by adding a new section 904 to read as follows:

"Sec. 904. Automated Traffic Enforcement Fund.

"(a) There is established the Automated Traffic Enforcement Fund ("Fund") as a lapsing fund, to be administered by the Mayor as an agency fund as defined in D.C. Official Code § 47-373(2)(i), into which shall be deposited funds to be used exclusively for administration of the automated traffic enforcement system. Authorized expenditures include, but are not limited to, vendor payments pursuant to an agreement reached under section 903 of this title, overtime incurred by members of the Metropolitan Police Department in the administration of the system, adjudication costs resulting from use of the system, supplies and equipment purchases related to use of the system, and any other expense determined by the Mayor or his designee to be required for the administration of the system. The Fund shall be financed through fines and fees received from enforcement and regulation of the activities described in section 902 of this title and through other funds as may be appropriated to the Fund. Revenue deposited into the Fund and all interest earned thereon shall revert to the General Fund on September 30 of each fiscal year, but shall, during the fiscal year, be continually available for the uses and purposes set forth in this section, subject to authorization by Congress in an appropriations act.

"(b) The Fund shall be accounted for under procedures established pursuant to D.C. Official Code §§ 47-371- 47-377."

Sec. 3. Applicability.

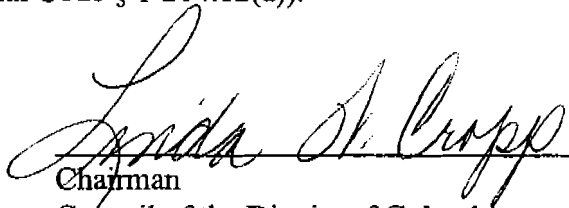
This act shall apply as of January 19, 2005.

Sec. 4. Fiscal impact statement.


The Council adopts the July 1, 2002 fiscal impact statement of the Chief Financial Officer, published at 49 DCR 7620, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 19, 2005

AN ACT
D.C. ACT 16-2

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 19, 2005

To authorize, on an emergency basis, due to Congressional review, the appropriation of \$7.6 million from the funds distributed to the District of Columbia pursuant to section 903(d) of the Social Security Act to improve the administration of the Unemployment Compensation Program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Unemployment Compensation Funds Appropriation Authorization Congressional Review Emergency Act of 2005".

Sec. 2. From the funds distributed to the District of Columbia account in the Unemployment Compensation Trust Fund, pursuant to section 903(d) of the Social Security Act, approved August 5, 1954 (68 Stat. 670; 42 U.S.C. § 1103(d)), there is authorized to be appropriated \$7.6 million to be used for the following administrative purposes:

(1) Parallel training of the staff of the Department of Employment Services to replace the expert contractor staff currently maintaining the unemployment compensation tax and benefit systems;

(2) Funding for the maintenance of the information technology systems supporting the Unemployment Compensation Program and the Virtual One-Stop Career Center System and the development of a system for the direct deposit of unemployment compensation benefit payments;

(3) Promotions for certain career ladder staff in the Offices of Unemployment Compensation and Employment Services of the Department of Employment Services; and

(4) Funding to implement a system to improve the integrity of the unemployment compensation program and to reduce the level of overpayments, particularly those attributable to fraud or abuse of the program.

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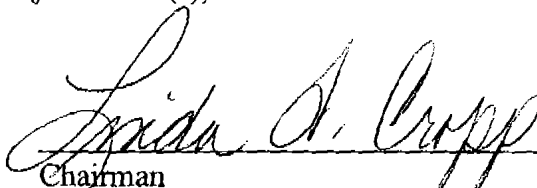
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Sec. 3. Fiscal impact statement.


The Council adopts the fiscal impact statement in the Committee report for Unemployment Compensation Funds Appropriation Authorization Temporary Act of 2004, signed by the Mayor on November 1, 2004 (D.C. Act 15-575; 51 DCR 10589), 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 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
January 19, 2005

AN ACT

D.C. ACT 16-3

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 19, 2005*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Spring
Supp.West Group
Publisher

To establish, on an emergency basis, due to Congressional review, a Metropolitan Police Department School Safety Division that will be responsible for providing security to District of Columbia Public Schools, to provide that the School Safety Division shall be directed by a Director appointed by the Chief of the Metropolitan Police Department, to require the Metropolitan Police Department to create a training curriculum for school resource officers and school security guards who will provide security to District of Columbia Public Schools, to require the Metropolitan Police Department and the District of Columbia Public Schools to enter into a Memorandum of Agreement for the provision of school security services; to require the Mayor to submit a deployment recommendation and a comprehensive implementation plan to the Council and the Board of Education, to immediately transfer the responsibility for issuing an RFP for security services to begin June 30, 2005, from the DCPS to the MPD; and to make conforming amendments to the District of Columbia Procurement Practices Act of 1985.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "School Safety and Security Contracting Procedures Congressional Review Emergency Amendment Act of 2005".

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) "DCPS" means the District of Columbia Public Schools.
- (2) "MPD" means the Metropolitan Police Department.
- (3) "School resource officer" means a sworn MPD officer assigned to DCPS for the purpose of working in collaboration with DCPS and community-based organizations to:
 - (A) Prevent crime through community-oriented policing strategies;
 - (B) Address crime and disorder, gang, and drug activity problems affecting or occurring in or around the schools to which the school resource officer is assigned; and
 - (C) Ensure that DCPS schools and grounds are safe environments for students, teachers, and staff.
- (4) "School security guards" means un-armed personnel, trained and hired by the MPD School Safety Division.
- (5) "School security personnel" means school resource officers and school security guards.
- (6) "Superintendent" means the Superintendent of the District of Columbia Public Schools.

Sec. 3. Establishment of the Metropolitan Police Department School Safety Division; functions of the School Safety Division.

(a) There is established within the Metropolitan Police Department a School Safety Division that shall provide security for the District of Columbia Public Schools.

(b) The School Safety Division shall be directed by a Director appointed by and reporting to the chief of police with rank equal to an assistant chief.

(c) The School Safety Division shall:

- (1) Hire all school security personnel for DCPS;
- (2) Deploy school security personnel to DCPS;
- (3) Provide oversight over school security personnel, and be responsible for administering all disciplinary actions related to school security personnel, including termination;
- (4) Execute, approve, monitor and provide oversight over any contract for school security personnel; and
- (5) Create and implement security and emergency operations plans for DCPS in concert with the Superintendent.

Sec. 4. Training for school security personnel.

The School Safety Division shall develop a training curriculum for all school security personnel providing security for DCPS. The curriculum shall focus on training supervisory and on-site personnel so that they will provide appropriate security procedures for the various socioeconomic conditions at each educational facility. The curriculum shall include training in the following areas:

- (1) Child development;
- (2) Effective communication skills;
- (3) Behavior management;
- (4) Conflict resolution;
- (5) Substance abuse and its effect on youth;
- (6) Availability of social services for youth;
- (7) District of Columbia laws and regulations, including Board of Education regulations; and
- (8) Constitutional standards for searches and seizures conducted by school security personnel on school grounds.

Sec. 5. Comprehensive plan on school security; Memorandum of Agreement.

(a) By March 1, 2005, the Mayor shall recommend to the Council whether the school security guards shall be employees of the MPD, employees of DCPS, or contracted for by the MPD for Fiscal Year 2006 and beyond.

(b) By June 1, 2005, the Mayor, in coordination with the Superintendent, DCPS administrators, parents, students and teachers, shall develop a comprehensive plan to implement this act and submit the plan to the Board of Education and the Council. The plan shall contain the following:

- (1) The qualifications and hiring process for school security personnel;
- (2) The transfer of personnel, property, funds, and records including an ongoing procedure for allocating DCPS capital funds to MPD for security needs; and
- (3) Lines of authority, supervision, and communication between the MPD and

DCPS, including a process for resolving disagreements between DCPS and MPD at all levels, accepted by both the Mayor and the Superintendent.

(c) The plan required by subsection (b) of this section shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed plan, in whole or in part, by resolution within this 45-day period, the proposed plan shall be deemed approved.

(d) MPD and DCPS shall enter into a Memorandum of Agreement that shall specify security terms and responsibilities as outlined in the recommendation and plan submitted by the Mayor pursuant to subsections (a) and (b) of this section.

(e) Both the comprehensive implementation plan and the Memorandum of Agreement required by this section shall describe in detail the following:

(1) How school security personnel deployed at each school will provide security in coordination with the school's principal; provided, that during emergencies, incident command shall be consistent with the District of Columbia response plan as defined by section 2(1A) of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2301(1A)); and

(2) How the operating and capital funds, positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available to DCPS that support the provision of security to DCPS will be utilized to carry out the provisions of this act.

Sec. 6. Authority to issue RFP for school security related contracts.

The responsibility for and issuance of a Request for Proposals ("RFP") for any security guard or security-related contract for DCPS for a contract term to begin June 30, 2005, or later, shall transfer to the MPD as of August 2, 2004. The awarding, execution, and funding of a contract issued pursuant to any RFP under this section shall be the subject of the Memorandum of Agreement between DCPS and MPD.

Sec. 7. Applicability of sections 3 and 4.

Sections 3 and 4 shall apply as of the first day of October 1, 2005, or upon the submission by the Mayor to the Council of a supplemental budget to effect the transfer of funds from DCPS to the MPD, whichever occurs first, and Council approval pursuant to section 5(c).

Sec. 8. Section 104(d) of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.04(d)), is amended to read as follows:

Note,
§ 2-301.04

"(d)(1) Except as provided in this subsection, this act shall apply to the Board of Education.

"(2) The Board of Education shall have no authority to solicit, award, or execute contracts for the provision of security for the District of Columbia Public Schools, except that it shall have the authority to extend the security contract in effect on the effective date of the School Security Authority Extension Emergency Amendment Act of 2004, passed on emergency basis on December 21, 2004 (Enrolled version of Bill 15-1175), through June 30, 2005.

"(3) Regarding contracts not prohibited by paragraph (2) of this subsection, the

DISTRICT OF COLUMBIA REGISTER

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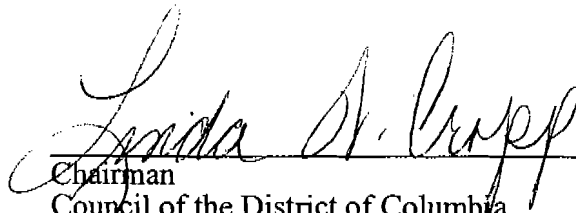
Board of Education shall have the authority to solicit, award, and execute contracts independently of the Office of Contracting and Procurement and the Chief Procurement Officer.”.

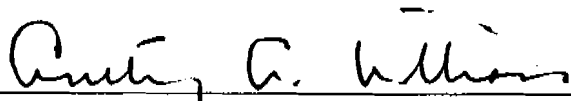
Sec. 9. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report of the School Safety and Security Contracting Procedures Act of 2004, passed on 2nd reading on December 21, 2004 (Enrolled version of Bill 15-725), 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. 10. Effective date.

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED
January 19, 2005

AN ACT

D.C. ACT 16-4

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 19, 2005*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Spring
Supp.West Group
Publisher

To amend, on an emergency basis, due to Congressional review, the District of Columbia Procurement Practices Act of 1985 to modify the procedures for debarring or suspending a person or business from consideration for an award of District contracts or subcontracts by establishing a Debarment and Suspension Panel to consider the best interests of the District in the consideration of each debarment or suspension action.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Debarment Procedures Congressional Review Emergency Amendment Act of 2005".

Sec. 2. Section 804 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-308.04), is amended as follows:

Note,
§ 2-308.04

(a) Subsections (a), (b)(b-1), (c), (d), (e), and (g) are amended by striking the phrase "CPO" wherever it appears and inserting the phrase "Debarment and Suspension Panel" in its place.

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

(1) Paragraph (1)(A) is amended by adding the phrase "or the present responsibility of the person or business is such that a debarment would not be warranted" before the final semicolon.

(2) Paragraph (3)(B) is amended by adding the phrase "unless the present responsibility of the person or business is such that a debarment would not be warranted" before the final period.

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

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

(A) Add the phrase "the relevant facts and" after the word "State".

(B) Strike the word "and" after the semicolon.

(2) Add new paragraphs (1A) and (1B) to read as follows:

"(1A) Describe the present responsibility of the contractor;

“(1B) Describe whether the debarment is in the best interests of the District; and”.

(d) Add a new subsection (h) to read as follows:

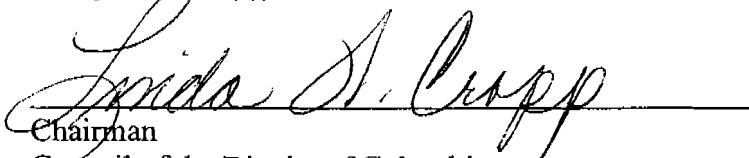
“(h) For the purposes of this section, the phrase “Debarment and Suspension Panel” means a panel consisting of the Chief Procurement Officer and a representative from the Office of the Chief Financial Officer, the Office of the Deputy Mayor for Planning and Economic Development, the Deputy Mayor for Operations, the Director of the Office of Labor Relations and Collective Bargaining, and from each agency which, in the judgment of the Mayor, would be directly and significantly affected by the proposed debarment. The Mayor shall designate the members of the panel and the panel chair. Legal advice to the panel in its deliberations on debarment decisions shall be provided by the Office of the Corporation Counsel.”.


Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the Committee report for the Debarment Procedures Temporary Amendment Act of 2004, signed by the Mayor on November 30, 2004 (D.C. Act 15-603; 51 DCR 9672), 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 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

January 19, 2005
Council of the District of Columbia Official Code, 2001 Edition

AN ACT
D.C. ACT 16-5

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 19, 2005

*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Spring
Supp.

West Group
Publisher

To amend, on an emergency basis, due to Congressional review, the Housing and Community Development Reform Advisory Commission Act of 2002 to extend the time for the issuance of a final report by the Commission.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Housing and Community Development Reform Advisory Commission Extension Congressional Review Emergency Amendment Act of 2005".

Sec. 2. Section 1143(f) of the Housing and Community Development Reform Advisory Commission Act of 2002, effective October 1, 2002 (D.C. Law 14-190; D.C. Official Code § 6-1033(f)), is amended by striking the phrase "150 days" and inserting the phrase "1 year" in its place.

Note,
§ 6-1033

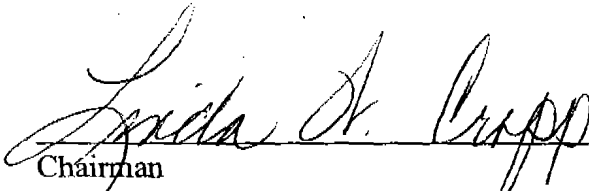
Sec. 3. Fiscal impact statement.


The Council adopts the fiscal impact statement in the Committee report for the Housing and Community Development Reform Advisory Commission Extension Temporary Amendment Act of 2004, signed by the Mayor on November 1, 2004 (D.C. Act 15-576; 51 DCR 10590), 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
January 19, 2005

AN ACT

D.C. ACT 16-6

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 19, 2005

Codification
District of
Columbia
Official Code

2001 Edition

2005 Spring
Supp.West Group
Publisher

To amend, on an emergency basis, due to Congressional review, Chapter 20 of Title 21 of the District of Columbia Official Code to add a definition of "emergency care" to the guardianship law, and to amend the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978 to authorize the Administrator of the Mental Retardation and Developmental Disabilities Administration, or the Administrator's designee, to grant, refuse, or withdraw consent, with certain limitations, on behalf of incapacitated customers, for health care services, treatment, or procedures, upon the certification of 2 licensed physicians.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Citizens with Mental Retardation Substituted Consent for Health Care Decisions Congressional Review Emergency Amendment Act of 2005".

Sec. 2. Chapter 20 of Title 21 of the District of Columbia Official Code is amended as follows:

(a) Section 21-2011 is amended by adding a new paragraph (5A) to read as follows:
"(5A) "Emergency care" means immediate treatment, including diagnostic treatment, provided in response to a sudden, acute, and unanticipated medical crisis in order to avoid injury, extreme pain, impairment, or death."

Note,
§ 21-2011

(b) Section 21-2046(a) is amended by striking the phrase "life threatening emergency" and inserting the phrase "life-threatening situation or a situation involving emergency care" in its place.

Note,
§ 21-2046

Sec. 3. The Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978, effective March 3, 1979 (D.C. Law 2-137; D.C. Official Code § 7-1301.02 *et seq.*), is amended as follows:

(a) Section 507 (D.C. Official Code § 7-1305.07) is amended to read as follows:
"Sec. 507. (a) Subject to the limitations provided in subsection (b) of this section, if a customer is certified as an incapacitated individual in accordance with D.C. Official Code § 21-2204, and there is no known person reasonably available, mentally capable, and willing to act

Note,
§ 7-1305.0

pursuant to D.C. Official Code § 21-2210, the Administrator of the Mental Retardation and Developmental Disabilities Administration ("Administrator"), or the Administrator's designee, is authorized to grant, refuse, or withdraw consent on behalf of a customer with respect to the provision of any health care service, treatment, or procedure; provided, that 2 licensed physicians have certified in writing that the health care service, treatment, or procedure is clinically indicated to maintain the health of the customer.

"(b) The Administrator, or the Administrator's designee, is not authorized, unless authorized by a court, to consent to the following:

"(1) An abortion, sterilization, psychosurgery, or removal of a bodily organ, except to preserve the life or prevent the immediate serious impairment of the physical health of the customer;

"(2) Convulsive therapy;

"(3) Experimental treatments or behavior modification programs involving aversive stimuli or deprivation of rights; or

"(4) The withholding of life-saving medical procedures.

"(c) Nothing in this section shall be read to require any person to execute a durable power of attorney for health care."

(b) A new section 507a is added to read as follows:

"Sec. 507a. (a) It shall be the policy of the District government to ensure that incapacitated persons have available health care decisionmakers. The Administrator of the Mental Retardation and Developmental Disabilities Administration shall establish a plan to encourage, as much as possible, the provision of health care decisionmakers pursuant to D.C. Official Code § 21-2210 for all incapacitated and potentially incapacitated persons under the Administrator's jurisdiction.

"(b) Nothing in this section shall be read to require any person to execute a durable power of attorney for health care."

Sec. 4. Applicability.

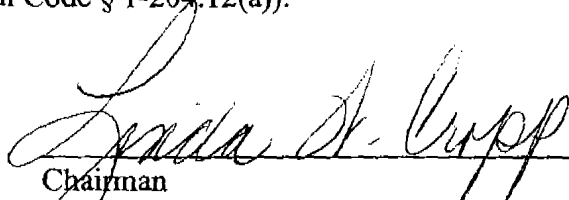
This act shall apply as of January 19, 2005.

Sec. 5. Fiscal impact statement.

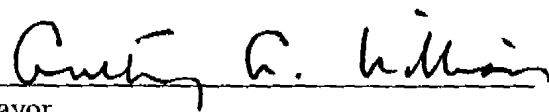
The Council anticipates that this act will reduce costs to the Mental Retardation and Developmental Disabilities Administration by reducing legal costs associated with guardianships. This act will also reduce Medicaid costs to the District of Columbia because prompt attention to medical needs will reduce medical costs.

Sec. 6. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 19, 2005

AN ACT

D.C. ACT 16-7

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 19, 2005*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Spring
Supp.West Group
Publisher

To amend, on an emergency basis, due to Congressional review, An Act Authorizing the sale of certain real estate in the District of Columbia no longer needed for public purposes, to establish a new time period in which the Mayor may dispose of certain property located in Ward 8 in accordance with the Request for Proposals for the Disposition of Camp Simms Approval Resolution of 2000.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Disposal of District-Owned Surplus Real Property in Ward 8 Congressional Review Emergency Amendment Act of 2005".

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

Note,
§ 10-801

"(d-2)(1) Notwithstanding subsection (d) of this section, the time period within which the Mayor may dispose of Square 5912, Lot 804 in Ward 8 in accordance with the Request for Proposals for the Disposition of Camp Simms Approval Resolution of 2000, effective December 5, 2000 (Res. 13-715; 47 DCR 9984), is extended to March 2, 2006.

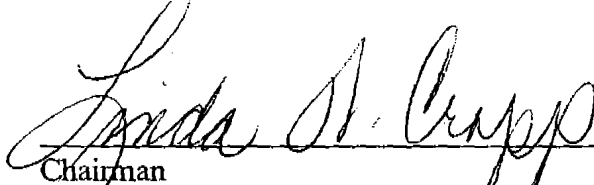
"(2) This subsection shall apply as of December 5, 2002."


Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Disposal of District-Owned Surplus Real Property in Ward 8 Amendment Act of 2004, signed by the Mayor on December 29, 2004 (D.C. Act 15-678), 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
January 19, 2005

AN ACT
D.C. ACT 16-8IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 19, 2005Codification
District of
Columbia
Official Code

2001 Edition

2005 Spring
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Publisher

To amend, on an emergency basis, due to Congressional review, the District of Columbia Public Assistance Act of 1982 to provide for confidentiality of information for individuals applying for or receiving public benefits through the Department of Human Services, Income Maintenance Administration, and to authorize the Mayor to issue rules pertaining to the release and disclosure of such records.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Public Assistance Confidentiality of Information Congressional Review Emergency Amendment Act of 2005".

Sec. 2. Section 904 of the District of Columbia Public Assistance Act of 1982, effective April 20, 1999 (D.C. Law 12-241; D.C. Official Code § 4-209.04), is amended to read as follows:

Note,
§ 4-209.04

"904. Confidentiality of information.

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

"(1) "Administering" means running public benefits programs in a manner that complies with District of Columbia or federal laws, rules, or regulations.

"(2) "Applicant" means an individual who has submitted an application for services under one or more IMA programs.

"(3) "Disclosure" means the release, transfer, provision of, provision of access to, or distribution of information in any manner by an entity holding the information to a person outside of the entity.

"(4) "Health Insurance Portability and Accountability Act" means the Health Insurance Portability and Accountability Act of 1996, approved August 21, 1996 (Pub. L. 104-191; 110 Stat. 1936), and the regulations issued thereunder, 45 C.F.R. Parts 160 and 164, enacted for the primary purpose of safeguarding the privacy of an individual's protected health information by restricting the use or disclosure of the information to certain limited circumstances, such as treatment by medical providers, payment of medical bills, or health care operations.

"(5) "IMA" means the Income Maintenance Administration within the Department of Human Services.

"(6) "IMA programs" means public benefit programs, including TANF,

POWER, Medical Assistance (including Medicaid), Food Stamps, Interim Disability Assistance, Burial Assistance, Refugee Resettlement Assistance, General Assistance for Children, and programs under titles I, V-A, IV-D, XVI, or XIX of Title 21 of the Social Security Act, approved August 14, 1935 (49 Stat. 757; 42 U.S.C. § 301 *et seq.*).

“(7) “Individual’s representative” means a person authorized in writing to review or copy an applicant’s or recipient’s record, or submit or receive information on behalf of the applicant or recipient by:

“(A) The applicant or recipient;

“(B) A court of competent jurisdiction; or

“(C) A person otherwise authorized by law to make decisions on behalf of the applicant or recipient, including decisions related to health care, such as the custodial parent, legal guardian, or personal representative, as set forth at 45 C.F.R. § 164.502(g).

“(8) “Recipient” means an applicant who meets the eligibility requirements and has been determined eligible to receive services through an IMA program.

“(9) “Personal notes” means:

“(A) Mental health information regarding an applicant or recipient disclosed to a mental health professional in confidence by other persons on condition that such information not be disclosed to the applicant or recipient, or to other persons; and

“(B) A mental health professional’s speculations about the applicant or recipient.

“(10) “Personal representative” means a person who:

“(A) Under applicable law, has the authority to act on behalf of an individual who is an adult or an emancipated minor in making decisions related to health care;

“(B) Is an executor, administrator, or other person who, under applicable law, has authority to act on behalf of a deceased individual or the individual’s estate; or

“(C) Is a parent, guardian, or other person acting in loco parentis who may have the authority to act on behalf of an unemancipated minor, as more fully set forth at 45 C.F.R. § 164.502(g).

“(11) “Protected health information” means any individually identifiable information, whether oral or recorded, in any form or medium, that is created or received and relates to the past, present, or future physical or mental health condition of an applicant or recipient, or to the payment for health care for an applicant or recipient.

“(12) “Record” or “applicant’s or recipient’s record” means any hard copy or electronic item, collection, or grouping of information, which includes protected health information, relating to an applicant or recipient that is maintained, collected, used, or disseminated for the purpose of administering an IMA program. The term “record” or “applicant’s or recipient’s record” includes information that the government of the District of Columbia collects and stores by the operation or administration of computerized public benefits eligibility screening tools.

“(b) IMA shall keep records to document information about applicants and recipients.

relating to IMA programs. The information shall be privileged and confidential and shall only be used or disclosed in accordance with this section.

“(1) The applicant or recipient has a right to privacy and shall be provided with a written notice about IMA’s privacy practices and the conditions governing inspection of records. A copy of the notice shall be maintained in the applicant’s or recipient’s record.

“(2) IMA shall secure the written authorization of the applicant, recipient, or individual’s representative pursuant to the requirements of 45 C.F.R. § 164.508 before requesting or disclosing information about the applicant or recipient to or from other agencies or individuals. A copy of the authorization shall be maintained in the applicant’s or recipient’s record.

“(3) An applicant or recipient shall submit a verbal or written request and an individual’s representative shall submit a written request to access information in an applicant’s or recipient’s record, including protected health information. Except for psychotherapy and personal notes, and information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding, the IMA shall make all information in the applicant’s or recipient’s record available to the applicant, recipient, or the individual’s representative.

“(A) IMA shall permit inspection or provide a copy of the information no later than 30 days after receiving the written request if the information is available on-site unless the applicant or recipient is under investigation pursuant to any provisions of subsection (b) of this section. If the written request is for information that is not maintained by or accessible to IMA on-site and IMA has knowledge of the information and its location, IMA must permit inspection or provide a copy of the information no later than 60 days after receiving the written request.

“(B) If IMA authorizes disclosure to a third party, other than the applicant or recipient’s individual representative, pursuant to a valid authorization, the disclosure shall be limited to the information specifically identified in a written authorization from the applicant, recipient, or the individual’s representative.

“(4) An applicant, recipient, or individual’s representative who believes that information in an applicant’s or recipient’s record is inaccurate or misleading may request that IMA amend the information by submitting a written request for amendment setting forth the reason for the change, including documentation, where appropriate. Within 60 days after it receives the request, the IMA shall make a determination on the request and either make amendments to the record or deny the request.

“(A) The IMA may deny a request for amendment if the information sought to be amended:

“(i) Was not created by IMA, unless the individual requesting the amendment provides a reasonable basis to believe that the originator of the protected health information or the information in the record is no longer available to act on the requested amendment;

“(ii) Is not part of the record;
“(iii) Is not available for inspection as provided in paragraph (3)
of this subsection; or

“(iv) Is accurate and complete.

“(B) If the request for amendment is denied, the IMA shall provide the applicant, recipient, or the individual’s representative with a written response setting forth the reason for denying the request for amendment and the procedures on how to request reconsideration of the decision, including a statement that the applicant, recipient, or individual’s representative has a right to submit a written statement disagreeing with the denial of all or part of a requested amendment and the basis of such disagreement.

“(C) If the request for amendment is granted, the IMA shall notify the applicant, recipient, or individual’s representative of the decision and how to obtain authorization concerning persons to be notified of the amendment.

“(D) All documentation generated from a request for amendment shall be included in the record of the applicant or recipient.

“(c) All information and records regarding an applicant or recipient provided to or created by the IMA, its representatives, or its employees, in the course of the administration of IMA programs, shall be privileged and confidential and shall only be disclosed:

“(1) To the applicant, recipient, or individual’s representative, in accordance with subsection (b) of this section;

“(2) To a third party, with a written authorization signed by the applicant, the recipient, or the individual’s representative authorizing disclosure of the specific record, or specific parts of the record; or

“(3) Without consent for one of the following purposes:

“(A) To administer IMA programs;

“(B) To aid in any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of IMA programs;

“(C) To administer any federal or federally-assisted program, which provides assistance, in cash or in-kind, or services directly to individuals on the basis of need;

“(D) To verify a state employment services agency for the purposes of providing information about a public assistance recipient’s eligibility for employer tax credits, except that protected health information shall not be disclosed to such agency;

“(E) For an audit or similar activity, such as review of expenditure reports or financial review, conducted in connection with the administration of any public assistance program by any governmental entity which is authorized by law to conduct such audit or activity;

“(F) To administer the unemployment compensation program for the District of Columbia or any other state unemployment compensation program, except that protected health information shall not be disclosed to such agency or program;

“(G) To report to the Metropolitan Police Department information on

ENROLLED ORIGINAL

known or suspected instances of physical or mental injury, sexual abuse, or exploitation, or to report to the appropriate authority charged with investigating such allegations information on known or suspected instances of negligent treatment or maltreatment of a child or vulnerable adult receiving aid under circumstances which indicate that the child's or vulnerable adult's health or welfare is threatened; or

“(H) To comply with a court order (a subpoena being insufficient) issued by a court of competent jurisdiction to compel disclosure of an applicant's or recipient's record or testimony of any Mayor's representative concerning an applicant or recipient for purposes directly related to the purposes listed in subparagraphs (A) through (G) of this paragraph.

“(d)(1) The administrator of the IMA shall approve each request for disclosure of a record made pursuant to subsection (c)(3) of this section before the IMA releases the record, or any portion thereof. For each disclosure of a record pursuant to subsection (c)(3) of this section, the IMA shall:

“(A) Record the disclosure in the applicant's or recipient's record;

“(B) Disclose only the information minimally necessary to satisfy the purpose of the request; and

“(C) Maintain a central log accounting for disclosures of protected health information.

“(2) An accounting for an approved disclosure shall contain, at minimum, the following:

“(A) The date of the disclosure;

“(B) The name of the person or entity that received the information and, if known, the address of the entity or person;

“(C) A brief description of the information disclosed; and

“(D) A brief statement of the purpose of the disclosure that states the exact basis for disclosure or, in lieu of that statement, a copy of the written request for disclosure.

“(3) Accounting is not required if the information is disclosed:

“(A) To administer IMA programs, or to carry out treatment, payment, and health care operations;

“(B) To persons involved in the applicant's or recipient's care;

“(C) For national security or intelligence purposes;

“(D) To correctional institutions or law enforcement officials; or

“(E) Prior to April 14, 2003.

“(e) The IMA shall review a requestor's credentials to verify the requestor's identity and authority before disclosing records to an applicant, recipient, or individual's representative, or to a person requesting disclosure of records pursuant to subsection (c)(3) of this section.

“(f) The IMA shall implement appropriate procedures to ensure the security of records and to minimize inadvertent disclosures of confidential records, including protected health information.

“(g) The IMA shall retain all information in an applicant's and recipient's record for at

least 3 years after the case is closed. A request for a disclosure of information under subsection (c)(3) of this section, along with the supporting documentation for each such request that the IMA is required to maintain under subsection (d) of this section, shall be retained by the IMA for at least 6 years, and shall be disclosed to an applicant, recipient, or individual representative upon written request.

“(h) The IMA shall ensure that IMA employees are trained on the provisions of this section and are aware that unauthorized use or disclosure of records may constitute cause for adverse or corrective personnel action.

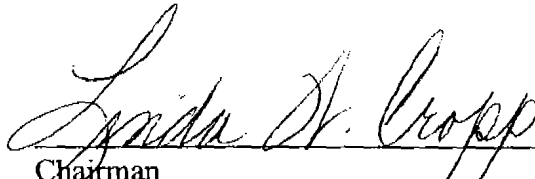
“(i) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et. seq.*), may issue rules to implement the provisions of this section.”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Public Assistance Confidentiality of Information Temporary Amendment Act of 2005, signed by the Mayor on November 1, 2004 (D.C. Act 15-569; 51 DCR 10565), 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

January 19, 2005

Codification District of Columbia Official Code, 2001 Edition

AN ACT
D.C. ACT 16-9

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 19, 2005

*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Spring
Supp.

West Group
Publisher

To establish, on an emergency basis, due to Congressional review, the Rehabilitation Services Program to assist individuals with disabilities in achieving gainful employment, and to authorize the Mayor to establish an economic needs test to be used in determining the ability of applicants for and recipients of vocational rehabilitation services to contribute to payment of the costs of the vocational rehabilitation services.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Rehabilitation Services Program Establishment Congressional Review Emergency Act of 2005".

Sec. 2. Establishment of the Rehabilitation Services Program.

(a) There is established a Rehabilitation Services Program that shall provide comprehensive, coordinated, efficient, and accountable federally subsidized services to individuals with disabilities, including individuals with significant disabilities, to assist those individuals in achieving gainful employment in accordance with the requirements of the Rehabilitation Act of 1973, approved August 7, 1998 (112 Stat. 1116; 29 U.S.C. § 720 *et seq.*).

(b) The Mayor shall establish an economic needs test to be used in determining the ability of applicants for and recipients of vocational rehabilitation services to contribute to the payment of the costs of the vocational rehabilitation services.

Sec. 3. Rules.

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

Sec. 4. Applicability.

This act shall apply as of January 19, 2005.

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DISTRICT OF COLUMBIA REGISTER

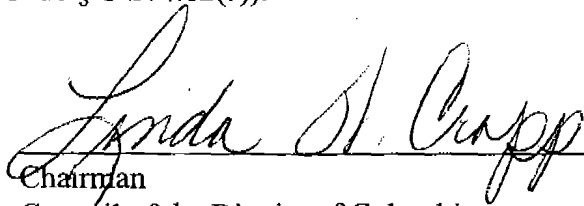
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Sec. 5. Fiscal impact statement.

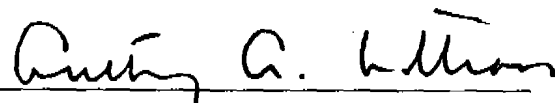
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412 (a) of the 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
January 19, 2005

AN ACT
D.C. ACT 16-10

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 19, 2005*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Spring
Supp.West Group
Publisher

To authorize, on an emergency basis, due to Congressional review, the issuance of District of Columbia general obligation tax revenue anticipation notes to finance general governmental expenses for the fiscal year ending September 30, 2005.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2005 Tax Revenue Anticipation Notes Congressional Review Emergency Act of 2005".

Sec. 2. Definitions.

For the purposes of this act, the term:

*Note,
§ 1-204.72*

(1) "Additional Notes" means District general obligation revenue anticipation notes described in section 9 that may be issued pursuant to section 472 of the Home Rule Act and that will mature on or before September 30, 2005, on a parity with the notes.

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

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

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

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

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

(7) "Council" means the Council of the District of Columbia.

(8) "District" means the District of Columbia.

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

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

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

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

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

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

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

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

Sec. 3. Findings.

The Council finds that:

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

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

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

(4) The Mayor has advised the Council that, based upon the Mayor's projections of anticipated receipts and disbursements during the fiscal year ending September 30, 2005, it

may be necessary for the District to borrow a sum not to exceed \$350 million, an amount that does not exceed 20% of the total anticipated revenue of the District for such fiscal year, and to accomplish the borrowing by issuing general obligation revenue anticipation notes in one or more series.

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

Sec. 4. Note authorization.

(a) The District is authorized to incur indebtedness by issuing the notes pursuant to sections 472 and 482 of the Home Rule Act, in one or more series, in a sum not to exceed \$350 million, to finance its general governmental expenses, in anticipation of the collection or receipt of revenues for the fiscal year ending September 30, 2005.

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

Sec. 5. Note details.

(a) The notes shall be known as "District of Columbia Fiscal Year 2005 General Obligation Tax Revenue Anticipation Notes" and shall be due and payable, as to both principal and interest, on or before September 30, 2005.

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

(1) The final form, content, designation, and terms of the notes, including any redemptions applicable thereto and a determination that the notes may be issued in book entry form;

(2) Provisions for the transfer and exchange of the notes;

(3) The principal amount of the notes to be issued;

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

(5) The date or dates of issuance, sale, and delivery of the notes;

(6) The place or places of payment of principal of, and interest on, the notes;

(7) The designation of a registrar, if appropriate, for any series of the notes, and the execution and delivery of any necessary agreements relating to the designation;

(8) The designation of paying agent(s) or escrow agent(s) for any series of the notes, and the execution and delivery of any necessary agreements relating to such designations; and

(9) Provisions concerning the replacement of mutilated, lost, stolen, or destroyed notes.

(c) The notes shall be executed in the name of the District and on its behalf by the manual signature of the Mayor or an authorized delegate. The official seal of the District or a facsimile of it shall be impressed, printed, or otherwise reproduced on the notes. If a registrar is designated, the registrar shall authenticate each note by manual signature and maintain the books of registration for the payment of the principal of, and interest on, the notes and perform other ministerial responsibilities as specifically provided in its designation as registrar.

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

Sec. 6. Sale of the notes.

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

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

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

(1) The issuance of the notes;

(2) The establishment or preservation of the exclusion from gross income for federal income tax purposes of interest on the notes, the treatment of interest on the notes as not constituting an item of tax preference for purposes of the federal alternative minimum tax ("non-AMT"), if the notes are originally issued as non-AMT notes, and the exemption from District income taxation of interest on the notes (except estate, inheritance, and gift taxes);

(3) The performance of any covenant contained in this act, in any purchase contract for the notes, or in any escrow or other agreement for the security thereof;

(4) The provision for securing the repayment of the notes by a letter or line of credit or other form of credit enhancement, and the repayment of advances under any such credit enhancement, including the evidencing of such a repayment obligation with a negotiable instrument with such terms as the Mayor shall determine; or

(5) The execution, delivery, and performance of the Escrow Agreement, a purchase contract, or a bid form for the notes, a paying agent agreement, an agreement relating to credit enhancement, if any, including any amendments of any of these agreements, documents, or instruments.

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

(e) The Mayor shall execute a note issuance certificate evidencing the determinations and other actions taken by the Mayor for each issue or series of the notes issued and shall designate in the note issuance certificate the date of the notes, the series designation, the aggregate principal amount to be issued, the authorized denominations of the notes, the sale price, and the interest rate or rates on the notes. The Mayor shall certify in a separate certificate, not more than 15 days before each original issuance of a series, the total anticipated revenue of the District for the fiscal year ending September 30, 2005, and that the total amount of all general obligation revenue anticipation notes issued and outstanding at any time during the fiscal year will not exceed 20% of the total anticipated revenue of the District for the fiscal year. These certificates shall be delivered at the time of delivery of the notes and shall be conclusive evidence of the actions taken as stated in the certificates. A copy of each of the certificates shall be filed with the Secretary to the Council not more than 3 days after the delivery of the notes covered by the certificates.

Sec. 7. Payment and security.

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

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

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

(d) The Mayor may, without regard to any act or resolution of the Council now existing or adopted after the effective date of this act, designate an Escrow Agent under the Escrow Agreement. The Mayor may execute and deliver the Escrow Agreement, on behalf of the District and in the Mayor's official capacity, containing the terms that the Mayor considers necessary or appropriate to carry out the purposes of this act. A special account entitled "Special Escrow for Payment of District of Columbia Fiscal Year 2005 General Obligation Tax Revenue Anticipation Notes" is created and shall be maintained by the Escrow Agent for the benefit of the owners of the notes as stated in the Escrow Agreement. Funds on deposit, including investment income, under the Escrow Agreement may not be used for any purposes except for payment of the notes or, to the extent permitted by the Home Rule Act, to service any contract or other arrangement permitted under subsections (k) or (l) of this section, and may be invested only as provided in the Escrow Agreement.

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

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

(2) If Additional Notes are issued pursuant to section 9(b), and if on the date set forth in the Escrow Agreement, the aggregate amount of principal and interest payable at maturity on the outstanding notes, including any Additional Notes, less all amounts on deposit, including investment income, under the Escrow Agreement exceeds 90% of the actual receipts of District taxes (other than special taxes or charges levied pursuant to section 481(a) of the Home Rule Act, and taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act), for the period August 15, 2005, until September 30, 2005, then beginning on the date set forth in the Escrow Agreement, the Mayor shall promptly, upon receipt by the District, set aside and deposit with the Escrow Agent the receipts received by the District after the date set forth in the Escrow Agreement, until the aggregate amount of principal and interest payable on the outstanding notes, including Additional Notes as described above, is less than 90% of actual receipts of District taxes (other than special tax or charges levied pursuant to section 490 of the Home Rule Act).

(3) The District covenants that it shall levy, maintain, or enact taxes due and payable during August 1, 2005, through September 30, 2005, to provide for payment in full of the principal of, and interest on, the notes when due. The taxes referred to in this paragraph shall be separate from special taxes or charges levied pursuant to section 481(a), or taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act.

(4) The District covenants that so long as any of the notes are outstanding, it shall not grant, create, or permit the existence of any lien, pledge, or security interest with respect to its taxes due and payable during the period August 1, 2005, through September 30,

2005, or commit or agree to set aside and apply those tax receipts to the payment of any obligation of the District other than the notes. The taxes referred to in this paragraph shall not include special taxes or charges levied pursuant to section 481(a), or taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act, or any real property tax liens created or arising in any fiscal year preceding the issuance of the notes.

(g) Before the 16th day of each month, beginning in August 2005, the Mayor shall review the current monthly cash flow projections of the District, and if the Mayor determines that the aggregate amount of principal and interest payable at maturity on the notes then outstanding, less any amounts and investment income on deposit under the Escrow Agreement, equals or exceeds 85% of the receipts estimated by the Mayor to be received after such date by the District but before the maturity of the notes, then the Mayor shall promptly, upon receipt by the District, set aside and deposit with the Escrow Agent the receipts received by the District on and after that date until the aggregate amount, including investment income, on deposit with the Escrow Agent equals or exceeds 100% of the aggregate amount of principal of, and interest on, the notes payable at their maturity.

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

(i) There are provided and approved for expenditure sums as may be necessary for making payments of the principal of, and interest on, the notes, and the provisions of the District of Columbia Appropriations Act, 2005, if enacted prior to the effective date of this act, relating to short-term borrowings are amended and supplemented accordingly by this section, as contemplated in section 483 of the Home Rule Act.

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

(k) In addition to the security available for the holders of the notes, the Mayor is hereby authorized to enter into agreements, including any agreement calling for payments in excess of

\$1 million during fiscal year 2005, with a bank or other financial institution to provide a letter of credit, line of credit, or other form of credit enhancement to secure repayment of the notes when due. The obligation of the District to reimburse said bank or financial institution for any advances made under any such credit enhancement shall be a general obligation of the District until repaid and shall accrue interest at the rate of interest established by the Mayor not in excess of 15% per year until paid.

(l) The District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*), and the Financial Institutions Deposit and Investment Amendment Act of 1997, effective March 18, 1998 (D.C. Law 12-56; D.C. Official Code § 47-351.01 *et seq.*), shall not apply to any contract which the Mayor may from time to time determine to be necessary or appropriate to place, in whole or in part:

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

(2) An investment or obligation or program of investment; or

(3)(A) A contract or contracts based on the interest rate, currency, cash flow, or other basis as the Mayor may desire, including, without limitation, interest rate swap agreements; currency swap agreements; insurance agreements; forward payment conversion agreements; futures; contracts providing for payments based on levels of, or changes in, interest rates, currency exchange rates or stock or other indices; contracts to exchange cash flows or a series of payments; and contracts to hedge payment, currency, rate, spread or similar exposure, including, without limitation, interest rate floors, or caps, options, puts, and calls.

(B) The contracts or other arrangements also may be entered into by the District in connection with, or incidental to, entering into or maintaining any agreement that secures the notes. The contracts or other arrangements shall contain whatever payment, security, terms, and conditions as the Mayor may consider appropriate and shall be entered into with whatever party or parties the Mayor may select, after giving due consideration, where applicable, to the creditworthiness of the counterparty or counterparties, including any rating by a nationally recognized rating agency or any other criteria as may be appropriate. In connection with, or incidental to, the issuance or holding of the notes, or entering into any contract or other arrangement referred to in this section, the District may enter into credit enhancement or liquidity agreements, with payment, interest rate, termination date, currency, security, default, remedy, and any other terms and conditions as the Mayor determines. Proceeds of the notes and any money set aside for payment of the notes or of any contract or other arrangement entered into pursuant to this section may be used to service any contract or other arrangement entered into pursuant to this section.

Sec. 8. Defeasance.

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

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

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

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

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

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

Sec. 9. Additional debt and other obligations.

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

(b)(1) The District may issue Additional Notes pursuant to section 472 of the Home Rule Act that shall mature on or before September 30, 2005, and the District shall covenant to set aside and deposit under the Escrow Agreement, receipts and other available funds for payment of the principal of, and the interest on, the Additional Notes on a parity basis with the notes.

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

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

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

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

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

(1) The stated maturity date of all outstanding notes and Additional Notes; or

(2) The date an amount sufficient to pay all principal and interest payable at maturity on the notes and the Additional Notes is on deposit with the Escrow Agent.

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

Sec. 10. Tax matters.

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

Sec. 11. Contract.

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

Sec. 12. District officials.

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

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

Sec. 13. Authorized delegation of authority.

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

Sec. 14. Maintenance of documents.

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

Sec. 15. Information reporting.

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

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

Sec. 16. Fiscal impact statement.

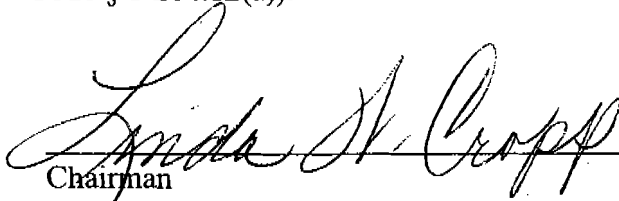
The Office of the Chief Financial Officer estimates that the fiscal impact of issuing these Tax Revenue Anticipation Notes is as follows:

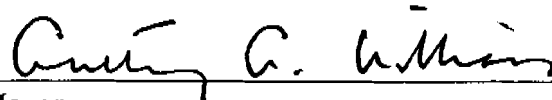
(1) The debt service expense associated with issuing Tax Revenue Anticipation Notes to fund Fiscal Year 2005 seasonal cash needs in the amount of approximately \$250 million is incorporated in the District's proposed Fiscal Year 2005 budget. This act has a not-to-exceed amount of \$350 million, as a contingency in the event that the District's actual Fiscal Year 2005 seasonal cash needs exceed the projected cash needs at the time of budget preparation. In that event, the Office of the Chief Financial Officer plans to manage its total debt service expenditures in a manner that keeps such expenditures from exceeding the total debt service budget. As such, there is no additional fiscal impact associated with the passage of this act or the issuance of the notes.

(2) The fiscal impact associated with not passing this act could be an inability of the District to meet numerous operating expenditures during Fiscal Year 2005.

Sec. 17. 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
January 19, 2005