

AN ACT

D.C. ACT 16-11

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 Uniform Disposition of Unclaimed Property Act of 1980 to make a technical correction.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Unclaimed Property Demutualization Proceeds Technical Correction Congressional Review Emergency Amendment Act of 2005".

Sec. 2. Section 117(d) of the Uniform Disposition of Unclaimed Property Act of 1980, effective March 5, 1981 (D.C. Law 3-160; D.C. Official Code § 41-117(d)), is amended by striking the phrase "filed later than October 1" and inserting the phrase "filed no later than October 1" in its place.

Note,
§ 41-117

Sec. 3. Applicability.

This act shall apply as of December 30, 2004.

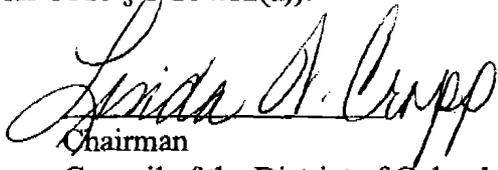
Sec. 4. Fiscal impact statement.

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

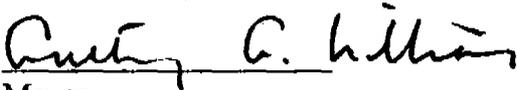
Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, 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 16-12

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 28, 2005

*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Spring
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To establish, on an emergency basis, a Natural Gas Trust Fund; to clarify the authority of the Public Service Commission to regulate outdoor pay telephones and to increase the penalty for unregistered pay telephones; to amend the District of Columbia Procurement Practices Act of 1985 to exempt electricity purchases by the District government from certain provisions of the act; to amend An Act To provide alternative methods of enforcement of orders, rules, and regulations of the Joint Board and of the Public Utilities Commission of the District of Columbia to increase a fine; to amend AN ACT Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes to require public utilities to notify both the Public Service Commission and the Office of the People's Counsel and submit a written report whenever there is an incident resulting in loss of human life, personal injury requiring hospitalization, or significant service interruption, to increase salaries for the Commissioners of the Public Service Commission, to reduce from 5 years to one year the time that Commission nominees are barred from holding a pecuniary interest in any utility company regulated by the Public Service Commission and limit the eligibility of individuals employed by a public utility or any other entity appearing before the Public Service Commission, to require that notice of rate applications or changes in condition of service be available on a public utility's website and either by written or electronic notice to customers, to require the Public Service Commission and the Office of the People's Counsel to refund assessments in inactive cases; to amend the Retail Electric Competition and Consumer Protection Act of 1999 to require emissions disclosure and to revise the date for filing annual agency fund deposit reports; to amend the Telecommunications Competition Act of 1996 to increase the authorized assessment in telecommunications cases; and to amend Title 15 of the District of Columbia Municipal Regulations to increase the penalty for unregistered pay telephones.

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

Title I. NATURAL GAS

Sec. 101. Natural Gas Trust Fund; public purpose programs.

(a)(1) There is hereby established the Natural Gas Trust Fund, which shall be a proprietary fund in the nature of an enterprise fund as classified under D.C. Official Code § 47-373(1)(B).

(2) The gas company shall remit all proceeds collected under subsection (b) of this section to the Mayor on a monthly basis. The Mayor shall deposit those proceeds into the Natural Gas Trust Fund. All proceeds collected by the gas company under subsection (b) of this section shall be credited to the Natural Gas Trust Fund without regard to fiscal year limitation and shall not at any time be transferred to, lapse into, or be commingled with the General Fund of the District of Columbia or any other fund or account of the District of Columbia.

(3) All interest earned on monies deposited in the Natural Gas Trust Fund shall be credited to the Natural Gas Trust Fund and shall be used solely for the purposes designated in this section. All revenue credited to the Natural Gas Trust Fund shall be used solely to fund the programs mandated by subsection (c) of this section.

(b)(1) All customers other than those participating in the residential essential service program established by the Commission shall contribute to the Natural Gas Trust Fund through a non-bypassable charge listed on customers' bills and collected by the gas company.

(2)(A) The charge mandated by paragraph (1) of this subsection shall be determined by the Commission and may not vary by customer class.

(B) Notwithstanding any other provision of this section, the charge mandated by this subsection shall not exceed \$.016434 per therm nor shall it be less than \$0.005478 per therm. The minimum charge shall be applicable beginning May 1, 2005, unless or until the Commission establishes a different charge pursuant to this subsection.

(3) On an annual basis, the Commission shall evaluate the charge mandated by paragraph (1) of this subsection to determine whether it is set at an appropriate level to fund the programs mandated by subsection (c) of this section. Subject to the restrictions in paragraph (2) of this subsection, the Commission shall adjust the charge if the Commission finds that the charge is not set at an appropriate level.

(c)(1) The Commission shall establish a universal service program to assist low-income natural gas customers in the District of Columbia.

(2) The program established under this subsection shall be administered by the District of Columbia Office of Energy.

(d) The Commission shall establish a program to promote energy efficiency in the District of Columbia. The program shall be administered by the District of Columbia Office of Energy, and it may include:

- (1) Rate discounts or other rate-related incentives;
- (2) Financial incentives for owners of low-income residential properties; and
- (3) Energy efficiency assistance to customers who qualify for the universal service program under subsection (c)(1) of this section.

(e) At the discretion of the Commission, and to the extent allowed by District of Columbia or federal law, the universal service and energy efficiency programs developed under this section may be combined with any existing universal service and energy efficiency programs administered by the Commission or the District of Columbia Office of Energy.

TITLE II. PAY TELEPHONES

Sec. 201. Pay telephone service providers.

(a) The Public Service Commission shall have the power and authority to prescribe rules and regulations for the operation, maintenance, and location of outdoor pay telephones in the District of Columbia.

(b) The Commission shall, by rules or regulations, establish standards:

- (1) To certify a pay telephone service provider seeking to provide pay telephone services in the District of Columbia;
- (2) For the registration, renewal of a registration for a pay telephone, and transfer of ownership of a registered pay telephone;
- (3) For the installation and removal of a pay telephone;
- (4) To investigate a consumer complaint regarding pay telephone service; and
- (5) to establish operating requirements for all outdoor pay telephones.

(c) The Commission shall by regulation or order prescribe procedures for reviewing any complaint relating to pay telephone services in the District of Columbia. The regulation or order shall include provisions for a formal hearing, decision, and appeal arising from any complaint.

(d)(1) In weighing evidence regarding whether a pay telephone constitutes a public nuisance, the Public Service Commission shall give great weight to the:

- (A) Written recommendation of the Advisory Neighborhood Commission in which the pay telephone is located or proposed to be located; and
- (B) Written statement or testimony of a member of the Metropolitan Police Department.

(2) For the purpose of this section only, great weight means that, unless there is a compelling reason to do otherwise, the Public Service Commission shall defer to the opinion of the Metropolitan Police Department or Advisory Neighborhood Commission.

TITLE III. GENERAL

Sec. 301. Section 320 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-303.20), is amended by adding a new subsection (r) to read as follows:

Note,
§ 2-303.20

“(r)(1) Contracts for the delivery of electrical power and ancillary services for the District of Columbia shall be exempt from the following requirements of this act:

- “(A) Section 304(d);
- “(B) Section 105a(j)(1) and (2).

ENROLLED ORIGINAL

"(2) Approval of the Council shall be required in accordance with section 451(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(a))."

Sec. 302. Section 8 of AN ACT To provide alternative methods of enforcement of orders, rules, and regulations of the Joint Board and of the Public Utilities Commission of the District of Columbia, approved April 5, 1939 (53 Stat. 569; D.C. Official Code § 34-731), is amended by striking the phrase "\$300" and inserting the phrase "\$10,000" in its place. Note,
§ 34-731

Sec. 303. Section 8 of AN ACT Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes, approved March 4, 1913 (37 Stat. 974; codified in scattered sections of Title 34 of the District of Columbia Official Code), is amended as follows:

(a) Paragraph 89 (D.C. Official Code § 34-401) is amended to read as follows:

"(a) Every public utility shall, whenever an incident occurs within the District of Columbia that results in the loss of human life, personal injury requiring hospitalization, or service disruption directly or indirectly arising from or connected with its maintenance or operation, give immediate notice thereof to the Public Service Commission and the Office of the People's Counsel of the District of Columbia. In the event of any such incident, the public utility shall also submit a written report to the Commission that explains the cause of the incident, what steps if any the public utility will undertake to prevent such an occurrence in the future, and such other information which the Public Service Commission shall, by order or regulation, require. The Commission, by regulation or order, shall establish the minimum criteria for a service disruption (e.g., time period or minimum number of affected customers) that warrants notification and a report under this paragraph. The Commission, if it deems the public interest requires it, shall cause an investigation to be made of any incident. Note,
§ 34-401

"(b) The report required by subparagraph (a) of this paragraph shall not be admitted into evidence for any purpose in any suit or action for damages arising out of the loss of life, injury, or service interruption referred to in this section."

(b) Paragraph 85(a) (D.C. Official Code § 34-706(a)) is amended by striking is amended by striking the phrase "\$300" and inserting the phrase "\$5,000" in its place Note,
§ 34-706

(c) Paragraph 97(a) (D.C. Official Code § 34-801) is amended as follows: Note,
§ 34-801

(1) Strike the sentence "Each of the commissioners shall receive a salary equivalent to that received by an employee compensated at the top level of grade 16 pursuant to Title XI of the District of Columbia Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.01 *et seq.*)" and insert the phrase "The Chairperson shall receive a salary equivalent to that received by an employee compensated at grade 17, step 10 pursuant to Title VIII 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 § 1-608.01). The

Commissioners shall receive a salary equivalent to that received by an employee compensated at grade 17, step 8 pursuant to Title VIII of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.01 *et seq.*).

(2) Strike the sentence "No person shall be eligible to the office of commissioner of said Public Service Commission who is, or who shall have been during a period of 5 years next preceding his appointment, directly or indirectly interested in any public utility operating, owning, or having an interest in property in the District of Columbia; or in any stock, bond, mortgage, security, or contract of any such public utility." and insert the phrase "No person shall be eligible to the office of commissioner of the Public Service Commission who is, or who shall have been during a period of one year preceding his appointment, directly or indirectly interested in any public utility or other entity appearing before the Commission or in any stock, bond, mortgage, security, or contract of any public utility or entity, except for stocks that are part of a publicly listed mutual fund other than a utility-focused mutual fund. A person shall not be eligible for appointment as a commissioner if the person, at any time during the 5 years preceding appointment, personally served as an officer, director, owner, manager, partner, or legal representative of a public utility, affiliate, or direct competitor of a public utility." in its place.

(d) Paragraph 39(a) (D.C. Official Code § 34-909(a)) is amended by striking the second sentence and inserting the sentence "The notice shall be available for viewing at a utility's website, and either by electronic notice to those ratepayers who have registered for electronic billing with the utility or by written notice in the affected ratepayer's billing envelope." in its place.

Note,
§ 34-909

(e) Paragraph 42(a) (D.C. Official Code § 34-912(a)) is amended as follows:

Note,
§ 34-912

(1) Sub-subparagraph (2) is amended by striking the last sentence and inserting the phrase "The balance of any sums for a specific proceeding remaining in each fund after a 12-month period in which actual expenditures for that proceeding were 5% or less of the fund balance, shall be returned to the utility which made the deposit. The balance of any sums for a specific proceeding remaining after the final disposition of the proceeding or any litigation arising therefrom shall be returned promptly to the utility which made the deposit." in its place.

(2) Sub-subparagraph (7) is amended to read as follows:

"(7) The Commission and the Office shall issue reports to the Mayor and the Council by February 15 of the succeeding fiscal year on deposits to and disbursements from their respective agency funds during each fiscal year. Copies of the reports shall provided to each public utility."

Sec. 304. The Retail Electric Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D.C. Law 13-107; D.C. Official Code § 34-1501 *et seq.*), is amended as follows:

(a) Section 104(c)(2)(D.C. Official Code § 34-1504(c)(2)) is amended to read as follows:

Note,
§ 34-1504

"(c)(2)(A)(i) Under criteria established by Commission regulation or order, the Commission shall determine for each electricity supplier licensed under section 105 whether it is

feasible for that electricity supplier to disclose every 6 months emissions on a pound per megawatt-hour basis and the fuel mix of the electricity sold by that supplier in the District of Columbia. For fuel mix, the categories include electricity generated from coal, natural gas, nuclear energy, oil, hydroelectric, solar, biomass, wind, and other sources. For emissions, the categories include carbon dioxide, nitrogen oxide, sulfur dioxide, and any other pollutants specified by the Commission.

“(i) The Commission shall make a determination of feasibility under sub-subparagraph (i) of this subparagraph either within 6 months after the date on which an electricity supplier receives a license under section 105 or within 6 months of the effective date of the Omnibus Utility Amendment Act of 2004, passed on 2nd reading on December 21, 2004 (Enrolled version of Bill 15-872).

“(B) If the Commission determines under subparagraph (A)(i) of this paragraph that it is feasible for an electricity supplier to disclose the emissions and fuel mix of the electricity sold by that supplier in the District of Columbia, the Commission, by regulation or order, shall require the electricity supplier to disclose every 6 months the emissions and fuel mix of the electricity sold by the supplier in the District of Columbia in the categories provided in subparagraph (A)(i) of this paragraph.

“(C) If the Commission determines under subparagraph (A)(i) of this paragraph that it is not feasible for an electricity supplier to disclose the emissions and fuel mix of the electricity sold by the supplier in the District of Columbia, the Commission, by regulation or order, shall require the electricity supplier to disclose to its customers every 6 months a regional emissions and fuel mix average in the categories provided in subparagraph (A)(i) of this paragraph.”

(b) Section 114 is amended as follows:

(1) Subsection (b)(2)(C)(D.C. Official Code § 34-1514(b)(2)(C)) is amended by striking the period at the end of the last sentence and inserting the phrase “, but shall not be less than \$.0001 per kilowatt hour. Collection shall commence as of February 1, 2005.” in its place.

Note,
§ 34-1514

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

“(e) Proceedings regarding the establishment of programs under this section shall be legislative in nature and not be contested cases as defined in section 3(8) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-502(8)).”

Sec. 305. Section 3(m) of the Telecommunications Competition Act of 1996, effective September 9, 1996 (D.C. Law 11-154; D.C. Official Code § 34-2002), is amended as follows:

Note,
§ 34-2002

(a) Strike the phrase “\$100,000” and insert the phrase “\$250,000” in its place.

(b) Strike the phrase “\$50,000” and insert the phrase “\$150,000” in its place.

Sec. 306. Section 617 of Title 15 of the District of Columbia Municipal Regulations is amended by adding a new subsection 617.2 to read as follows: DCMR

“617.2 Operation of a pay telephone without first registering the instrument with the Commission shall subject the PSP to a fine of \$3,000.”.

Title IV. APPLICABILITY, FISCAL IMPACT, EFFECTIVE DATE

Sec. 401. Applicability.

Sections 303(c)(1) and 305 shall apply as of October 1, 2004.

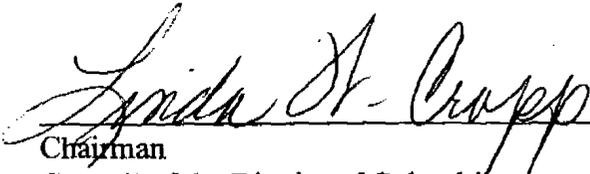
Note,
§§ 34-801,
34-2002

Sec. 402. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report of the Omnibus Utility Amendment Act of 2004, passed on 2nd reading on December 21, 2004 (Enrolled version of Bill 15-872), 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. Code § 1-233(c)(3)).

Sec. 403. 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 28, 2005

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-13

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 2, 2005

To authorize, on an emergency basis, the expenditure during fiscal year 2005, of \$1.2 million of local funds appropriated in the District of Columbia Appropriations Act, 2005 for a grant to the Excel Institute, a nonprofit entity.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Excel Institute Grant Authority Emergency Act of 2005".

Sec. 2. Authorization.

Of the \$1.2 million of local funds earmarked for the Excel Institute under the District of Columbia Appropriations Act of 2005, approved October 18, 2004 (Pub. L. No. 108-355; 118 Stat. 1322), the Mayor is authorized to provide a grant of \$1.2 million during fiscal year 2005 to the Excel Institute, a nonprofit entity, for automotive technology training services to be provided to high risk, low-income District residents.

Sec. 3. Rulemaking.

The Mayor may promulgate rules necessary to implement this act.

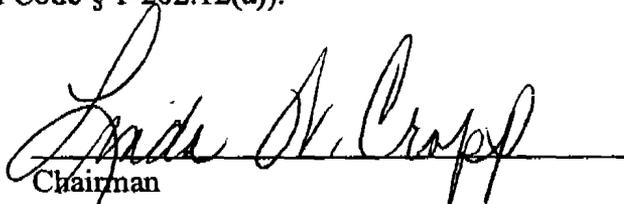
Sec. 4. Fiscal impact statement.

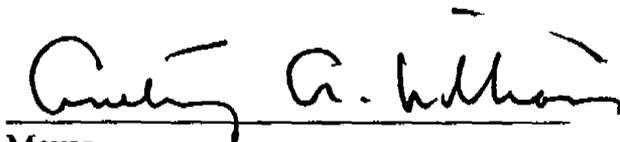
The expenditure of \$1.2 million of local funds is already incorporated into the District's fiscal year 2005 budget and financial plan and, therefore, the enactment of this legislation has no fiscal impact.

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 § 1-202.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED
February 2, 2005

AN ACT
D.C. ACT 16-14

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
FEBRUARY 2, 2005

To authorize, on an emergency basis, payment to Excel Institute for automotive technology training services provided to the Department of Employment Services.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Excel Institute Payment Authorization Emergency Act of 2005".

Sec. 2. Pursuant to section 105(d) of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code §2-301.05(d)), the Council hereby authorizes the Department of Employment Services to pay the Excel Institute \$196,307.39 for automotive technology training received during the period of August 1, 2004 through September 30, 2004.

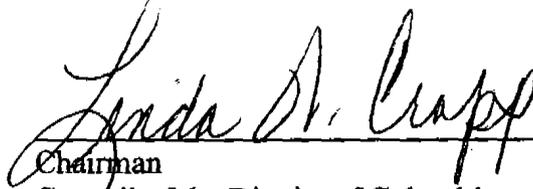
Sec. 3. Fiscal impact statement.

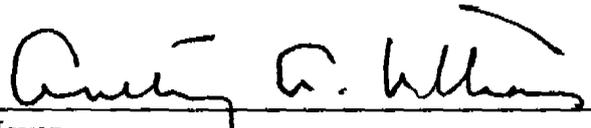
The Council adopts the fiscal impact statement provided by the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

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
February 12, 2005

AN ACT

D.C. ACT 16-15

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 17, 2005

*Codification
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To continue, on an emergency basis, due to Congressional review, a parking meter fee moratorium on Saturday for up to 2 hours, unless current signage permits otherwise, and on other days between 6:30 p.m. and 7:00 a.m.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Parking Meter Fee Moratorium Congressional Review Emergency Act of 2005".

Sec. 2. Parking meter fees; exceptions.

(a) Except as provided in subsection (b) of this section, no citation shall be issued for a parking meter fee violation at any time on a Saturday, or on other days between the hours of 6:30 p.m. and 7:00 a.m.

(b) No person shall park at a parking meter on a Saturday between 7:00 a.m. and 6:30 p.m. for more than 2 hours, unless current signage permits parking for a longer time. Failure to move the vehicle after 2 hours on a Saturday between 7:00 a.m. and 6:30 p.m. shall constitute a violation unless current signage permits parking for a longer time.

(c) The Mayor may promulgate rules to exempt certain streets from the provisions of this act when necessary to accommodate special needs or situations identified by proximate business or District agencies, subject to approval by the Council.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the Parking Meter Fee Moratorium Temporary Act of 2004, signed by the Mayor on November 30, 2004 (D. C. Act 15-604; 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. 4. Applicability.

This act shall apply as of January 30, 2005.

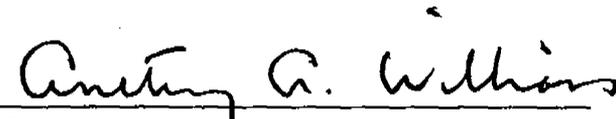
MAR 25 2005

ENROLLED ORIGINAL

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect 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
February 17, 2005

AN ACT
D.C. ACT 16-16

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
FEBRUARY 17, 2005

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To amend, on an emergency basis, due to Congressional review, the Distracted Driving Safety Act of 2004 to clarify that no points shall be assessed for a violation of the act that does not contribute to an accident.

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

Sec. 2. (a) Section 6(b) of the Distracted Driving Safety Act of 2004, effective March 30, 2004 (D.C. Law 15-124; D.C. Official Code § 50-1731.06(b)), is amended to read as follows:

Note,
§ 50-1731.06

“(b) A violation of the provisions of section 3, 4, or 5 shall be processed and adjudicated under the provisions applicable to moving violations set forth in Title II of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code a 50-2302.01 *et seq.*); provided, that no points shall be assessed for a violation of this act that does not contribute to an accident.”

Sec. 3. Fiscal impact statement.

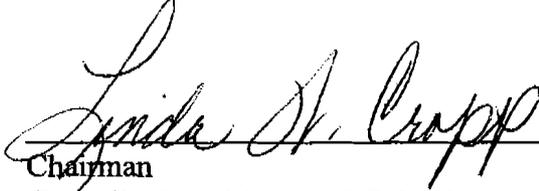
The Council adopts the fiscal impact statement in the Committee report for the Distracted Driving Safety Revised Temporary Amendment Act of 2004, signed by the Mayor on November 30, 2004 (D.C. At 572; 51 DCR 10579), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Applicability.

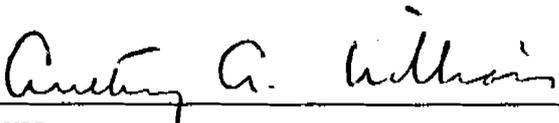
This act shall apply as of January 29, 2005.

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
February 17, 2005

AN ACT

D.C. ACT 16-17

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 17, 2005

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To amend, on an emergency basis, due to Congressional review, Title 47 of the District of Columbia Official Code to authorize the Mayor to promulgate rules governing the business of furnishing towing services for motor vehicles, to require that the proposed rules be submitted to the Council for a 45-day period of review, and to provide that if the Council does not approve or disapprove the proposed regulations, in whole or in part, by resolution, within the 45-day review period, the proposed regulations shall be deemed disapproved.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Towing Regulation and Enforcement Authority Congressional Review Emergency Act of 2005".

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

(a) The table of contents for Chapter 28 is amended by adding the phrase "47-2850. Rules governing the business of furnishing towing services for motor vehicles."

(b) A new section 47-2850 is added to read as follows:

"§ 47-2850. Rules governing the business of furnishing towing services for motor vehicles.

"(a) The Mayor is authorized, in accordance with Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-502 *et seq.*), to:

"(1) Promulgate rules to govern the business of furnishing towing services for motor vehicles; and

"(2) Amend or repeal any provision of Chapter 4 of Title 16 of the District of Columbia Municipal Regulations governing the business of furnishing towing services for motor vehicles.

"(b) Rules proposed pursuant to 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 regulation, in whole or in part, by resolution, within this 45-day review period, the proposed regulations shall be deemed disapproved.

"(c) Any person who violates any of the rules promulgated pursuant to this section shall

be guilty of a misdemeanor and upon conviction, shall be subject to a fine not exceeding \$1,000 per violation, and imprisonment for not more than 90 days, or both. All prosecutions for violations of any rule or regulation issued pursuant to this section shall be in the Criminal Division of the Superior Court of the District of Columbia in the name of the District of Columbia by information signed by the Attorney General or one of his or her assistants. Civil fines and penalties may be imposed as alternative sanctions for any infraction of the rules issued pursuant to this section, pursuant to Chapter 18 of Title 2. Adjudication of any infractions shall be pursuant to Chapter 18 of Title 2.”.

Sec. 3. Fiscal impact statement.

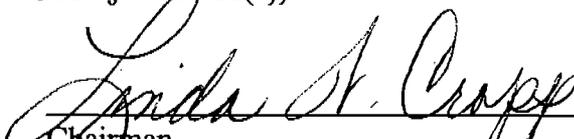
The Council adopts the fiscal impact statement in the Committee report for the Towing Regulation and Enforcement Authority Temporary Act of 2004, signed by the Mayor on November 30, 2004 (D. C. Act 15-605; 52 DCR 11244), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Applicability.

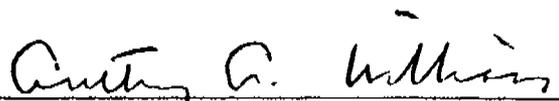
This act shall apply as of January 24, 2005.

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

February 17, 2005
Codification District of Columbia Official Code, 2001 Edition

AN ACT

D.C. ACT 16-18

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 17, 2005*Codification
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 Producer Licensing Act of 2002 to clarify the due process rights afforded to producers under the suspension and revocation provisions of the act; and to provide the Commissioner of the Department of Insurance, Securities, and Banking with summary suspension authority to suspend the certificate of authority of an individual or firm producer without giving notice if the Commissioner finds upon examination that the further transaction of business by the producer would be hazardous to the public or to the policyholders or to the creditors of the producer in the District.

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

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

Note,
§ 31-1131.12

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

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

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

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

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

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

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

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

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

examination that the further transaction of business by the producer would be hazardous to the public or to the policyholders or creditors of the producer in the District, the Commissioner may suspend the authority without giving notice as herein required, subject to a hearing within 30 days of the effective date of the order of suspension.”

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

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

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

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

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

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

“(C) Corrective action was not taken.

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

Sec. 3. Fiscal impact statement.

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

Sec. 4. Applicability.

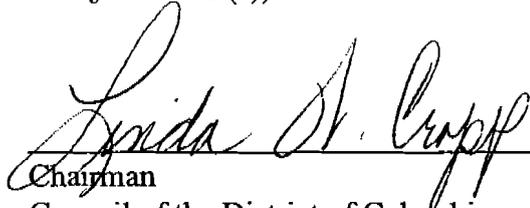
This act shall apply after January 24, 2005.

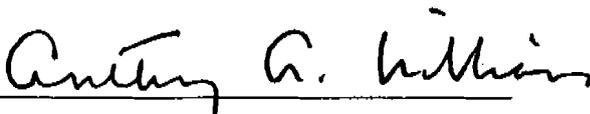
Sec. 5. Effective date.

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

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
February 17, 2005

AN ACT
D.C. ACT 16-19

*Codification
District of
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Official Code*

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 17, 2005

To amend, on an emergency basis, the Minimum Wage Act Revision Act of 1992 to increase the minimum wage in the District of Columbia as of January 1, 2005.

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

Sec. 2. Section 4 of The Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1003), is amended as follows:

Note,
§ 32-1003

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

"(a) As of February 28, 2005, the minimum wage required to be paid to any employee by any employer in the District of Columbia shall be \$6.60 an hour, or the minimum wage set by the United States government from time to time pursuant to the Fair Labor Standards Act (29 U.S.C.

§ 206 *et seq.*) ("Fair Labor Standards Act"), plus \$1, whichever is greater."

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

"(f) As of February 28, 2005, the minimum wage required to be paid by any employer in the District of Columbia to any employee who receives gratuities shall be \$2.77 an hour, provided that such employee actually receives gratuities in an amount at least equal to the difference between the hourly wage paid and the minimum wage as set by subsection (a) of this section."

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
February 17, 2005

AN ACT

D.C. ACT 16-20

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 17, 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 Traffic Act, 1925 to add domestic partners to the list of individuals exempted from paying an excise tax for the issuance of a subsequent certificate of title for a motor vehicle or trailer.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Certificate of Title Excise Tax Exemption Congressional Review Emergency Amendment Act of 2005".

Sec. 2. Section 6(j)(1) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(j)(1)), is amended by striking the phrase "spouses or between parent and child)" and inserting the phrase "spouses, parent and child, or domestic partners as that term is defined in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)))" in its place.

Note,
§ 50-2201.03

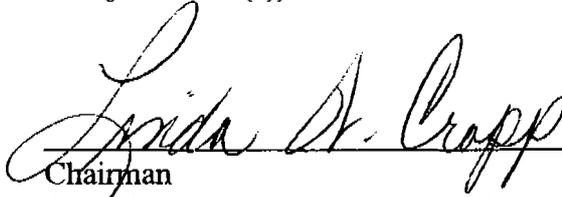
Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

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
February 17, 2005

AN ACT

D.C. ACT 16-21

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 17, 2005

To authorize on an emergency basis, due to Congressional review, the appropriation of \$7.241 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 Additional 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 \$7.241 million to be used for the following administrative purposes:

(1) Installation of a security application portal that will allow for one password to work on all DOES systems;

(2) Conversion of the Automated Benefit System from the present mainframe platform to a Web-based environment, which offers greater flexibility in service;

(3) Installation of the Benefit Audit, Recovery and Tracking System), which will support the auditing of Unemployment Compensation benefit payments to verify that payments were made accurately, identify improperly paid claims, and facilitate recapture of overpaid benefits;

(4) Install Unemployment Insurance ("UI") systems for the Educational Stepladder program as required by 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) and the Fiscal Year 2005 Budget Support Emergency Act of 2004, effective August 2, 2004 (D.C. Act 15-486; 51 DAR 8236);

(5) Provide UI customers not enrolled in direct deposit program debit cards to access benefits;

MAR 25 2005

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

(6) Provide residents with access to thousands of untapped job listings on association and corporate web pages;

(7) Provide for the exchange of data via a common database between the Web-Enabled Benefits Services benefit payment system and the Virtual One-Stop re-employment services;

(8) Install an automated customer service UI Help Desk;

(9) Change the Unemployment Compensation Benefit and Tax Systems Mainframe programming language from COBOL II to COBOL 390, as mandated by the Office of the Chief Technology Officer;

(10) Provide for changes to the automated tax system that are required by recently enacted federal legislation to detect and prevent State Unemployment Tax dumping, a manipulation by employers to inappropriately lower their UI tax rate; and

(11) To provide for the support of the Information Technology Support Center in Remote System Development.

Sec. 3. Applicability.

This act shall apply as of January 30, 2005.

Sec. 4. Fiscal impact statement.

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

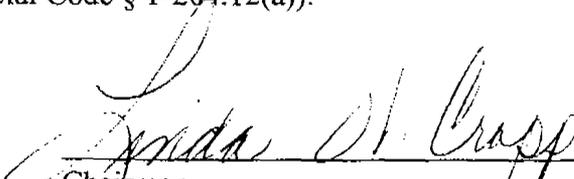
Sec. 5. Effective date.

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

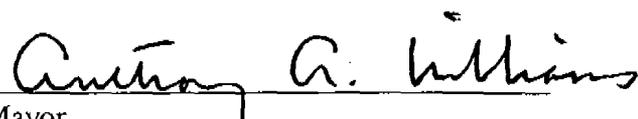
MAR 25 2005

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 17, 2005

AN ACT
D.C. ACT 16-22

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
FEBRUARY 17, 2005

*Codification
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To amend, on an emergency basis, due to Congressional review, the District of Columbia Administrative Procedure Act to conform the document fee costs under the District's Freedom of Information Act with the federal Freedom of Information Act as set forth in 5 USC § 552(4).

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

Sec. 2. Section 202 of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-532), is amended as follows:

Note,
§ 2-532

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

(1) The first sentence is amended to read as follows:

"A public body may establish and collect fees not to exceed the actual cost of searching for, reviewing, and making copies of records."

(2) Strike the last sentence.

(b) New subsections (b-1), (b-2), and (b-3) are added to read as follows:

"(b-1) Any fee schedules adopted by the Mayor, an agency or a public body shall provide that:

"(1) Fees shall be limited to reasonable standard charges for document search, duplication, and review when records are requested for commercial use;

"(2) Fees shall be limited to reasonable standard charges for document duplication when records are not sought for commercial use and the request is made by an educational or non-commercial scientific institution for scholarly or scientific research, or a representative of the news media;

"(3) For any request for records not described in paragraphs (1) or (2) of this subsection, fees shall be limited to reasonable standard charges for document search and duplication; and

“(4) Only the direct costs of search, duplication, or review may be recovered.

“(b-2) Review costs shall include only the direct costs incurred during the initial examination of a document to determine whether the documents must be disclosed or withheld in part as exempt under this section. Review costs may not include costs incurred to determine issues of law or policy related to the request.

“(b-3) No agency or public body may require advance payment of any fee unless the requester has previously failed to pay fees in a timely fashion, or the agency or public body has determined that the fee will exceed \$250.”.

Sec. 3. Applicability.

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

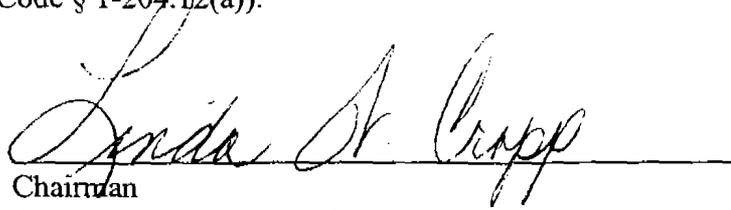
Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Documents Administrative Cost Assessment Amendment Act of 2004, signed by the Mayor on November 30, 2004 (D.C. Act 15-599; 51 DCR 11229), 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)).

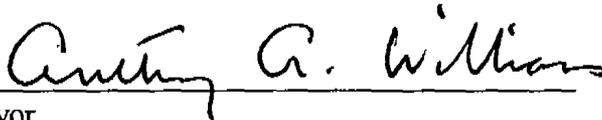
Sec. 5. Effective date.

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
February 17, 2005

AN ACT

D.C. ACT 16-23

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 17, 2005

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

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

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

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

Note,
§ 2-532

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

Note,
§ 2-534

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

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

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

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

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

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

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

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

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

"(12) Information, the disclosure of which would reveal the name of an

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

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

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

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

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

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

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

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

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

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

Note.
§ 2-537

Sec. 3. Applicability.

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

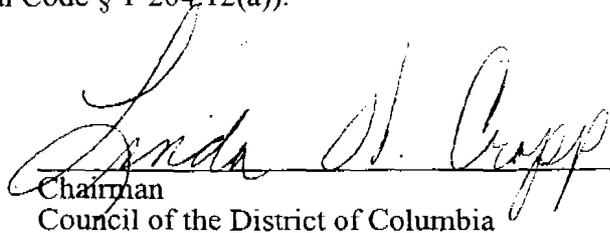
Sec. 4. Fiscal impact statement.

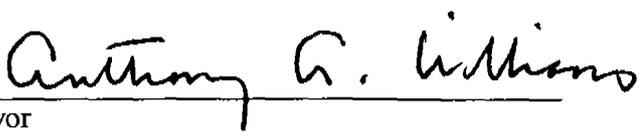
The Council adopts the fiscal impact statement in the committee report for the Freedom of Information Legislative Records Clarification Amendment Act of 2004, signed by the Mayor on November 30, 2004 (D.C. Act 15-631; 52 DCR _____), as the fiscal impact statement required by section 602(c)(3) of the 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
February 17, 2005

AN ACT

D.C. ACT 16-24

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 17, 2005

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2005 Spring
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To amend, on an emergency basis, due to Congressional review, the Historic Landmark and Historic District Protection Act of 1978 to establish a new historic preservation review process for public safety facilities owned by the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Historic Preservation Process for Public Safety Facilities Congressional Review Emergency Amendment Act of 2005".

Sec. 2. The Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144; D.C. Official Code § 6-1101 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 6-1102) is amended by adding a new paragraph (10A) to read as follows:

Note.
§ 6-1102

"(10A) "Public safety facility" means a fire station, police station, or any other building or structure owned by the District of Columbia used for public safety operations, but excludes facilities used primarily for administrative functions."

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

"Sec. 9a. Conceptual review of public safety facilities.

"(a) For any public safety facility that is a historic landmark, potential historic landmark as determined by the State Historic Preservation Officer, or building or structure within a historic district, the Mayor shall conduct conceptual review of a proposed rehabilitation or new construction in accordance with this section and shall publish notice of the application for conceptual review in the District of Columbia Register.

"(b) Before proceeding beyond conceptual plans for a proposed rehabilitation or new construction, and before making the referral required in section 5(b), 6(b), 7(b), or 8(b), the Mayor shall refer an application for conceptual review of a proposed rehabilitation or new construction plan to the State Historic Preservation Officer and the Historic Preservation Review Board, and may refer the application to the Commission of Fine Arts for a recommendation.

"(c) The State Historic Preservation Officer shall advise the Mayor on how to accommodate the rehabilitation or new construction plan with any historic preservation interests consistent with operational needs of the public safety facility.

"(d)(1) The Historic Preservation Review Board shall:

"(A) Advise the Mayor on the compatibility of the rehabilitation or new construction plan with the purposes set forth in section 2(b); and

"(B) Determine whether to list the property as a historic landmark pursuant to section 4(c).

"(2) If the Historic Preservation Review Board recommends against granting the application, it shall promptly notify the Mayor in writing of its recommendation and the reasons for it.

"(e) Within 120 days after the Mayor refers the application for conceptual review to the Historic Preservation Review Board pursuant to subsection (b) of this section, the Mayor shall make the finding required by subsection (f) of this section. If the Mayor makes no finding within 120 days, the project shall be deemed to be one of special merit as that term is defined in section 3(11), and the affected public safety agency may proceed with the design and permit process, unless the affected public safety agency and the State Historic Preservation Officer agree in writing to an extension of time for the Mayor to make the finding required by subsection (f) of this section.

"(f) No permit shall be issued unless the Mayor finds that the issuance of a permit is necessary in the public interest. Upon making such a finding, the Mayor shall issue an order defining the nature of the approved conceptual design and specifying any further consultation the Mayor considers appropriate prior to the submission of the application required in section 5(b), 6(b), 7(b), or 8(b).

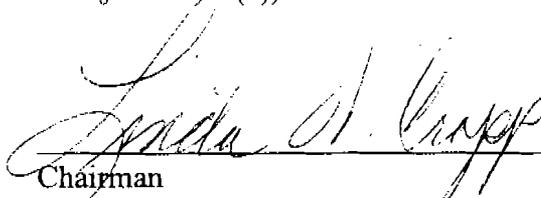
"(g) In a case in which a claim of special merit is made, the Mayor shall hold a public hearing on the conceptual review application. In considering a claim of special merit, substantial rehabilitation or new construction for operational needs of a public safety facility shall constitute a public interest having a significantly higher priority than that of historic preservation. The Mayor may consider increased costs of historic preservation that constitute an excessive financial burden on the operational needs of the facility in deciding whether to issue a permit."

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Historic Preservation Process for Public Safety Facilities Amendment Act of 2004, signed by the Mayor on October 26, 2004 (D.C. Act 15-568; 51 DCR 10562), 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
February 17, 2005

AN ACT

D.C. ACT 16-25

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 17, 2005

Codification
District of
Columbia
Official Code

2001 Edition

2005 Spring
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Publisher

To establish, on an emergency basis, due to Congressional review, a non-lapsing, special revenue fund within the General Fund of the District of Columbia to be denominated as the Ballpark Revenue Fund; and to amend Title 47 of the District of Columbia Official Code to impose a sales tax at the point of sale within the District of Columbia on tickets of admission to certain events at a ballpark or arena, and to impose a sales tax on the sale of personal property and certain services at a ballpark or arena.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Ballpark Omnibus Financing and Revenue Tax Provisions Congressional Review Emergency Act of 2005".

TITLE I. CREATION OF REVENUE FUND.

Sec. 101. (a) For the purposes of this section, the term "ballpark" shall have the meaning specified in D.C. Official Code § 47-2002.05(a)(1)(A).

(b) There is established within the General Fund of the District of Columbia, a segregated, non-lapsing Special Revenue Fund to be denominated as the Ballpark Revenue Fund. Except as provided in section 307 of the Washington Convention Center Authority Act of 1994, approved September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1203.07), the Chief Financial Officer of the District of Columbia shall pay into the Ballpark Revenue Fund all receipts from those fees and taxes specifically identified by any provision of District of Columbia law to be paid into the fund. The Chief Financial Officer of the District of Columbia shall create a sub-account within the Ballpark Revenue Fund for each type of fee and tax that is to be paid into the fund and shall allocate the receipts from each type of fee and tax to the appropriate sub-account. The Mayor, or any District government agency or instrumentality that has been designated by the Mayor, may pledge and create a security interest in the funds in the Ballpark Revenue Fund, or any sub-account or sub-accounts within the fund, for the payment of the costs of carrying out any of the purposes described in subsection (c) of this section, for the payment of the debt service on any bonds or other evidence of indebtedness, any fees and charges incurred in connection therewith, for any and all payments owing under any document or instrument entered into in connection with the indebtedness, including any credit

enhancement agreement, insurance policy, security agreement, or other agreement or instrument establishing a swap or other derivative arrangement entered into by the District or any District government agency or instrumentality, and any of the purposes described in subsection (c) of this section, without further action as permitted by section 490(f) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 809; D.C. Official Code § 1-204.90(f)). If bonds or other evidence of indebtedness are issued, the payment shall be made in accordance with the provisions of the documents entered into by the District or any District agency or instrumentality in connection with the issuance of any such bonds or other evidence of indebtedness. Notwithstanding Article 9 of Subtitle I of Title 28 of the District of Columbia, or any other provision to the contrary, any security interest created pursuant to this subsection shall be valid, binding, and perfected from the time the security interest is created, with or without the physical delivery of any funds or any other property, with or without further action, and whether or not any statement, document, or instrument relating to the security interest is recorded or filed. The lien created by such security interest shall be valid, binding, and perfected with respect to any person (as defined in D.C. Official Code § 47-2001(i)) having claims against the District, whether or not such person has notice of the lien.

TITLE II. SALES TAXES.

Sec. 201. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-1817.01(5)(B) is amended to read as follows:

“(B) “Qualified High Technology Company” shall not include:

“(i) An individual or entity that derives 51% or more of its gross revenues from the operation in the District of:

“(I) A retail store; or

“(II) An electronic equipment facility that is primarily occupied, or intended to be occupied, by electronic and computer equipment that provides electronic data switching, transmission, or telecommunication functions between computers, both inside and outside the facility; or

“(ii) A professional athletic team, as defined in § 47-2002.05(a)(3).”

(b) Chapter 20 is amended as follows:

(1) The table of contents is amended by adding the section designation “47-2002.05. Ballpark sales taxes.” after the section designation “47-2002.04. Special event promoter obligations and penalties.”

(2) A new section 47-2002.05 is added to read as follows:

“§ 47-2002.05. Ballpark sales taxes.

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

“(1) “Ballpark” means:

(A) A stadium or arena constructed after October 1, 2004 on a site bounded by N Street, S.E., Potomac Avenue, S.E., South Capitol Street, S.E., and 1st Street,

S.E., or such other site determined pursuant to section 105 of the Ballpark Omnibus Financing and Revenue Act of 2004, passed on 2nd reading on December 21, 2004 (Enrolled version of Bill 15-1028) if the primary site shall be unavailable, including facilities functionally related and subordinate thereto and the accompanying infrastructure, including office and transportation facilities (including parking) adjacent to or serving a ballpark, that has as its primary purpose the hosting of professional athletic team events and is constructed in whole or in part with funds deposited in, or bonds or other evidence of indebtedness the debt service upon which is financed in whole or in part by funds deposited in, the Ballpark Revenue Fund; and

(B) Until such time as the hosting of professional athletic team events for which tickets are sold has commenced at the aforementioned newly-constructed stadium or arena, Robert F. Kennedy Stadium, described as that geographic area of the District of Columbia consisting of the areas designated as A, B, C, D, or E on the revised map entitled "Map to Designate Transfer of Stadium and Lease of Parking Lots to the District," prepared jointly by the National Park Service (National Capital Region) and the District of Columbia Department of Public Works for site development and dated October 1986 (NPS Drawing number 831/87284-A), and any other future additions thereto.

"(2) "Ballpark Revenue Fund" means the fund established by section 101.

"(3) "Professional athletic team" includes any professional baseball, basketball, football, soccer, hockey, lacrosse or other athletic team whose members receive financial compensation from their participation in the team's athletic exhibitions.

"(4) "Ticket" means any physical, electronic, or other form of a certificate, documents, or token showing that a fare, admission, or license fee for a revocable right to enter the ballpark, or a right to purchase future rights to enter the ballpark, has been paid.

"(b) Notwithstanding any other provision of this chapter relating to the imposition of sales tax on either a retail sale or a sale at retail, there is hereby imposed a sales tax of 10% on the gross receipts of any person from the sale of tickets to any public event referred to in § 47-2001(n)(1)(H) sponsored by the person (or any affiliate of the person) and to be performed at the ballpark, regardless of whether the ticket is sold to a person who resells the ticket to another person or to a person who uses the ticket for admission to the event; provided, that with respect to tickets to events at Robert F. Kennedy Stadium, the tax shall apply only to professional baseball games or professional baseball-related events and exhibitions. The sales tax imposed by this section shall be in lieu of any sales tax imposed on tickets by this chapter.

"(c) Notwithstanding any other provision of this chapter, there is hereby imposed a sales tax of 10% on the gross receipts of any person from the sales at the ballpark during such times as shall reasonably relate to the performance of baseball games at the ballpark of tangible personal property or services otherwise taxable under the provisions of this chapter, except that the rate shall be 12% of the gross receipts from the sale of or charge for the service of parking motor vehicles; provided, that with respect to the sale of tangible personal property or services at Robert F. Kennedy Stadium, the tax shall apply only to professional baseball games or professional baseball-related events.

ENROLLED ORIGINAL

“(d) The revenues received by the District of Columbia from the taxes imposed by this section shall be deposited into one or more accounts within the Ballpark Revenue Fund.

“(e) The Chief Financial Officer or his delegate shall promulgate regulations as may be necessary and appropriate to carry out the provisions of this section, including regulations relating to the determination of District gross receipts and electronic filing and payment of sales taxes and fees. Until such time as the Chief Financial Officer or his delegate shall promulgate the regulations, any promoter of any event at which gross receipts from the sale of tickets, tangible personal property, or services are potentially subject to the taxes imposed by this section shall comply with the requirements of § 47-2002.04 as if the event were a special event.

“(f) Except in the case of street vendors described in § 47-2002.01, the Chief Financial Officer may require taxpayers subject to the sales taxes imposed by this section to make payment of those taxes electronically.”.

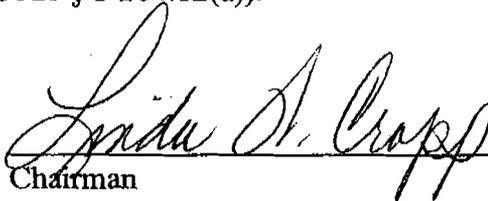
TITLE III. FISCAL IMPACT STATEMENT; EFFECTIVE DATE.

Sec. 301. Fiscal impact statement.

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

Sec. 302. 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

February 17, 2005
Codification District of Columbia Official Code, 2001 Edition

AN ACT

D.C. ACT 16-26

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 17, 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, section 47-2005(7) of the District of Columbia Official Code to exempt from sales taxation goods sold at certain charity auctions, not more than 5 times a year, by a nonprofit teaching hospital.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Charity Auction Sales Tax Exemption Congressional Review Emergency Act of 2005".

Sec. 2. Section 47-2005(7) of the District of Columbia Official Code is amended as follows:

Note,
§ 47-2005

- (1) The existing text is re-designated as subparagraph (A).
- (2) A new subparagraph (B) is added to read as follows:

"(B) For the first 5 events during a calendar year, sales at a charity auction or other fundraising activity by a nonprofit teaching hospital;"

Sec. 3. Fiscal impact statement.

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

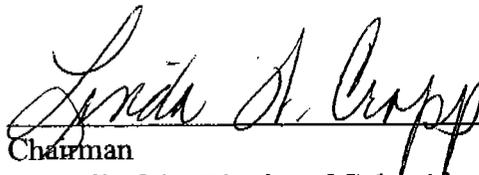
Sec. 4. Effective date.

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

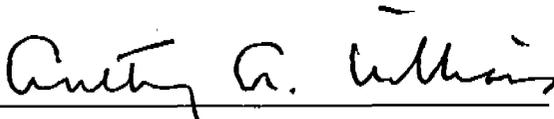
MAR 25 2005

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 17, 2005

AN ACT

D.C. ACT 16-27

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 17, 2005

*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Spring
Supp.

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Publisher

To amend, on an emergency basis, due to Congressional review, section 47-1803.03 of the District of Columbia Official Code to de-couple District of Columbia law from the bonus depreciation provisions added to the Internal Revenue Code of 1986 by the Job and Growth Tax Relief Reconciliation Act of 2003.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Bonus Depreciation De-Coupling Congressional Review Emergency Act of 2005".

Sec. 2. Section 47-1803.03 of the District of Columbia Official Code is amended as follows:

Note,
§ 47-1803.03

(a) Subsection (a)(7) is amended by striking the phrase "September 11, 2004" and inserting the phrase "December 31, 2005" in its place.

(b) Subsection (b)(6) is amended by striking the phrase "September 11, 2004" and inserting the phrase "December 31, 2005" in its place.

Sec. 3. Fiscal impact statement.

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

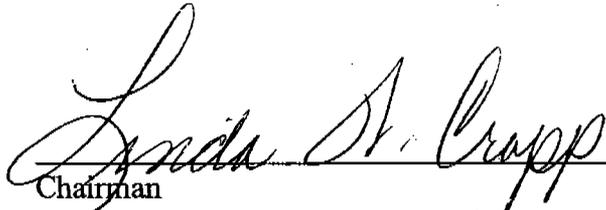
Sec. 4. Effective date.

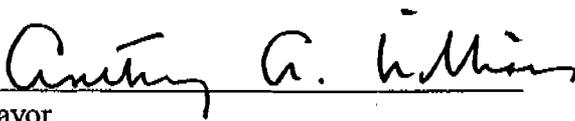
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

MAR 25 2005

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
February 17, 2005

AN ACT

D.C. ACT 16-28

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 17, 2005

*Codification
District of
Columbia
Official Code*

2001 Edition

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Supp.

West Group
Publisher

To amend, on an emergency basis, due to Congressional review, section 47-1054 of the District of Columbia Official Code to provide equitable real property tax relief and a tax exemption to the Capitol Hill Garden Community Land Trust, a tax-exempt organization.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Kings Court Community Garden Equitable Real Property Tax Relief Congressional Review Emergency Act of 2005".

Sec. 2. Section 47-1054 of the District of Columbia Official Code is amended to read as follows:

Note,
§ 47-1054

"(a) The Council of the District of Columbia orders that all real property taxes, interest, penalties, fees, and other related charges assessed against real property located at square 1060, lot 30, for the period of tax years 1997 to 2003, be forgiven, and that any payment already made for this period, as of effective date of the Kings Court Community Garden Equitable Real Property Tax Relief Act of 2004, passed on 1st reading on November 9, 2004 (Engrossed version of Bill 15-102), be refunded; provided, that this property is owned and used by the Capitol Hill Community Garden Land Trust as a community garden, which is available for use by the public, and not used for commercial purposes.

"(b) The one-time transfer of the property specified in subsection (a) of this section to the Capitol Hill Community Garden Land Trust shall not be subject to the recordation and transfer taxes and fees under Chapters 9 or 14.

"(c) Upon the transfer of the property described in subsection (a) of this section to the Capitol Hill Community Garden Land Trust, the property shall be exempt from all taxation so long as the same is used in carrying out the public purposes and activities of the Capitol Hill Community Garden Land Trust, and not used for commercial purposes and subject to the provisions of §§ 47-1005, 47-1007, and 47-1009."

Sec. 3. Fiscal impact statement.

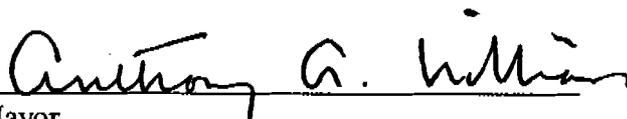
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 17, 2005

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-29

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
FEBRUARY 17, 2005

*Codification
District of
Columbia
Official Code*

2001 Edition

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Publisher

To amend, on an emergency basis, the Washington Convention Center Authority Act of 1994 to extend the terms of the appointees of the Washington Convention Center Authority Advisory Committee until December 31, 2005.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Washington Convention Center Authority Advisory Committee Continuity Emergency Amendment Act of 2005".

Sec. 2. Section 218(g) of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (DC. Law 10-188; D.C. Official Code § 10-1202.18(g)), is amended to read as follows:

Note,
§ 10-1202.18

“(g) The Committee shall continue to advise the Authority until December 31, 2005, at which time it shall be dissolved.”.

Sec. 3. Fiscal impact statement.

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

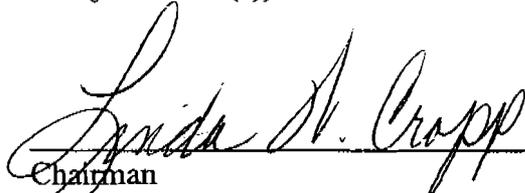
Sec. 4. Effective date.

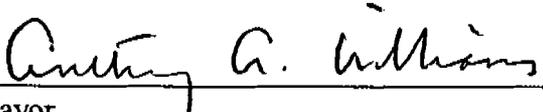
This act shall take effect following approval by the Mayor (or in the event of a veto) by the Mayor, action by the Council to override the veto) and shall remain in effect on longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

MAR 25 2005

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
February 17, 2005

AN ACT
D.C. ACT 16-30

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 17, 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 Government Comprehensive Merit Personnel Act of 1978 to establish a mandatory drug and alcohol testing program for certain District of Columbia applicants and employees; to establish a criminal background check program for employees and unsupervised volunteers of certain providers that provide direct services to children or youth; to repeal the Recreation Volunteer Background Check and Screening Act of 2000; to establish uniform health screening requirements and the use of uniform health forms for all District of Columbia children; to authorize the Director of the Department of Youth Rehabilitation Services to take a child into custody when a child committed to the legal custody of the Department absconds from a community-based placement or violates any of the terms of his or her placement; to establish an Early Intervention Program to provide early intervention services for infants and toddlers from birth to 2 years of age and their families; to amend the District of Columbia Public School Nurse Assignment Act of 1987 to require that nurses be assigned to public charter schools; to amend the District of Columbia Uniform Controlled Substances Act of 1981 to designate all areas within 1000 feet of public charter schools as drug free zones; and to amend the Child and Youth, Safety and Health Omnibus Second Temporary Amendment Act of 2004 to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Child and Youth, Safety and Health Omnibus Congressional Review Emergency Amendment Act of 2005".

TITLE I. MANDATORY DRUG AND ALCOHOL TESTING PROGRAM.

Sec. 101. Short title.

This title may be cited as the "Mandatory Drug and Alcohol Testing for the Protection of Children Congressional Review Emergency Amendment Act of 2005".

Sec. 102. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended by adding a new title XX-C to read as follows:

"TITLE XX-C

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

"Sec. 2031. Definitions.

"For the purposes of this title, the term:

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

"(2) "Child" means an individual 12 years of age and under.

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

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

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

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

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

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

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

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

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

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

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

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

"Sec. 2032. Employee testing.

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

"(1) Applicants for employment in safety-sensitive positions;

"(2) Those District employees who have had a reasonable suspicion referral; and

"(3) Post-accident District employees, as soon as reasonably possible after the accident.

"(b) The District shall subject District employees in safety-sensitive positions to random testing, unless a District agency has additional requirements for drug and alcohol testing of its employees, in which case the stricter requirements shall apply.

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

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

"(e) No employee may be tested under this title for drug or alcohol use prior to receiving the notice required by subsection (d) of this section.

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

"Sec. 2033. Motor vehicle operators.

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

"Sec. 2034. Testing methodology.

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

"(b) For random testing of District employees, the contractor shall, at a location designated by the District to collect urine specimens on-site, split each sample and perform enzyme-multiplied-immunossay technique ("EMIT") testing on one sample and store the split of

that sample. Any positive EMIT test shall be then confirmed by the contractor, using the gas chromatography/mass spectrometry ("GCMS") methodology.

"(c) Any District employee found to have a confirmed positive urinalysis shall be notified of the result. The employee may then authorize that the stored sample be sent to another HHS-certified laboratory of his or her choice, at his or her expense, for a confirmation, using the GCMS testing method.

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

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

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

"Sec. 2035. Procedure and employee impact.

"(a) A drug and alcohol testing policy, including the notice required by section 2032(d), shall be issued at least 30 days in advance of implementing the drug and alcohol program to inform District employees of the requirements of the program and to allow each employee one opportunity to seek treatment, if he or she has a drug or alcohol problem. Thereafter, any confirmed positive drug test results, positive breathalyser test, or a refusal to submit to a drug test or breathalyser shall be grounds for termination of employment in accordance with this act.

"(b) The testing program shall be implemented as a single program.

"(c) The results of a random test conducted pursuant to this title shall not be turned over to any law enforcement agency without the employee's written consent.

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

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

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

"Sec. 2037. Rules.

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

TITLE II. CRIMINAL BACKGROUND CHECKS.

Sec. 201. Short title.

This title may be cited as the "Criminal Background Checks for the Protection of Children Congressional Review Emergency Act of 2005".

Subtitle A.

Sec. 202. Definitions.

For the purposes of this title, the term:

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

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

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

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

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

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

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

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

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

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

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

(a) Except as provided in subsections (b), (c), and (d) of this section, the following individuals shall apply for criminal background checks in accordance with the requirements of section 205 and any regulations issued pursuant to section 211:

(1) An applicant who is under consideration for paid employment by a covered child or youth services provider;

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(2) An applicant who is under consideration for voluntary service in an unsupervised position by a covered child or youth services provider;

(3) An employee of a covered child or youth services provider; and

(4) A volunteer who serves a covered child or youth services provider in an unsupervised position.

(b) An applicant for, or an employee or a volunteer working in, a position at a covered child or youth services provider that will not bring the employee or volunteer in direct contact with children and youth is not required to submit to a criminal background check.

(c) A volunteer at a covered child or youth services provider who has only supervised contact with children or youth is not required to submit to a criminal background check, but may be required to submit to a traffic check pursuant to section 204(b)(2).

(d) An applicant for, or an employee or a volunteer working in, a position at a covered child or youth services provider that will bring the employee or volunteer in direct contact with children and youth is not required to submit to a criminal background check if the applicant, employee, or volunteer has an active federal security clearance.

(e) An applicant for a position at a covered child or youth services provider may be offered employment contingent upon receipt of a satisfactory background check, and may begin working in a supervised setting prior to receiving the results.

(f) A volunteer serving any covered child or youth services provider in a position that brings the volunteer in direct contact with children shall not be allowed to begin volunteering in an unsupervised setting until the results of the criminal background check have been received and determined to be satisfactory.

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

Sec. 204. Authorization to obtain records.

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

(b) Before any applicant for employment with any covered child or youth services provider may be offered a compensated position or an unsupervised volunteer position, the Mayor or the covered child or youth services provider shall inform the applicant that:

(1) A criminal background check must be conducted on the applicant; and

(2) In the case of an employee or volunteer who will be required to drive a motor vehicle to transport children in the course of performing his or her duties, a traffic record check

must be conducted on the applicant.

Sec. 205. Procedure for criminal background checks.

(a) The Mayor or the appropriate personnel authority shall conduct criminal background checks, including the fingerprinting of applicants, employees, and volunteers of a District agency required by this section, in accordance with FBI policies and procedures and in an FBI-approved environment.

(b)(1) An applicant, employee, or volunteer required to apply for a criminal background check under section 203 shall submit to a criminal background check by means of fingerprint and National Criminal Information Center checks conducted by the Mayor and the FBI.

(2) The fingerprints shall be available for use by the Mayor and the FBI to conduct a local and national criminal history record check of the applicant, employee, or volunteer.

(c) The Mayor or the appropriate personnel authority shall conduct a criminal background check once the applicant, employee, or volunteer has provided:

(1) A complete set of qualified, legible fingerprints on a fingerprint card, in a form approved by the FBI;

(2) Written authorization for the Mayor to conduct a criminal background check;

(3) Written confirmation that the applicant, employee, or volunteer has been informed by the Mayor or the covered child or youth services provider that the Mayor is authorized to conduct a criminal background check on the applicant, employee, or volunteer;

(4) Any additional identification that is required, including the name, social security number, birth date, and gender of the applicant, employee, or volunteer;

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

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

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

(C) Burglary;

(D) Robbery;

(E) Kidnapping;

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

(G) Illegal use or possession of a firearm;

(H) Trespass or injury to property;

(I) Sexual offenses, including indecent exposure; promoting, procuring,

compelling, soliciting, or engaging in prostitution; corrupting minors (sexual relations with children); molesting; voyeurism; committing sex acts in public; incest; rape; sexual assault; sexual battery; or sexual abuse;

(J) Child abuse or cruelty to children; or

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

(6) Written acknowledgment that the Mayor or the covered child or youth services provider has notified the applicant, employee, or volunteer of his or her right to obtain a copy of the criminal background check report and to challenge the accuracy and completeness of the report; and

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

(d) Fingerprinting for the purposes of this section may be conducted by any person authorized to do so by the Mayor or the FBI.

(e) A volunteer may use the same criminal background check for a period of 2 years when applying to volunteer for multiple positions, if the volunteer provides a signed affirmation that he or she has not been convicted of a crime, has not pleaded nolo contendere, is not on probation before judgment or placement of a case upon a stet docket, and has not been found not guilty by reason of insanity, for any sexual offenses or intra-family offenses in the District of Columbia or their equivalent in any other state or territory, or for any of the felony offenses listed in subsection (c)(5) of this section, or their equivalent in any other state or territory, since the date of the most recent criminal background check conducted on him or her.

Sec. 206. Submission of positions of covered child or youth services providers subject to criminal background checks.

(a) Within 30 days of December 1, 2004, each District government agency shall submit to the Mayor the positions it has designated as subject to the criminal background check requirements of this title, including those of private entities that contract with the District to provide direct services to children or youth and that are under the contractual purview of the agency.

(b) Each District government agency shall submit an updated list of the positions subject to the criminal background check requirements of this title no later than December 1 of each year.

Sec. 207. Assessment of information on covered child or youth services providers.

The Mayor shall review the information on all proposed covered child or youth services providers submitted pursuant to section 206, and any other available information, to make a decision regarding the applicability of this title to each child or youth services provider.

Sec. 208. Confidentiality of information to be maintained.

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

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

Sec. 209. Penalty for providing false information.

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

Sec. 210. Penalties for disclosing confidential information.

(a) An individual who discloses confidential information in violation of section 208 is guilty of a criminal offense and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than 180 days, or both.

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

Sec. 211. Rules.

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

(1) Notice that applicants for employment with, and employees and unsupervised volunteers of, clearly identified covered child or youth services providers are required to apply for criminal background checks within 45 days from the date of publication of the rules;

(2) The location of the office in which applications for criminal background checks are to be made;

(3) Standards for determining which District agencies and private entities are considered to be covered child or youth services providers that are required to comply with the requirements of this title;

- (4) Procedures for covered child or youth services providers to challenge the determination that they are required to comply with this title;
- (5) Procedures for an applicant or employee to challenge allegations that the applicant or employee committed a proscribed offense; and
- (6) A description of the corrective or adverse actions that may be taken against any covered child or youth services provider that, or any employee of a covered child or youth services provider who, is found to have violated the provisions of this title.

Subtitle B.

Sec. 251. The Recreation Volunteer Background Check and Screening Act of 2000, effective May 23, 2000 (D.C. Law 13-123; D.C. Official Code § 10-401 *et seq.*), is repealed.

Note,
§§ 10-401 -
10-413

TITLE III. CHILD HEALTH REQUIREMENTS

Subtitle A.

Sec. 301. Short title.

This title may be cited as the "Uniform Child Health Screening Requirements and Reporting Form Congressional Review Emergency Act of 2005".

Sec. 302. Purpose.

The purpose of this title is:

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

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

in another state;

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

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

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

Sec. 303. Definitions.

For the purposes of this title, the term:

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

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

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

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

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

(B) Whose parents or legal guardians reside in the District;

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

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

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

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

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

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

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

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

Sec. 305. Payment for health screenings.

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

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

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

Sec. 306. Rules.

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

Sec. 307. Applicability.

This title shall apply to all individual and group health benefit plans issued or renewed 120 days after the issuance of rules required under section 306.

Subtitle B.

Sec. 351. Repealer.

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

Note,
§ 31-3802

TITLE IV. AUTHORIZATION FOR THE DEPARTMENT OF YOUTH
REHABILITATION SERVICES TO TAKE CHILDREN INTO CUSTODY.

Sec. 401. Short title.

This title may be cited as the "Juvenile Protective Custody Congressional Review Emergency Act of 2005".

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

Note,
§ 16-2309

(a) Paragraph (7) is amended by striking the word "or" at the end.

(b) Paragraph (8) is amended by striking the period at the end and inserting the phrase "; or" in its place.

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

"(9) by the Director of the Department of Youth Rehabilitation Services when a child committed to the legal custody of the Department of Youth Rehabilitation Services absconds from a community-based placement or violates any of the terms of his or her aftercare placement. For the purposes of this paragraph, the term "aftercare placement" means the placing of a child who has been committed to the legal custody of the Department of Youth Rehabilitation Services in the community under the supervision of a trained social worker."

TITLE V. ESTABLISHMENT OF THE EARLY INTERVENTION PROGRAM.

Sec. 501. Short title.

This title may be cited as the "Early Intervention Program Establishment Congressional Review Emergency Act of 2005".

Sec. 502. Purpose.

The purpose of this title is:

(1) To enhance the development of infants and toddlers with disabilities and to minimize their potential for developmental delay;

(2) To reduce the educational costs to our society, including our schools, by minimizing the need for special education and related services after infants and toddlers with

disabilities reach school age;

(3) To minimize the likelihood for institutionalization of individuals with disabilities and maximize the potential for their independent living in society;

(4) To enhance the capacity of families to meet the special needs of their infants and toddlers with disabilities;

(5) To establish collaborative activities among agencies of the District of Columbia that administer programs relating to young children to maximize the quality of early intervention services; and

(6) To enhance the capacity of city agencies and service providers to identify, evaluate, and meet the special needs of historically under-represented populations, particularly minorities and low-income and inner-city populations.

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

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

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

(c) Early intervention services shall not be required under this title, if a minor's parent or guardian submits in good faith a written notarized statement to the appropriate official affirming the intervention in question would violate the established tenets and practices of the parent's or guardian's church or religious denomination.

Sec. 504. Rules.

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

TITLE VI. ASSIGNMENT OF NURSES TO PUBLIC CHARTER SCHOOLS.

Sec. 601. Short title.

This title may be cited as the "Public Charter School Nurse Assignment Congressional Review Emergency Amendment Act of 2005".

Note,
§ 38-621

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

Sec. 603. This title shall be subject to the availability of appropriations.

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

Sec. 701. Short title.

This title may be cited as the "Public Charter Schools Drug Free Congressional Review Emergency Amendment Act of 2005".

Note,
§ 48-904.07a

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

TITLE VIII. CONFORMING AMENDMENTS TO ACT 15-716.

Sec. 801. Short title.

This title may be cited as the Child and Youth, Safety and Health Omnibus Second Temporary Amendment Act Congressional Review Emergency Amendment Act of 2005.

Sec. 802. Title II of the Child and Youth, Safety and Health Omnibus Second Temporary Amendment Act of 2004, signed by the Mayor December 29, 2004 (D.C. Act 15-716; 52 DCR _____), is amended to read as follows:

"TITLE II. CRIMINAL BACKGROUND CHECKS.

"Sec. 201. Short title.

"This title may be cited as the "Criminal Background Checks for the Protection of Children Congressional Review Emergency Act of 2005".

"Subtitle A.

"Sec. 202. Definitions.

"For the purposes of this title, the term:

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

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

"(3) "Covered child or youth services provider" means any District government

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

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

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

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

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

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

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

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

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

(a) Except as provided in subsections (b), (c), and (d) of this section, the following individuals shall apply for criminal background checks in accordance with the requirements of section 205 and any regulations issued pursuant to section 211:

"(1) An applicant who is under consideration for paid employment by a covered child or youth services provider;

"(2) An applicant who is under consideration for voluntary service in an unsupervised position by a covered child or youth services provider;

"(3) An employee of a covered child or youth services provider; and

"(4) A volunteer who serves a covered child or youth services provider in an unsupervised position.

"(b) An applicant for, or an employee or a volunteer working in, a position at a covered child or youth services provider that will not bring the employee or volunteer in direct contact with children and youth is not required to submit to a criminal background check.

"(c) A volunteer at a covered child or youth services provider who has only supervised contact with children or youth is not required to submit to a criminal background check, but may be required to submit to a traffic check pursuant to section 204(b)(2).

"(d) An applicant for, or an employee or a volunteer working in, a position at a covered child or youth services provider that will bring the employee or volunteer in direct contact with children and youth is not required to submit to a criminal background check if the applicant, employee, or volunteer has an active federal security clearance.

“(e) An applicant for a position at a covered child or youth services provider may be offered employment contingent upon receipt of a satisfactory background check, and may begin working in a supervised setting prior to receiving the results.

“(f) A volunteer serving any covered child or youth services provider in a position that brings the volunteer in direct contact with children shall not be allowed to begin volunteering in an unsupervised setting until the results of the criminal background check have been received and determined to be satisfactory.

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

“Sec. 204. Authorization to obtain records.

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

“(b) Before any applicant for employment with any covered child or youth services provider may be offered a compensated position or an unsupervised volunteer position, the Mayor or the covered child or youth services provider shall inform the applicant that:

“(1) A criminal background check must be conducted on the applicant; and

“(2) In the case of an employee or volunteer who will be required to drive a motor vehicle to transport children in the course of performing his or her duties, a traffic record check must be conducted on the applicant.

“Sec. 205. Procedure for criminal background checks.

“(a) The Mayor or the appropriate personnel authority shall conduct criminal background checks, including the fingerprinting of applicants, employees, and volunteers of a District agency required by this section, in accordance with FBI policies and procedures and in an FBI-approved environment.

“(b)(1) An applicant, employee, or volunteer required to apply for a criminal background check under section 203 shall submit to a criminal background check by means of fingerprint and National Criminal Information Center checks conducted by the Mayor and the FBI.

“(2) The fingerprints shall be available for use by the Mayor and the FBI to conduct a local and national criminal history record check of the applicant, employee, or volunteer.

“(c) The Mayor or the appropriate personnel authority shall conduct a criminal background check once the applicant, employee, or volunteer has provided:

“(1) A complete set of qualified, legible fingerprints on a fingerprint card, in a

form approved by the FBI;

“(2) Written authorization for the Mayor to conduct a criminal background check;

“(3) Written confirmation that the applicant, employee, or volunteer has been informed by the Mayor or the covered child or youth services provider that the Mayor is authorized to conduct a criminal background check on the applicant, employee, or volunteer;

“(4) Any additional identification that is required, including the name, social security number, birth date, and gender of the applicant, employee, or volunteer;

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

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

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

“(C) Burglary;

“(D) Robbery;

“(E) Kidnapping;

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

“(G) Illegal use or possession of a firearm;

“(H) Trespass or injury to property;

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

“(J) Child abuse or cruelty to children; or

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

“(6) Written acknowledgment that the Mayor or the covered child or youth services provider has notified the applicant, employee, or volunteer of his or her right to obtain a copy of the criminal background check report and to challenge the accuracy and completeness of the report; and

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

“(d) Fingerprinting for the purposes of this section may be conducted by any person authorized to do so by the Mayor or the FBI.

“(e) A volunteer may use the same criminal background check for a period of 2 years when applying to volunteer for multiple positions, if the volunteer provides a signed affirmation that he or she has not been convicted of a crime, has not pleaded nolo contendere, is not on probation before judgment or placement of a case upon a stet docket, and has not been found not guilty by reason of insanity, for any sexual offenses or intra-family offenses in the District of Columbia or their equivalent in any other state or territory, or for any of the felony offenses listed in subsection (c)(5) of this section, or their equivalent in any other state or territory, since the date of the most recent criminal background check conducted on him or her.

“Sec. 206. Submission of positions of covered child or youth services providers subject to criminal background checks.

“(a) Within 30 days of December 1, 2004, each District government agency shall submit to the Mayor the positions it has designated as subject to the criminal background check requirements of this title, including those of private entities that contract with the District to provide direct services to children or youth and that are under the contractual purview of the agency.

“(b) Each District government agency shall submit an updated list of the positions subject to the criminal background check requirements of this title no later than December 1 of each year.

“Sec. 207. Assessment of information on covered child or youth services providers.

“The Mayor shall review the information on all proposed covered child or youth services providers submitted pursuant to section 206, and any other available information, to make a decision regarding the applicability of this title to each child or youth services provider.

“Sec. 208. Confidentiality of information to be maintained.

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

“(1) Required as one component of an application for employment with any covered child or youth services provider under this title;

“(2) Requested by the Mayor, or his or her designee, during an official inspection or investigation;

“(3) Ordered by a court;

“(4) Authorized by the written consent of the person being investigated; or

“(5) Utilized for a corrective, adverse, or administrative action in a personnel proceeding.

“Sec. 209. Penalty for providing false information.

“An applicant for employment or a volunteer position with any covered child or youth services provider who intentionally provides false information that is material to the application in the course of applying for the position shall be subject to prosecution pursuant to section 404 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1,

1982 (D.C. Law 4-164; D.C. Official Code § 22-2405).

“Sec. 210. Penalties for disclosing confidential information.

“(a) An individual who discloses confidential information in violation of section 208 is guilty of a criminal offense and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than 180 days, or both.

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

“Sec. 211. Rules.

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

“(1) Notice that applicants for employment with, and employees and unsupervised volunteers of, clearly identified covered child or youth services providers are required to apply for criminal background checks within 45 days from the date of publication of the rules;

“(2) The location of the office in which applications for criminal background checks are to be made;

“(3) Standards for determining which District agencies and private entities are considered to be covered child or youth services providers that are required to comply with the requirements of this title;

“(4) Procedures for covered child or youth services providers to challenge the determination that they are required to comply with this title;

“(5) Procedures for an applicant or employee to challenge allegations that the applicant or employee committed a proscribed offense; and

“(6) A description of the corrective or adverse actions that may be taken against any covered child or youth services provider that, or any employee of a covered child or youth services provider who, is found to have violated the provisions of this title.

“Subtitle B.

“Sec. 251. The Recreation Volunteer Background Check and Screening Act of 2000, effective May 23, 2000 (D.C. Law 13-123; D.C. Official Code § 10-401 *et seq.*), is repealed.”.

TITLE IX. FISCAL IMPACT STATEMENT.

Sec. 901. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for Bill 15-607, the Child and Youth, Safety and Health Omnibus Amendment Act of 2004, signed by the Mayor January 19, 2005 (Act 15-759), 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)).

MAR 25 2005

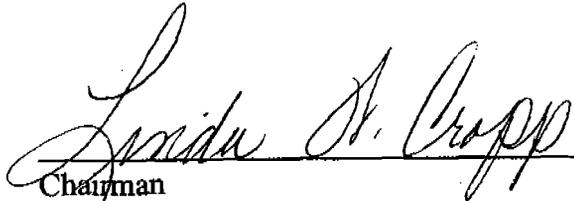
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DISTRICT OF COLUMBIA REGISTER

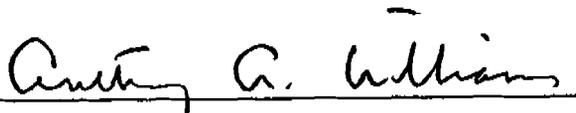
TITLE X. EFFECTIVE DATE.

Sec. 1001. 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
February 17, 2005

AN ACT
D.C. ACT 16-31

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
FEBRUARY 17, 2005

*Codification
 District of
 Columbia
 Official Code*

2001 Edition

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

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

Sec. 2. The Public Congestion and Venue Protection Temporary Act of 2004, effective December 7, 2004 (D.C. Law 15-201; 51 DCR 7606), is amended as follows:

- (a) Section 2(4) is amended by striking the phrase "or not-for-profit".
- (b) Section 3 is amended by striking the word "function" and inserting the phrase "function for profit" in its place.
- (c) Section 4 is amended as follows:
 - (1) Designate the existing language as subsection (a).
 - (2) A new subsection (b) is added to read as follows:
 - "(b) Nothing in this section shall be construed as authorizing the Metropolitan Police Department to charge operators of not-for-profit events for MPD details at a venue or within the police service area where the venue is located."

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

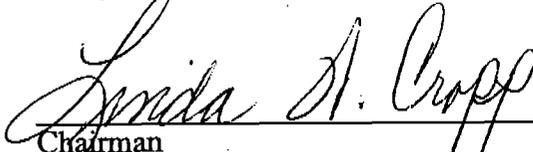
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

MAR 25 2005

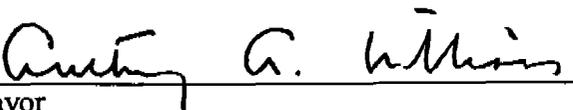
DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 17, 2005

AN ACT

D.C. ACT 16-32

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 17, 2005

*Codification
District of
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Official Code*

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To amend, on an emergency basis, due to Congressional review, section 47-3701(4) of the District of Columbia Official Code to clarify that the estate tax filing threshold of \$1 million applies to decedents whose death occurs on or after January 1, 2003.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Estate and Inheritance Tax Clarification Congressional Review Emergency Act of 2005".

Sec. 2. Section 47-3701(4) of the District of Columbia Official Code is amended as follows:

Note,
§ 47-3701

(a) Subparagraph (B) is amended to read as follows:

“(B) For a decedent whose death occurs on or after January 1, 2002:

“(i) The maximum amount of credit for state death taxes allowed by section 2011 of the Internal Revenue Code;

“(ii) Any scheduled increase in the unified credit provided in section 2010 of the Internal Revenue Code or thereafter shall not apply and the amount of the unified credit shall be \$675,000; and

“(iii) An estate tax return shall not be required to be filed if the decedent’s gross estate does not exceed \$675,000.”

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

“(C) For a decedent whose death occurs on or after January 1, 2003:

“(i) The maximum amount of credit for state death taxes allowed by section 2011 of the Internal Revenue Code;

“(ii) Any scheduled increase in the unified credit provided in section 2010 of the Internal Revenue Code or thereafter shall not apply and the amount of the unified credit shall be \$345,800; and

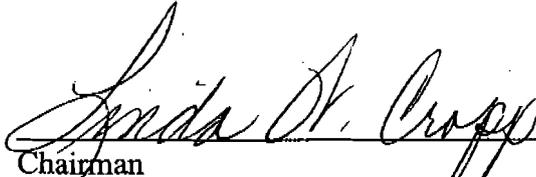
“(iii) An estate tax return shall not be required to be filed if the decedent's gross estate does not exceed \$1 million.”

Sec. 3. Fiscal impact statement.

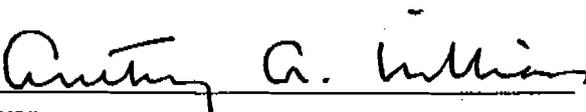
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 17, 2005

AN ACT

D.C. ACT 16-33

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
FEBRUARY 17, 2005

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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 required for public purposes to require the Mayor to include as part of a proposed resolution for the disposition of real property an analysis of economic factors and a description of how economic factors will be weighted and evaluated, and in the case of any property to be disposed of through a request for proposal or competitive sealed proposal, to require the Mayor to use economic factors as one of the criteria for evaluating the request for proposal or competitive sealed proposal.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Real Property Disposition Economic Analysis 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 required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801), is amended as follows:

Note,
§ 10-801

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

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

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

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

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

Sec. 3. Fiscal impact statement.

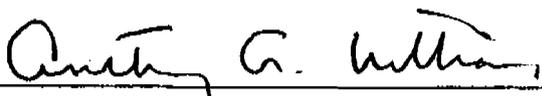
This legislation will not have an adverse impact on the District of Columbia's financial plan and budget because the only changes it would make to current law would be (1) to require an economic analysis to be part of a proposed real property disposition, (2) to require the Mayor to explain how economic factors will be weighted and evaluated in the disposition process, and (3) in the case of a request for proposal or competitive sealed proposal, to require the Mayor to use economic factors as one of the evaluation criteria in evaluating proposals. The legislation is prospective in its application, and would not affect any real property disposition resolutions that have already been transmitted to the Council. By increasing the emphasis on economic factors while giving the Mayor considerable latitude in weighing other factors, such as economic and community development, the legislation would either have a positive or neutral fiscal impact.

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 17, 2005

AN ACT
D.C. ACT 16-34

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
FEBRUARY 17, 2005

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

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

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

Note,
§ 25-1002

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

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

"(A) Upon the 1st violation, a fine of not more than \$300 and suspension of driving privileges in the District for 90 consecutive days;

"(B) Upon the 2nd violation, a fine of not more than \$600 and suspension of driving privileges in the District for 180 days; and

"(C) Upon the 3rd and each subsequent violation, a fine of not more than \$1,000 and suspension of driving privileges in the District for one year.

"(2) In lieu of proceeding to trial or disposition under paragraph (1) of this subsection, the Mayor shall offer persons who are arrested, or criminally charged by information, for a 1st or 2nd violation of this section, the option of completing a diversion program authorized and approved by the Mayor. The Mayor shall determine the content of the diversion program, which may include community service and alcohol awareness and education. If the person rejects enrollment in, or fails to comply with the requirements of, or fails to

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

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

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

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

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

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

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

"(D) No person under the age of 21 shall be criminally charged with the offense of possession or drinking an alcoholic beverage under this section, but shall be subject

to civil penalties under subsection (e) of this section.

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

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

(b) Subsection (d) is repealed.

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

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

"(A) Upon the 1st violation, a fine of not more than \$300 and the suspension of driving privileges in the District for 90 consecutive days;

"(B) Upon the 2nd violation, a fine of not more than \$600 and the suspension of driving privileges in the District for 180 days; and

"(C) Upon the 3rd or subsequent violation, a fine of not more than \$1,000 and the suspension of driving privileges in the District for one year.

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

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

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

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

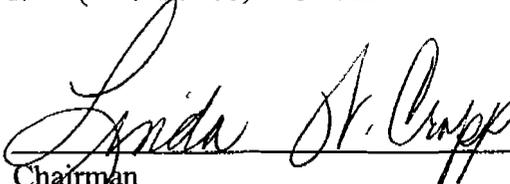
"(ii) The Mayor may reduce or waive the fee if the Mayor finds that the person is indigent."

Sec. 3. Fiscal impact statement.

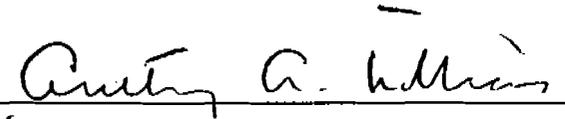
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602 (c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, beginning on October 31, 2004, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 17, 2005

AN ACT

D.C. ACT 16-35

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 17, 2005

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Official Code*

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To amend, on an emergency basis, due to Congressional review, An Act To regulate the manufacturing, dispensing, selling, and possession of narcotic drugs in the District of Columbia to authorize the District of Columbia Housing Authority Police Department to obtain and act on search warrants for controlled substances.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Housing Authority Police Department Congressional Review Emergency Amendment Act of 2005".

Sec. 2. Section 14 of An Act To regulate the manufacturing, dispensing, selling, and possession of narcotic drugs in the District of Columbia, approved June 20, 1938 (52 Stat. 792; D.C. Official Code § 48-921.02), is amended as follows:

Note,
§ 48-921.02

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

"(e) If the judge or Magistrate is thereupon satisfied of the existence of the grounds of the application or that there is probable cause to believe their existence, he shall issue a search warrant signed by him to the Chief of Police of the District of Columbia or any member of the Metropolitan Police Department, the Chief or any member of the District of Columbia Housing Authority Police Department, or the Chief or any member of the United States Park Police, stating the particular grounds or probable cause for its issue and the names of the persons whose affidavits have been taken in support thereof, and commanding the Chief of Police or member of the Metropolitan Police Department, the Chief or member of the District of Columbia Housing Authority Police Department, or the Chief or member of the United States Park Police forthwith to search the place named for the property specified and to bring it before the judge or Magistrate."

(b) Subsection (j) is amended by striking the phrase "Metropolitan Police Department" and inserting the phrase "Metropolitan Police Department, the District of Columbia Housing Authority Police Department, or the United States Park Police" in its place.

(c) Subsection (k) is amended by striking the phrase "Metropolitan Police Department" and inserting the phrase "Metropolitan Police Department, the District of Columbia Housing Authority Police Department, or the United States Park Police" in its place.

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DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

Sec. 3. Applicability date.

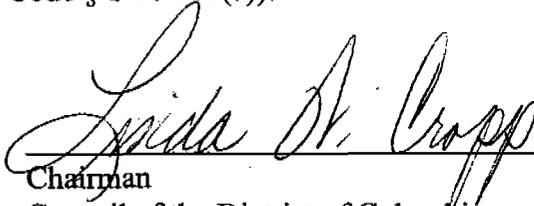
This act shall apply as of January 24, 2005.

Sec. 4. Fiscal impact statement.

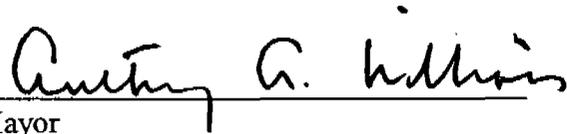
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, 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
February 17, 2005

AN ACT

D.C. ACT 16-36

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
FEBRUARY 17, 2005

Codification
District of
Columbia
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2005 Spring
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To amend, on an emergency basis, due to Congressional review, the District of Columbia Housing Authority Act of 1999 to clarify the original intent of the tax exemption provisions of the District of Columbia Housing Authority-authorizing legislation to assure that the exemption is limited to affordable housing activities and ensure no interruption in the District of Columbia Housing Authority's revitalization and redevelopment projects involving critical affordable housing.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Housing Authority Revitalization Projects Congressional Review Emergency Amendment Act of 2005".

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

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

Note,
§ 6-201

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

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

Note,
§ 6-204

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

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

Sec. 3. Applicability.

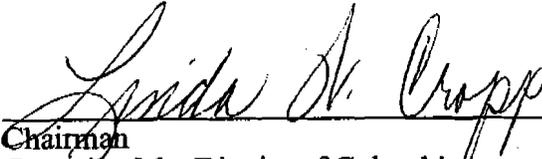
This act shall apply as of January 24, 2005.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, 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
February 17, 2005

AN ACT

D.C. ACT 16-37

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 17, 2005

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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 required for public purposes to extend the time in which the Mayor may dispose of the Golden Rule Plaza site in Ward 6 approved for disposition by the Council as surplus.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Extension of Time to Dispose of Property for Golden Rule Development Project 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 required 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) Notwithstanding subsection (d) of this section, the time period within which the Mayor may dispose of the following properties is extended to November 10, 2006:

"(1) Lots 837 and 838 in Square 525 bounded by New York Avenue, N.W., Square 556, L Street, N.W., the Center Leg Freeway, and 4th Street, N.W.; and

"(2) Lot 832 in Square 526 bounded by L Street, NW., the Center Leg Freeway, K Street, N.W., to Golden Rule Plaza, Inc."

Sec. 3. This act will have a positive fiscal impact. The property was acquired by the District government in connection with the construction of Interstate Highway 1-395 utilizing 90/10 matching federal funds supplied by the Federal Highway Administration ("FHWA"). Now that the property is not needed for highway purposes, FHWA requires that the District of Columbia pay 90% of the property's fair market value, and in March 1990, FHWA required the District of Columbia to post a \$500,000 credit toward reimbursement of that amount. Upon approval of the transfer of the property to Golden Rule Plaza, Inc., the U.S. Department of Transportation decided to accept the \$500,000 previously paid by the District as payment in full for the property and to exercise its discretion to transfer the land directly to Golden Rule Plaza, Inc. Accordingly, the proposed disposition and a prior disposition relieves the District of its

responsibility for a payment of 90% of the property's then-current value of \$2.5 million and now estimated at \$9.8 million. Golden Rule Plaza, Inc. has recently completed the development of a 119-unit senior citizen apartment building on property that was acquired in the last few years as a part of the overall project involving approximately \$9 million of bonds issued by the District of Columbia Housing Finance Agency as part of its financing package. The District received the minimal amount of one dollar (\$1.00) for the subject property from Golden Rule Plaza, Inc.; however, the District has benefitted from the addition of low-and moderate-income housing units for senior citizens, approximately 100 construction jobs, and the additional 25 to 30 jobs involved in the operation of the 119-unit senior citizen apartment building constructed at New Jersey Avenue and K Streets, N.W. The federal government has determined that Golden Rule Plaza, Inc., a nonprofit organization, does not have to pay for the property because the proposed 119-unit housing project and future projects to be constructed on the property are deemed to be beneficial to the public interest.

Sec. 4. Fiscal impact statement.

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

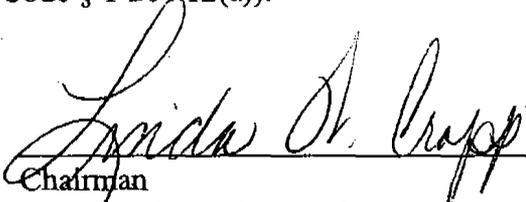
Sec. 5. Applicability.

This act shall apply after January 30, 2005.

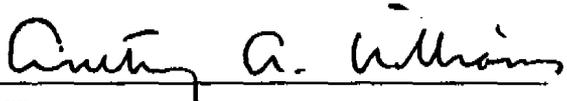
Sec. 6. Effective date.

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
February 17, 2005

AN ACT

D.C. ACT 16-38

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 17, 2005

Codification
District of
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Official Code

2001 Edition

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

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

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

DCMR

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

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

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

Center.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"3107.18.7.1 Denial of Application: If the Director denies a Gallery Place Project Graphics Permit, the denial shall be in writing to the applicant and shall state the statutory or regulatory basis for the denial. The applicant shall have ten (10) business days from receipt of the denial to correct any defect in the application.

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

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

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

"3107.18.11 Rulemaking Authority: Notwithstanding section 10 of the Construction

Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1409), the Director may amend the provisions of this subsection and the specifications, drawings, limitations, and requirements of the Illustrations by rulemaking pursuant to section 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505), without submission of the proposed rules to the Council for its prior review and approval.”

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

Note,
§ 6-1409

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

Sec. 4. Fiscal impact statement.

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

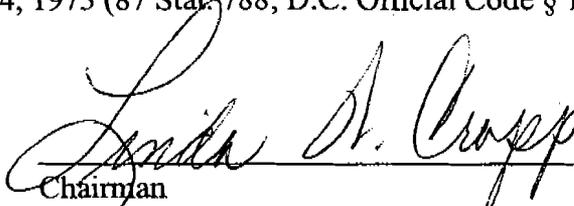
Sec. 5. Applicability date.

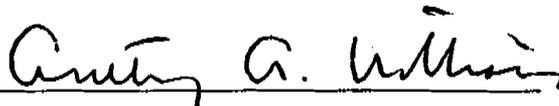
This act shall apply after January 29, 2005.

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, beginning on October 31, 2004, as provided for emergency acts of the Council of the

District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
February 17, 2005

AN ACT

D, C. ACT 16-39

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 17, 2005

*Codification
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Columbia
Official Code*

2001 Edition

2005 Spring
Supp.

West Group
Publisher

To establish, on an emergency basis, due to Congressional review, the Low-Income Housing Tax Credit Fund which shall be segregated from the General Fund of the District and used solely to defray costs incurred by the Department of Housing and Community Development in administering the Low-Income Housing Tax Credit Program which provides low-income housing tax credits to developers.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Low-Income Housing Tax Credit Fund Congressional Review Emergency Act of 2005".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Administrative costs" means costs of the Department to administer, manage, and monitor the distribution of Low-Income Housing Tax Credit Program, including personnel costs whether incurred before or after the effective date of this act.

(2) "Department" means the Department of Housing and Community Development.

(3) "Developer" means a person or entity that proposes to cause the construction of affordable housing using the tax credits.

(4) "Fund" means the Low-Income Housing Tax Credit Fund. Proprietary Fund.

(5) "Low-Income Tax Credit Program" means the program authorized by section 42 of the Internal Revenue Code to encourage new construction and rehabilitation of rental housing for low-income households and to increase the amount of affordable rental housing for households with income at or below specified income levels.

(6) "Monitoring" means the regular evaluation of units financed through the Low-Income Housing Tax Credit Program administered by the Department.

(7) "User fees" means any fees charged to a developer in connection with the Low-Income Housing Tax Credit Program including application, reservation, allocation, and monitoring fees.

Sec. 3. Low-Income Housing Tax Credit Fund.

(a) There is hereby established a segregated nonlapsing fund to be known as the Low-Income Housing Tax Credit Fund ("Fund"). All user fees collected under this act, and all interest earned on those fees, shall be deposited into the Fund without regard to fiscal year limitation pursuant to an act of Congress.

(b) All revenues deposited into the Fund shall not revert to the General Fund of the District of Columbia at the end of any fiscal year or at any other time, but shall be continually available to the Department for the uses and purposes set forth in this act, subject to authorization by Congress in an appropriations act.

(c) All revenue deposited into the Fund shall be expended by the Department for the administrative costs and monitoring of the Low-Income Housing Tax Program. The Fund shall not be used for any other purpose.

(d) The Mayor shall submit to the Council, as a part of the annual budget, a requested appropriation for expenditures from the Fund. Any revenue received but not expended in a given fiscal year shall be retained by the Fund.

(e) All income and expenses of the Fund shall be audited annually by the Mayor. The audit report shall be provided to the Council. The expenses for each audit shall be paid by the Fund.

Sec. 4. Applicability.

This act shall apply as of January 29, 2005.

Sec. 5. Fiscal impact statement.

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

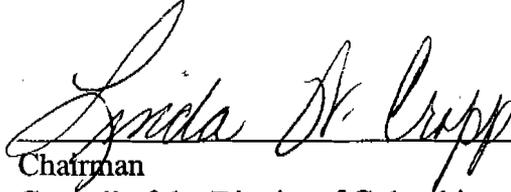
Sec. 6. Effective date.

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, beginning on January 22, 2004, as provided for emergency acts of the Council of the

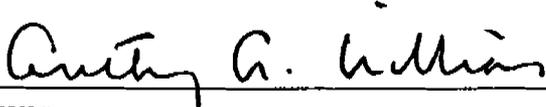
MAR 25 2005

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
February 17, 2005

AN ACT

D.C. ACT 16-40

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 17, 2005

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District of
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Official Code*

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2005 Spring
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To amend, on an emergency basis, due to Congressional review, the District of Columbia Procurement Practices Act of 1985 to establish new reporting requirements for the tracking of purchase card expenditures and interest penalty payments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Government Purchase Card Program Reporting Requirements Congressional Review Emergency Amendment Act of 2005".

Sec. 2. 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.*), is amended by adding a new section 322 to read as follows:

"Sec. 322. Purchase card reporting requirement.

"(a) For the purposes of this section, the term "purchase card" means a commercial credit or debit card issued to District government employees for the purpose of procuring goods and services.

"(b) The Mayor shall submit to the Council a quarterly report by agency of all expenditures in the purchase card program for each quarter of the fiscal year. The quarterly report shall include:

"(1) Total purchase card budget for each agency;

"(2) Fiscal year-to-date total purchase card expenditures by agency as a percentage of total agency purchase card budget;

"(3) Total unverified purchase card expenditures within each agency by object class and employee;

"(4) Total purchase card expenditures approved by agency heads; and

"(5) Total disapproved purchase card expenditures disapproved by agency, agency head, and employee.

"(c) The provisions of this section shall apply to all agencies that participate in the purchase card program instituted by the Office of Contracting and Procurement."

Sec. 3. Applicability.

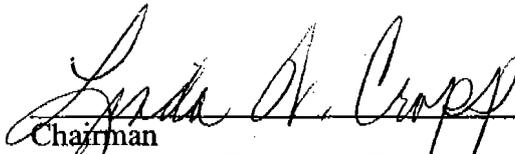
This act shall apply as of January 24, 2005.

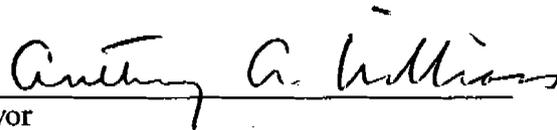
Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, 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
February 17, 2005

AN ACT

D.C. ACT 16-41

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 17, 2005*Codification
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2005 Spring
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To require, on an emergency basis, the Metropolitan Police Department to electronically record interrogations conducted in Metropolitan Police Department interview rooms, to establish standards and procedures for the recording of the interrogations, to authorize the Chief of Police to establish by General Order additional procedures for the recording of interrogations, to require that members of the Metropolitan Police Department who willfully violate this act be subject to discipline, and to repeal the Electronic Recording Procedures Act of 2002.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Electronic Recording Procedures and Penalties Emergency Act of 2005".

TITLE I.

Sec. 101. Procedures for electronic recording of custodial interrogations.

(a)(1) The Metropolitan Police Department shall electronically record, in their entirety, and to the greatest extent feasible, custodial interrogations of persons suspected of committing a crime of violence, as that term is defined in D.C. Official Code § 23-1331(4), when the interrogation takes place in Metropolitan Police Department interview rooms equipped with electronic recording equipment.

(2) The recording required by paragraph (1) of this subsection shall commence with the first contact between the suspect and law enforcement personnel once the suspect has been placed in the interview room and shall include all subsequent contacts between the suspect and law enforcement personnel in the interview room.

(3) Nothing in this subsection shall prevent the Metropolitan Police Department from recording the actions of the suspect while law enforcement personnel are not in the interview room.

(b) The recording required by subsection (a) of this section shall include the giving of any warnings as to rights required by law, the response of the suspect to such warnings, and the consent, if any, of the suspect to the interrogation. If the required warnings have been given prior to placing the suspect in the interview room, the suspect shall be asked to affirm that he was informed of and waived those rights.

(c)(1) If, after a suspect has been given the warnings as to rights required by law and voluntarily waived such rights, the suspect announces that the suspect will voluntarily speak with law enforcement personnel only on the express condition that the interrogation not be further recorded, the remainder of the interrogation need not be recorded. In such a case, the

giving of any warnings, the suspect's response, the suspect's conditional consent, and all events preceding the conditional consent shall be recorded.

(2) Law enforcement personnel shall not expressly or implicitly encourage the suspect to give such conditional consent in lieu of a completely recorded interrogation.

Sec. 102. Authority to establish additional procedures.

The Chief of Police may issue a General Order establishing additional procedures, not inconsistent with those prescribed in section 101, for the electronic recording of interrogations by the Metropolitan Police Department.

Sec. 103. Sanction for willful violations of this act.

(a) The Metropolitan Police Department shall administratively investigate every case where an interrogation was required to be recorded pursuant to this act but was not. Any Metropolitan Police Department employee who is found to have knowingly violated this act or the General Order issued pursuant to this act shall be subject to administrative sanctions:

- (1) Suspension of 30 days without pay for the 1st violation;
- (2) Suspension of 180 days without pay for the 2nd violation; and
- (3) Automatic termination for a 3rd violation.

(b) Nothing in this section shall prevent the Chief of Police from imposing a more severe sanction based on the facts and circumstance of the violation. The administrative sanctions shall be taken in accordance with the Metropolitan Police Department's Disciplinary Procedures and Policies General Order or the adverse and corrective action procedures as provided in the District Personnel Manual.

TITLE II.

Sec. 201. Repealer.

The Electronic Recording Procedures Act of 2002, effective April 4, 2003 (D.C. Law 14-280; D.C. Official Code § 5-133.20), is repealed.

Note,
§ 5-133.20

TITLE III

Sec. 301. 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)).

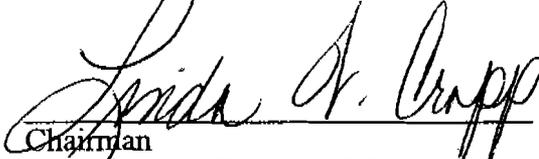
Sec. 302. Effective date.

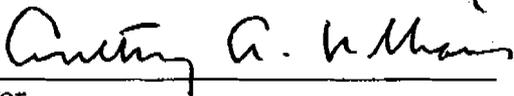
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

MAR 25 2005

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 17, 2005

AN ACT
D.C. ACT 16-42

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 17, 2005

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Publisher

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

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Abatement of Nuisance Construction Projects Emergency Amendment Act of 2005".

Sec. 2. The Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1401 *et seq.*) is amended as follows:

(a) Section 7 (D.C. Official Code § 6-1406) is amended as follows:

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

(A) Strike the figure "\$300" and insert the figure "\$2000" in its place.

(B) Strike the phrase "10 days" and insert the phrase "90 days" in its

place.

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

"(d) Prosecutions pursuant to subsections (a) and (b) of this section shall be brought in the name of the District of Columbia by the Attorney General of the District of Columbia."

(b) Section 8 (D.C. Official Code § 6-1407) is amended to read as follows:

"(a) Whenever it appears that any person, association, or business entity has engaged, is engaged, or is about to engage in acts or practices constituting a violation or infraction of any

Note,
§ 6-1406

Note,
§ 6-1407

provision or orders issued under the Construction Codes, the Office of the Attorney General may bring an action in the Superior Court of the District of Columbia for injunctive relief. Injunctive relief shall be granted on a showing that it will prevent, deter, or penalize illegal construction activity in the District of Columbia.

(b) This relief shall include:

(1) Ordering the sealing of structures and locations at which construction activity has occurred or is occurring in violation of the Construction Codes;

(2) Ordering the cessation of all construction activity at locations in which, or in structures where, construction activity has occurred or is occurring in violation of the Construction Codes;

(3) Ordering the removal or correction to structures built or altered in violation of the Construction Codes; or

(4) Any other equitable relief that prevents, deters, or penalizes illegal construction activity in the District of Columbia.

(c) In addition, upon a proper showing, an ex parte, interlocutory, or permanent injunction may be granted without bond. The Superior Court of the District of Columbia may also issue a mandatory injunction commanding compliance with any provision or order issued under the Construction Codes.”.

Sec. 3. Section 23-581(a)(2) of the District of Columbia Official Code is amended by adding a new subparagraph (F) to read as follows:

Note,
§ 23-581

“(F) The following offenses specified in section 113.7 Title 12A of the District of Columbia Municipal Regulations (12A DCMR § 113.7; 51 DCR 371).

Offense: Illegal construction Specified in § 113.7 (12A DCMR § 113.7)”

Sec. 4. An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906 (34 Stat. 114; D.C. Official Code § 42-3131.01 *et seq.*), is amended as follows:

(a) Section 10 (D.C. Official Code § 42-3131.10) is amended by adding new subsections (c) and (d) to read as follows:

Note,
§ 42-3131.10

“(c) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of sections 6, 7, 9, or 12, pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*).

“(d) Prosecutions under sections 6, 7, 9, or 12 shall be brought in the name of the District of Columbia by the Attorney General for District of Columbia.

(b) Section 11(a)(2) (D.C. Official Code 42-3131.11(a)) is amended by striking the word “quarterly” and inserting the word “semiannually” in its place.

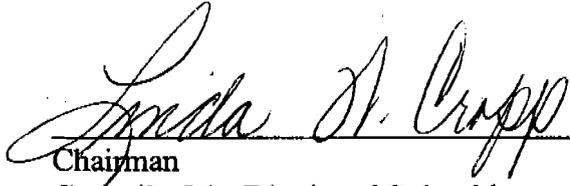
Note,
§ 42-3131.11

Sec. 5. Fiscal impact statement.

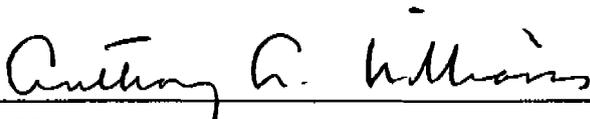
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)). This act is subject to inclusion in an appropriation or an approved financial plan.

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
February 17, 2005

AN ACT
D.C. ACT 16-43

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 15, 2005

*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Spring
Supp.

West Group
Publisher

To prohibit, on an emergency basis, large shipments of certain extremely hazardous materials through or near the United States Capitol in order to reduce the risk of attacks by terrorists, to allow for the issuance of permits authorizing such shipment in special cases, and to require the Mayor to issue regulations to implement the provisions of this act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Terrorism Prevention in Hazardous Materials Transportation Emergency Act of 2005".

Sec. 2. Findings.

The Council of the District of Columbia finds that:

(1) A terrorist attack on a large-quantity hazardous material shipment near the United States Capitol ("Capitol") would be expected to cause tens of thousands of deaths and a catastrophic economic impact of \$5 billion or more.

(2) The threat of terrorism facing District of Columbia residents and workers in the vicinity of the Capitol requires an urgent response that recognizes and addresses the unique status of this area in American politics and history, and the risk of terrorism that results from this status.

(3) The federal government has not acted to prevent the terrorist threat resulting from the transportation of dangerous quantities of ultra-hazardous materials near the Capitol.

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

(5) Requiring permits for ultra-hazardous shipments from a Capitol Exclusion Zone that encompasses all points within 2.2 miles of the Capitol would impose no significant burden on interstate commerce.

Sec. 3. Definitions.

For the purposes of this act, the term:

(1) "Capitol Exclusion Zone" means all points within 2.2 miles of the United States Capitol building; provided, that the Capitol Exclusion Zone shall not extend beyond the geographic boundaries of the District of Columbia.

(2) "Emergency" means an unanticipated, temporary situation that threatens the immediate safety of individuals or property, as determined by the District of Columbia Department of Transportation.

(3) "Person" means an individual or a commercial entity.

(4) "Practical alternative route" means a route:

(A) Which lies entirely outside the Capitol Exclusion Zone; and

(B) Whose use would not make shipment of the materials in question

cost-prohibitive.

Sec. 4. Prohibition on shipments of hazardous materials.

Except in cases of emergency, it shall be illegal in the Capitol Exclusion Zone, without a permit, to:

(1) Transport any of the following:

(A) Explosives of Class 1, Division 1.1, or Class 1, Division 1.2, as designated in 49 C.F.R. § 173.2, in a quantity greater than 500 kilograms;

(B) Flammable gasses of Class 2, Division 2.1, as designated in 49 C.F.R. § 173.2, in a quantity greater than 10,000 liters;

(C) Poisonous gasses of Class 2, Division 2.3, as designated in 49 C.F.R. § 173.2, in a quantity greater than 500 liters, and belonging to Hazard Zones A or B, as defined in 49 C.F.R. § 173.116; and

(D) Poisonous materials, other than gasses, of Class 6, Division 6.1, in a quantity greater than 1,000 kilograms, and belonging to Hazard Zones A or B, as defined in 49 C.F.R. § 173.133; or

(2) Operate a vehicle or move a rail car which:

(A) Is capable of containing explosives of Class 1, Division 1.1, or Class 1, Division 1.2, as designated in 49 C.F.R. § 173.2, in a quantity greater than 500 kilograms, and has exterior placarding or other markings indicating that it contains such materials;

(B) Is capable of containing flammable gasses of Class 2, Division 2.1, as designated in 49 C.F.R. § 173.2, in a quantity greater than 10,000 liters, and has exterior placarding or other markings indicating that it contains such materials;

(C) Is capable of containing poisonous gasses of Class 2, Division 2.3, as designated in 49 C.F.R. § 173.2, in a quantity greater than 500 liters, and belonging to Hazard Zones A or B, as defined in 49 C.F.R. § 173.116, and has exterior placarding or other markings indicating that it contains such materials; or

(D) Is capable of containing poisonous materials, other than gasses, of Class 6, Division 6.1, in a quantity greater than 1,000 kilograms, and belonging to Hazard Zones A or B, as defined in 49 C.F.R. § 173.133, and has exterior placarding or other markings indicating that it contains such materials.

Sec. 5. Permits.

(a) The District of Columbia Department of Transportation may issue permits authorizing the transportation of materials listed in section 4 upon a demonstration that there is no practical alternative route. A permit may require adoption of safety measures, including time-of-day restrictions.

(b) The District of Columbia Department of Transportation may collect fees for the permits in accordance with the rules issued under section 7.

(c) Permit fees collected pursuant to this section shall not exceed the cost of implementing and enforcing this act.

Sec. 6. Penalties.

(a) Any person who violates section 4 or rules issued under section 7 shall be subject to a civil penalty not to exceed:

- (1) \$10,000 for a first offense; or
- (2) \$25,000 for any subsequent offense.

(b) The fines assessed and collected under subsection (a) of this section shall be deposited into the General Fund of the District of Columbia.

Sec. 7. Rules.

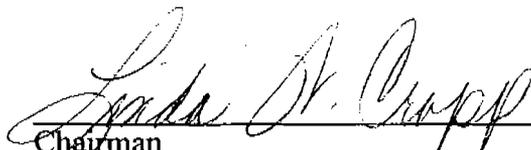
(a) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), and in consultation with the District of Columbia Department of Transportation, the Emergency Management Agency, the Fire and Emergency Medical Services Department, and the Metropolitan Police Department, shall issue rules to implement the provisions of this act, including a schedule of permit fees to support analysis, communications to shippers and carriers, and the enforcement program.

Sec. 8. Fiscal impact statement.

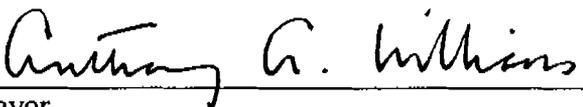
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 9. 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
 February 15, 2005

AN ACT

D.C. ACT 16-44

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
FEBRUARY 22, 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 Government Comprehensive Merit Personnel Act of 1978 to allow former District government employees who are reemployed annuitants the option of continuing to receive a reduction in pay.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District Government Reemployed Annuitant Offset Alternative Congressional Review Emergency Amendment Act of 2005".

Sec. 2. Section 1103(b) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.03(b)), is amended by adding a sentence at the end to read as follows:

*Note,
§ 1-611.03*

"Any employee who receives retirement benefits pursuant to 5 U.S.C. § 8331 may elect to continue to receive a reduction in pay under this subsection. The District Government Reemployed Annuitant Offset Alternative Temporary Amendment Act of 2004 shall not apply to employees hired on or after its effective date.

Sec. 3. Fiscal impact statement.

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

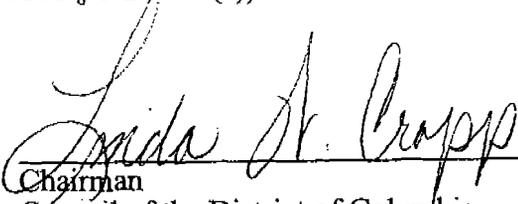
Sec. 4. Effective date.

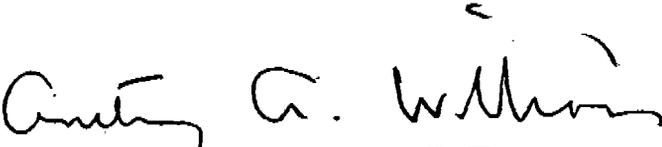
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia



Mayor
District of Columbia

February 22, 2005
APPROVED

AN ACT
D.C. ACT 16-45

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 4, 2005

To approve, on an emergency basis, Contract No. POKT-2004-B-0097-NJ and to authorize payment for the goods received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. POKT-2004-B-0097-NJ Approval and Payment Authorization Emergency Act of 2005".

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. POKT-2004-B-0097-NJ for full service recycling carts is approved and payment is authorized for goods received under that contract.

Sec. 3. Fiscal impact statement.

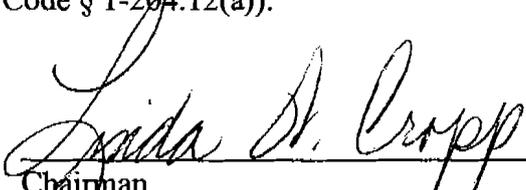
The Council adopts the fiscal impact statement provided by the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
March 4, 2005