

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-46IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
MARCH 17, 2005*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Summer
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Publisher

To require, on a temporary 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 Temporary 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 the following 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.

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

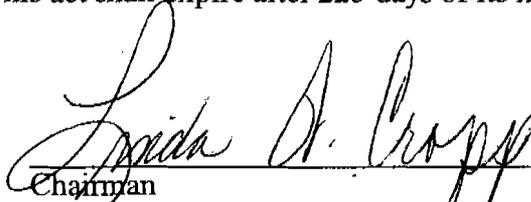
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DISTRICT OF COLUMBIA REGISTER

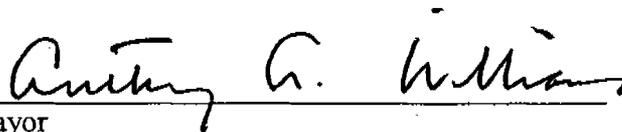
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December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
March 17, 2005

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-47

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 17, 2005

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To prohibit, on a temporary basis, the transport of large shipments of certain extremely hazardous materials within 2.2 miles of the United States Capitol unless the transporter has obtained an authorizing permit, to provide for an exception to the permit requirement in cases of emergency, to authorize the District of Columbia Department of Transportation to issue an authorizing permit upon a demonstration that there is no practical alternative route, 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 Temporary 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.

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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 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 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 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.

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 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)).

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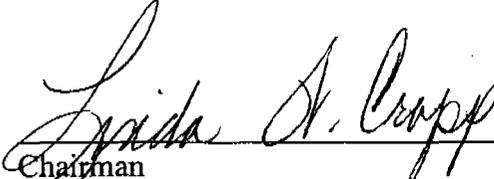
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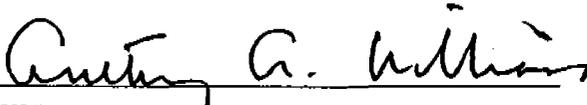
Sec. 9. Effective date.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
March 17, 2005

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AN ACT

D.C. ACT 16-48

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 17, 2005

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To amend, on a temporary 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 Temporary Amendment Act of 2005".

Sec. 2. Section 218(g) of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. 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.

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

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AN ACT
D.C. ACT 16-49

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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To amend, on a temporary 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 Temporary 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 "\$2,000" 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 for 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

Note,
§ 6-1406

Note,
§ 6-1407

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engaged, or is about to engage in acts or practices constituting a violation or infraction of any 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.

“(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.

“(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 of 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. 115; 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 the 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

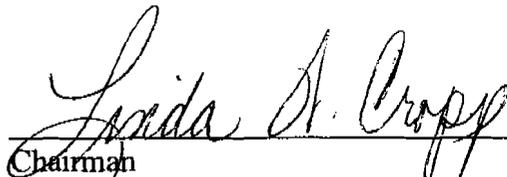
Sec. 5. Fiscal impact statement.

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)).

Sec. 6. Effective date.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
March 17, 2005

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-50

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

To provide, on an emergency basis, the details of the purpose for the expenditure of up to \$35 million from the 2005 operating funds.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2005 Operating Cash Reserve Allocation Emergency Act of 2005".

Sec. 2. Pursuant to section 202(j)(3)(B) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (D.C. Official Code 47-392.02(j)(3)(B)), the Council approves the expenditure of an amount not to exceed \$35 million from the 2005 Operating Cash Reserve fund as follows:

(1) An amount not to exceed \$8.1 million shall be for the District of Columbia Public School System, of which \$2.1 million shall be to cover the increased costs associated with the new Youth Services Center, and \$6 million shall be for facilities rehabilitation to prepare schools for the opening of the 2005-2006 school year;

(2) An amount not to exceed \$1.86 million shall be for the Office of the Attorney General for the District of Columbia, of which \$1.5 million shall be for costs associated with the State Disbursement Unit of the Child Support Collections Division and \$360,000 shall be to provide additional litigation resources within the Civil Litigation Division;

(3) An amount not to exceed \$1.7 million shall be for the District of Columbia Public Charter School Board for costs associated with No Child Left Behind initiatives; provided, that funds shall be made available only after the completion of an audit of the student enrollment for the current school year and certification by the Chief Financial Officer that additional funds are required;

(4) An amount not to exceed \$4.3 million shall be for the Department of Health, of which \$800,000 shall be for the Bureau of Environmental Quality and the Bureau of Hazardous Material, \$2.1 million shall be to provide necessary matching funds for the Ticket to Work, HIV/AIDS program, \$400,000 shall be for the operation of sexually transmitted diseases and tuberculosis clinics, \$750,000 shall be for additional substance abuse prevention and treatment services, specifically to be deposited into the Addiction Recovery Fund, and \$250,000 shall be to conduct a health study in Spring Valley.

(5) An amount not to exceed \$3,288,000 shall be for the Youth Rehabilitation Services Agency to cover increased costs of court ordered requirements.

(6) An amount not to exceed \$7.29 million shall be for the Office of the Deputy Mayor for Planning and Economic Development, of which \$3.8 million shall be to fund start-up

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costs for the Anacostia Waterfront Corporation; provided, that the Anacostia Waterfront Corporation shall acquire all of their temporary and permanent office space in Wards 5, 6, 7, and 8 with at least 1/2 of the office space being located on the eastern side of the Anacostia River; provided further, that its hiring pattern reflects the racial and gender makeup of the District government and population, that the Corporation prorates its budget, and that it submits all reports to the Council, \$290,000 shall be for costs associated with a Blue Ribbon Commission on the District's Public Libraries, and \$3.2 million shall be for expenditures and to provide grants by the Mayor to promote tourism.

(7) An amount not to exceed \$500,000 shall be for the Office of the City Administrator to establish a community event fund to provide public services, such as police overtime, for community festivals and events.

(8) An amount not to exceed \$ 1 million shall be for the District of Columbia Energy Office to cover additional costs for the Low Income Home Energy Assistance Program.

(9) An amount not to exceed \$6.7 million shall be for the Department of Employment Services, of which \$250,000 shall be for a city-wide summer music program, \$6.2 million shall be to cover additional costs of providing summer jobs to District youth and \$250,000 of this amount shall be used to provide additional summer programming for the Mayor's Youth Leadership Institute.

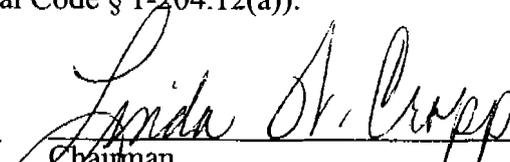
Sec. 3. The Mayor may promulgate any rules necessary to implement the grant authority provided in this act.

Sec. 4. Fiscal impact statement.

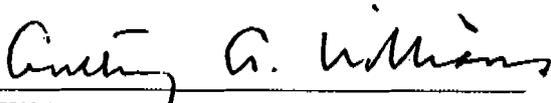
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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
March 17, 2005

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AN ACT

D.C. ACT 16-51

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend, on an emergency basis, Title 47 of the District of Columbia Official Code to add provisions of an amendment which were not reflected in the enrollment of Bill 15-1070, to correct a cross-reference, and to correct the name of an entity which was given a tax exemption, to clarify the commencement date of the change in a utility tax rate, and clarify the scope of a tax exemption.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Finance and Revenue Technical Corrections Emergency Amendment Act of 2005".

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

(a) Section 47-857.04 is amended as follows:

(1) Subsection (a) is amended by striking the phrase "December 31, 2004" and inserting the phrase "September 30, 2004" in its place.

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

"(b)(1) For the purposes of this subsection, the term "downtown area" means:

"(A) The area described in section 199 of title 10 of the District of Columbia Municipal Regulations (10 DCMR § 199) and designated on the District of Columbia Generalized Land Use Policies Map; and

"(B) Eligible area #2.

"(2) If a project eligible for the real property tax abatement under this section breaks ground on or after January 1, 2005 (as certified by the project architect and the Mayor), the tax abatement may be applied, assigned, conveyed, or otherwise transferred ("transferred") by the owner of the real property or project (or by the owner's designee) and the time period at which the tax abatement commences may be delayed until the transfer and shall continue for 10 years after the date of transfer; provided, that:

"(1) The tax abatement shall be \$0.89 per rentable, or usable, residential FAR square foot of the eligible real property; provided, that if the project known as Quincy Court,

Note,
§ 47-857.04

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located at 1117 10th Street, N.W., requests participation under § 47-857.04(b) by a letter to the Deputy Mayor for Planning and Economic Development, or his or her successor, prior to December 31, 2005, the tax abatement shall be \$0.905 per rentable, or usable, residential FAR square foot of the eligible real property;

“(2) The tax abatement may be transferred by the owner:

“(A) To reduce real property taxes imposed upon any residential project in the downtown area or eligible area #2; or

“(B) To reduce real property taxes imposed upon any commercial project in the downtown area or eligible area #2; and

“(3) The tax abatement may be transferred within:

“(A) Five years after receipt by the eligible project of a final certificate of occupancy is issued for the entirety of the project;

“(B) Within one year after the final certificate of occupancy is issued for the project to which the abatement is transferred.”

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

“(c) The Mayor shall be deemed to have certified the groundbreaking if the Deputy Mayor for Planning and Economic Development, or his or her successor, issues a letter certifying the groundbreaking or 20 business days pass after the date of the receipt of a request for the certification by the Deputy Mayor for Planning and Economic Development, or his or her successor, from the project developer; provided, that the request includes a certification by the project architect of the groundbreaking date of the residential project and the Deputy Mayor for Planning and Economic Development, or his or her successor, does not reject the request or request further information.”

(b) Section 47-857.06(d)(2) is amended to read as follows:

(1) The undesignated text is amended by striking the phrase “there shall be allowed an abatement of \$710,000 per year of the real property tax imposed by § 47-811 on the Wax Museum project (to be allocated between the K Street Building and L Street Building as set forth in paragraph (3) of this subsection)” and inserting the phrase “there shall be allowed an abatement of \$664,000 per year of the real property tax imposed by § 47-811 on the Wax Museum project (to be allocated between the K Street Building and L Street Building as set forth in paragraph (4) of this subsection)” in its place.

(2) Subparagraph (A)(iii) is amended by striking the word “and”.

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

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

“(C) If the residential project known as Quincy Court, located at 1117 10th Street, N.W., requests participation under § 47-857.04(b) by a letter to the Deputy Mayor for Planning and Economic Development, or his or her successor, prior to December 31, 2005, the annual amount of the abatement of real property tax imposed by § 47-811 on the Wax

Note,
§ 47-857.06

ENROLLED ORIGINAL

Museum project (to be allocated between the K Street Building and L Street Building as set forth in paragraph (4) of this subsection) shall be \$675,000.”

(c) Section 47-1065(a)(1) is amended by striking the phrase “Golden Rule Place” and inserting the phrase “Golden Rule Plaza” in its place.

Note,
§ 47-1065

(d) Section 47-2501(a) is amended as follows:

Note,
§ 47-2501

(1) Paragraph (3) is amended by striking the phrase “11% of these gross receipts from deliveries made after December 31, 2002, for a person who delivers heating oil to an end-user in the District.”

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

“(3A) After April 30, 2003, pay to the Mayor 11% of these gross receipts from deliveries made after April 30, 2003, for a person who delivers heating oil to an end-user in the District.”

Sec. 3. Section 3 of the Tax Abatement Adjustment for Housing Priority Area Act of 2004, signed by the Mayor on January 19, 2005 (D.C. Act 15-738; 52 DCR ___), is repealed.

Sec. 4. Section 3(a) of the Arena Tax Amendment Act of 1994, effective September 28, 1994 (D.C. Law 10-189; 41 DCR 5357), is amended by striking the phrase “as a downtown sports arena” and inserting the phrase “as an arena” in its place.

Sec. 5. Applicability.

(a) Section 2(a) and (b) shall apply as of the effective date of the Tax Abatement Adjustment for Housing Priority Act of 2004, signed by the Mayor on January 19, 2005 (D.C. Act 15-738; 52 DCR ___).

(b) Section 2(c) shall apply as of the effective date of the Douglas Knoll, Golden Rule, 1728 W Street, and Wagner Gainesville Real Property Tax Exemption Act of 2004, signed by the Mayor on January 19, 2005 (D.C. Act 15-750; 52 DCR ___).

(c) Section 2(d) shall apply as of the effective date of the Heating Oil Clarification Act of 2004, signed by the Mayor on January 4, 2005 (D.C. Act 15-672; 52 DCR ___).

Sec. 6. Fiscal impact statement.

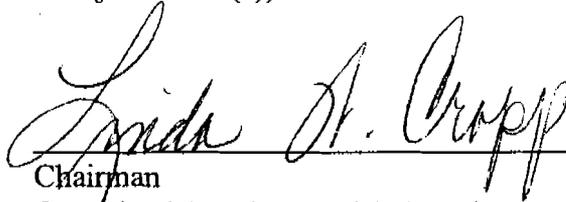
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 7. Effective date.

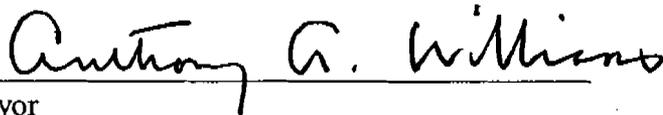
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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 17, 2005

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-52

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 17, 2005

*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Summer
Supp.

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Publisher

To amend, on an emergency basis, Title 47 of the District of Columbia Official Code to exempt from taxation ticket sales for the 2005 Atlantic Coast Conference Basketball Championship Tournament.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Atlantic Coast Conference Tournament Ticket Tax Clarification Emergency Act of 2005".

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

(a) The table of contents is amended by adding the section designation "47-4604. 2005 Atlantic Coast Conference Basketball Tournament Ticket Tax Exemption."

(b) A new section 47-4604 is added to read as follows:

"§ 47-4604. 2005 Atlantic Coast Conference Basketball Tournament Ticket Tax Exemption.

"(a) The sale of tickets for the 2005 Atlantic Coast Conference Men's Basketball Tournament at the MCI Center shall be exempt from the tax imposed by Chapter 20.

"(b) This section shall apply as of December 15, 2004."

Note,
§ 47-4604

Sec. 3. Fiscal impact statement.

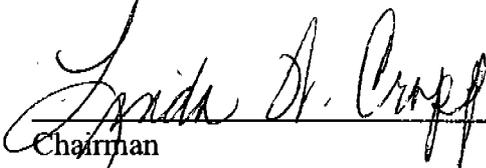
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

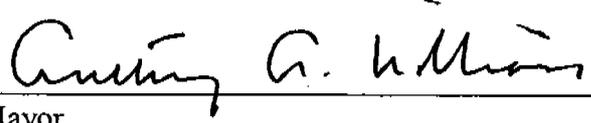
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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 17, 2005

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-53

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

*Codification
District of
Columbia
Official Code*

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Publisher

To amend, on an emergency basis, the Carver 2000 Low-Income and Senior Housing Project Amendment Temporary Act of 2005 to clarify that the tax and fee waivers and exemptions provided for the Carver 2000 Low-Income and Senior Housing Project located in various lots within squares 5140, 5190, and 5348 for a period not to exceed 8 years shall be without limitation.

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

Sec. 2. The Carver 2000 Low-Income and Senior Housing Project Amendment Temporary Act of 2005, signed by the Mayor on January 19, 2005 (D.C. Act 15-768), is amended as follows:

Note,
§ 47-4607

(a) Section 2(e) is amended by striking the phrase "and shall not exceed, in the aggregate, \$50,000 per year".

(b) Section 3 is repealed.

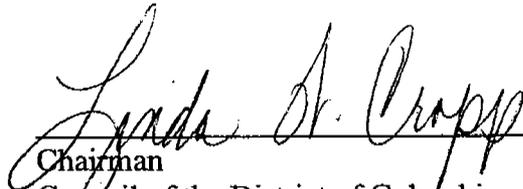
Sec. 3. Fiscal impact statement.

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)).

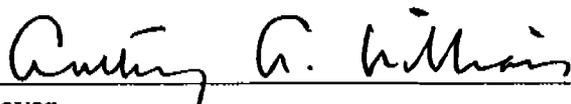
Sec. 4. Effective date.

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
March 17, 2005

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-54

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 17, 2005*Codification
District of
Columbia
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To amend, on an emergency basis, due to Congressional review, the Water Pollution Control Act of 1984 to provide that revenues from fishing and hunting licensing schemes shall not be used for purposes other than the administration of the District's Fisheries and Wildlife Division in its role of protecting and managing aquatic life.

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

Sec. 2. Section 4(b)(3) of the Water Pollution Control Act of 1984, effective March 16, 1985 (D.C. Law 5-188; D.C. Official Code § 8-103.03(b)(3)), is amended to read as follows:

Note,
§ 8-103.03

"(3) Revenues from licensing regulatory schemes under this section shall not be diverted for purposes other than the administration and management of the District's fisheries and wildlife resources. License fees paid by anglers and other users of these resources shall not be used for purposes other than the administration of the District's Fisheries and Wildlife Division."

Sec. 3. Fiscal impact statement.

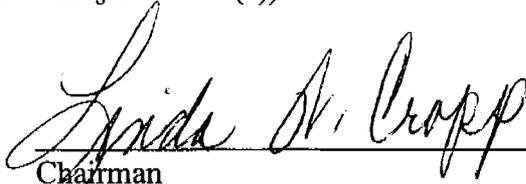
The Council adopts the fiscal impact statement of the Chief Financial Officer for the Water Pollution Control Temporary Amendment Act of 2004, signed by the Mayor on January 19, 2005 (D.C. Act 15-735; 52 DCR ___), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

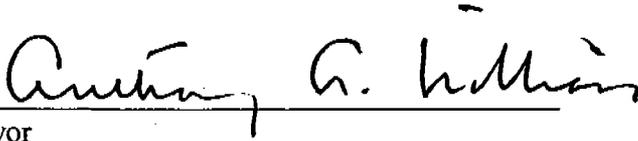
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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 17, 2005

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-55

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 17, 2005*Codification
District of
Columbia
Official Code*

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2005 Summer
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To require, on an emergency basis, due to Congressional review, that a process be established to invite and evaluate the submission of viable private or alternative financing proposals for the construction of a ballpark that would substantially reduce the amount or duration of the ballpark fee proposed by the Ballpark Omnibus Financing and Revenue Act of 2004, and that the Chief Financial Officer re-estimate within 6 months the land acquisition and infrastructure costs of the South Capitol ballpark site, and, if the re-estimated costs exceed \$165 million, to require the Mayor and the Sports and Entertainment Commission to pursue replacement of the South Capitol ballpark site with a substantially less costly site.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Private or Alternative Stadium Financing and Cost Trigger Congressional Review Emergency Act of 2005".

Sec. 2. Requirement to invite and evaluate private financing.

(a) For purposes of this section, the term "ballpark" means the new baseball stadium to be constructed pursuant to the Ballpark Omnibus Financing and Revenue Act of 2004, passed on reconsideration on December 21, 2004 (Enrolled version of Bill 15-1028) ("Ballpark Act").

(b) There is hereby established the Baseball Financing Review Fund as a segregated, nonlapsing special revenue fund in the District separate and apart from the General Fund of the District of Columbia. All fees specifically identified by subsection (c) of this section shall be deposited into the Baseball Financing Review Fund without regard to fiscal year limitation pursuant to an act of Congress. All fees deposited into the Baseball Financing Review 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, and shall be continually available to pay or reimburse the cost of services related to the evaluation and reporting of proposals as required by subsections (d) and (e) of this section, subject to authorization by Congress.

ENROLLED ORIGINAL

(c)(1) Within 30 days of the effective date of this act, the Chief Financial Officer shall cause to be published a notice that the District is seeking the submission of supplemental or alternative financing plans and proposals for the development and construction of the ballpark in accordance with sections 104 and 105 of the Ballpark Act that would provide for a meaningful and substantial reduction in:

(A) The minimum annual amount of ballpark fees required to be collected under proposed D.C. Official Code § 47-2762; and

(B) The principal amount of bonds that the District would otherwise need to issue under sections 103 and 105 of the Ballpark Act.

(2) Any party submitting a supplemental or alternative financing plan or proposal shall also submit a reasonable proposal fee, in an amount to be determined by the Chief Financial Officer, to defray the costs to the District of evaluating and reporting upon the supplemental or alternative financing plan or proposal. All proposal fees shall be deposited into the Baseball Financing Review Fund.

(d)(1) The Chief Financial Officer, in consultation with the Mayor and the Council, shall:

(A) Establish criteria for the requested supplemental or alternative financing plans and proposals, and include this criteria within the notice required by subsection (c) of this section; and

(B) Evaluate such proposals in accordance with the criteria.

(2) The criteria shall limit consideration to only bona fide supplemental or alternative financing plans and proposals that have been submitted by parties that:

(A) Are financially capable of performing the supplemental or alternative financing plan and proposal; and

(B) Substantially reduce the amount or duration of the proposed ballpark fee as set forth in the Ballpark Act.

(e)(1) Not later than March 15, 2005, and not less than 45 days prior to the issuance of bonds authorized by the Ballpark Act, the Chief Financial Officer shall deliver a report to the Mayor and the Council, describing and evaluating all supplemental or alternative financing plans and proposals that were submitted in accordance with subsections (c) and (d) of this section.

(2) If the Chief Financial Officer finds that at least one supplemental or alternative financing plan or proposal meets the criteria established pursuant to subsection (c) and (d) of this section and certifies that at least 50% of the cost of constructing the ballpark can be financed privately, the Mayor, within 15 days of the submission of the report by the Chief Financial Officer, shall submit proposed legislation to the Council to replace part or all of the public financing otherwise required by the Ballpark Act and thereby substantially reduce the amount or duration of the proposed ballpark fee; provided, that the private financing legislation otherwise preserves the obligations and economics of the Baseball Stadium Agreement.

ENROLLED ORIGINAL

(f) This section shall not create any legal obligation or liability on the part of the District to any party who submits a supplemental or alternative financing plan or proposal pursuant to this section.

Sec. 3. Requirement to review costs and pursue alternative ballpark site.

(a) For the purposes of this section, land acquisition costs shall include the following:

- (1) One separate appraisal of each parcel of land to be acquired, which shall be performed after the effective date of this act;
- (2) An estimate of the environmental remediation costs; and
- (3) Legal expenses associated with land acquisition.

(b) For purposes of this section, infrastructure costs shall include the following:

- (1) The District Department of Transportation's estimate for basic road and sidewalk improvements;
- (2) The cost of expanding the Navy Yard Metro station to accommodate the additional usage anticipated by the stadium; and
- (3) Water and sewer relocation costs.

(c) Prior to May 15, 2005, and prior to the date upon which the District enters into any obligation to acquire or purchase any property on a site bounded by N Street, S.E., Potomac Avenue, S.E., South Capitol Street, S.E., and 1st Street, S.E. ("primary ballpark site"), the Chief Financial Officer shall re-estimate the costs to the District for land acquisition and infrastructure and provide a report on this re-estimate to the Mayor and the Council.

(d) If the total amount of these re-estimated costs to the District exceeds \$165 million, the primary ballpark site shall be deemed financially unavailable by the District pursuant to the Ballpark Act. Pursuant to the Ballpark Act, the Mayor and the Sports and Entertainment Commission shall pursue replacement of the primary ballpark site with a substantially less costly site in the District, subject to the approval of Baseball Expos, L.P., or its assigns or successors, in accordance with the Baseball Stadium Agreement, as defined in section 105(a)(3) of the Ballpark Act.

Sec. 4. Repealer.

The Private or Alternative Financing Emergency Act of 2004, effective December 20, 2004 (D.C. Act 15-642; 51 DCR 11830), is repealed.

Sec. 5. Fiscal impact statement.

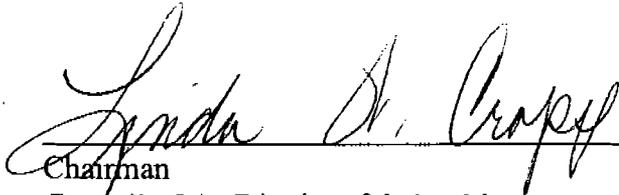
The Council adopts the fiscal impact statement for the Private or Alternative Stadium Financing and Cost Trigger Emergency Act of 2004, effective December 29, 2004 (D.C. Act 15-718; 52 DCR ___), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-

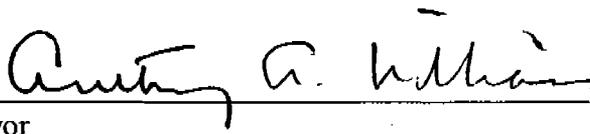
ENROLLED ORIGINAL

206.02(c)(3)).

Sec. 6. Effective date.

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
March 17, 2005

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-56

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 17, 2005*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Summer
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Publisher

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

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Prevention of Premature Release of Mentally Incompetent Defendants Congressional Review Emergency Amendment Act of 2005".

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

Note,
§ 24-501

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

ENROLLED ORIGINAL

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

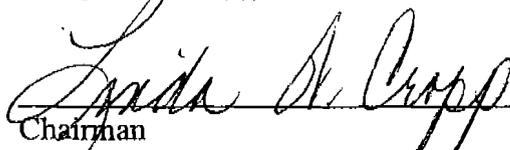
“(2) If the court determines that the accused person shall be released from further detention in the criminal or transfer proceeding, but a petition has not been filed pursuant to D.C. Official Code § 21-541, the court may stay the person's release for a period not to exceed 48 hours and remand the person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

Sec. 3. Fiscal impact statement.

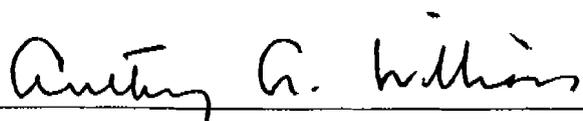
The Council adopts the fiscal impact statement in the committee report for the Prevention of Premature Release of Mentally Incompetent Defendants Amendment Act of 2004, signed by the Mayor on November 1, 2004 (D.C. Act 15-566; 51 DCR 10547), as the fiscal impact statement required by section 602(c)(3) 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

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

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West Group Publisher, 1-800-328-9378.

AN ACT
D.C. ACT 16-57

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

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District of
Columbia
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2005 Summer
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Publisher

To amend, on an emergency basis, due to Congressional review, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to allow District of Columbia government employees who serve in the reserve units of the United States Armed Forces and who have been called or will be called to active duty as a result of Operation Enduring Freedom, or in preparation for or as a result of Operation Iraqi Freedom, to receive a pay differential.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Extension Congressional Review Emergency Amendment Act of 2005".

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

(a) Section 1103(a) (D.C. Official Code § 1-611.03(a)) is amended by adding a new paragraph (7) to read as follows:

Note,
§ 1-611.03

“(7)(A) Any full-time permanent, term, or TAPER District government employee who serves in a reserve component of the United States Armed Forces and who has been or will be called to active duty as a result of Operation Enduring Freedom, or in preparation for or as a result of Operation Iraqi Freedom, shall receive, upon application and approval, an amount that equals the difference in compensation between the employee's District government basic pay and the employee's basic military pay. This amount shall not be considered as basic pay for any purpose. This amount shall be paid for any period following the formal inception of Operation Enduring Freedom in 2001, any period following the beginning of the preparation for Operation Iraqi Freedom in 2002 and 2003, or for any period following the formal inception of Operation Iraqi Freedom in 2003, during which the employee is carried in a non-pay status, from the time the employee is called to active duty until the employee is released from active duty occasioned

by any of these military conflicts.

"(B) The Mayor shall issue rules within 30 days of July 22, 2003 to implement the provisions of this paragraph."

(b) Section 1111(d) (D.C. Official Code § 1-611.11(d)) is amended by striking the phrase "and (6)" and inserting the phrase "and (7)" in its place.

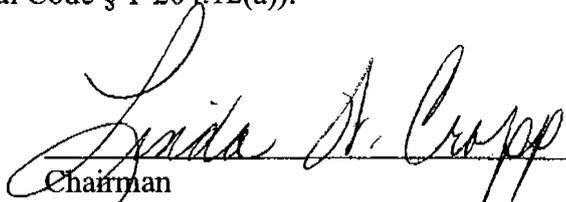
Note,
§ 1-611.11

Sec. 3. Fiscal impact statement.

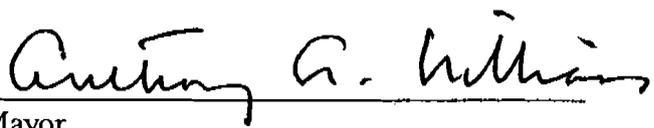
The Council adopts the fiscal impact statement provided by the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
March 17, 2005

AN ACT
D.C. ACT 16-58

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 17, 2005

Codification
District of
Columbia
Official Code

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To establish, on an emergency basis, due to Congressional review, the Department of Youth Rehabilitation Services and provide for its composition, staff, powers, and duties; and to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to add the Department of Youth Rehabilitation Services to the list of subordinate agencies.

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

TITLE I.

Sec. 101. Definitions.

For the purposes of this title, the term:

(1) "Aftercare services" means programs and services designed to provide care, supervision, and control over children released from facilities.

(2) "Committed" means the removal of a youth from his or her home as a result of an order of adjudication or an order of disposition and placement in the care and custody of the Department of Youth Rehabilitation Services.

(3) "Contracted provider" means any agency, organization, corporation, association, partnership, or individual, either for profit or not for profit, who agrees in writing to provide specific services or organizational supports to youth in the Department's care and custody.

(4) "Conviction" means a judicial finding, jury verdict, or final administrative order, including a finding of guilt, a plea of *nolo contendere*, or a plea of guilty to a criminal charge enumerated in section 105(g), or a finding that a child who is the subject of a report of child abuse has been abused by the employee or prospective employee.

(5) (A) "Custody" means the legal status created by a Family Court order which vests in the Department the responsibility for the custody of a minor, including:

(i) Physical custody and the determination of where and with

whom the minor shall live;

(ii) The right and duty to protect, train, and discipline the minor;

and

(iii) The responsibility to provide the minor with food, shelter, education, and ordinary medical care.

(B) A Family Court order of "legal custody" is subordinate to the rights and responsibilities of the guardian of the person of the minor and any residual parental rights and responsibilities.

(6) "Department" means the Department of Youth Rehabilitation Services.

(7) "Detained" means the temporary, secure custody of a child in facilities designated by the Family Court and placed in the care of the Department, pending a final disposition of a petition and following a hearing in accordance with D.C. Official Code § 16-2312.

(8) "Facilities" means any youth residential facility, group home, foster home, shelter, secure residential or institutional placement owned, operated, or under contract with the Department, excluding residential treatment facilities and accredited hospitals.

(9) "Family Court" means the Family Court of the Superior Court of the District of Columbia.

(10) "Person in Need of Supervision" or "PINS" means a "child in need of supervision" as that term is defined by D.C. Official Code § 16-2301(8).

(11) "Rehabilitative services" means services designed to assist youth in acquiring, retaining, and improving their socialization, behavioral, and generic competency skills necessary to reintegrate into their home and community-based settings.

(12) "Youth" means a "child" as that term is defined by D.C. Official Code § 16-2301(3). The terms "juvenile," "child," and "resident" appearing in this title are used interchangeably.

(13) "Youth residential facility" means a residential placement providing adult supervision and care for one or more children who are not related by blood, marriage, guardianship, or adoption (including both final and non-final adoptive placements) to any of the facility's adult caregivers and who were found to be in need of a specialized living arrangement as the result of a detention or shelter care hearing held pursuant to D.C. Official Code § 16-2312 or a dispositional hearing held pursuant to D.C. Official Code § 16-2317.

Sec. 102. Establishment and purposes of the Department of Youth Rehabilitation Services.

(a) Pursuant to section 404(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 787; D.C. Official Code § 1-204.04(b)), the Department of Youth Rehabilitation Services is established as a separate Cabinet-level agency, subordinate to the Mayor, within the executive branch of the government of the District of Columbia. The Department shall lead the reform of the District's juvenile justice system by coordinating the

collaborative efforts of government agencies, contracted providers, labor, and community leaders to:

- (1) Improve the security, supervision, and rehabilitation services provided to committed and detained juvenile offenders and Persons in Need of Supervision ("PINS");
 - (2) Develop and maintain a holistic, family-oriented approach to the provision of youth services that emphasizes youth and parental responsibility so as to reduce juvenile crime, delinquency, and recidivism; and
 - (3) Develop and maintain state-of-the-art service programs, delivery systems, and facilities that will transform the District's juvenile justice system into a national model.
- (b) The Department shall be headed by a Director, who shall report to the Mayor. The Director shall be appointed by the Mayor with the advice and consent of the Council, pursuant to section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)).
- (c) The Director shall have a minimum education of a Masters Degree in Criminal Justice, Social Work, or some related field, or shall possess equivalent work-related experience in the management of juvenile justice programs.
- (d) The Director shall have authority over the Department, its functions, and personnel, including the power to re-delegate to employees authority as, in the judgment of the Director, is warranted in the interests of efficiency and sound administration.
- (e) The Director shall have authority to organize and reorganize the personnel and property transferred herein within any organizational unit of the Department, including creating offices within the Department, as necessary, and exercising any other powers necessary and appropriate to implement the provisions of this title.
- (f) The Director shall have authority to implement an aggressive, District-wide program of reform within the juvenile justice system that leads to a system that can serve as a nationwide model.

Sec. 103. Organization.

- (a) The Department shall have sufficient staff, supervisory personnel, and resources to accomplish the purposes of this title. There is hereby established in the Department:
- (1) The Office of the Director, which shall be responsible for all administrative activities, such as human resources, technology and information services, facilities management and transportation, contracting and procurement, and budget and financial services, with subordinate staff offices responsible for overall management responsibility of the office;
 - (2) The Division of Secure Programs, whose Deputy Director shall be responsible for operations at the Oak Hill Youth Center, the Youth Services Center, and any other Department secure facility;
 - (3) The Division of Court and Community Programs, whose Deputy Director shall be responsible for aftercare services for committed youth and prevention programs;
 - (4) The Division of Performance Management, whose Deputy Director shall be

responsible for licensure, regulation, technical assistance, training, quality assurance, quality improvement, risk management, program evaluation, data collection, contract monitoring, policy formulation, legislative affairs, and monitoring and reporting on compliance with standards, policies, court orders, laws, rules, and regulations;

(5) The Office of Internal Integrity, which shall be responsible for the swift and competent internal investigations into allegations and indications of unprofessional and unlawful conduct by employees or contractors of the Department; and

(6) The Office of the General Counsel, which shall be responsible for reviewing legal matters pertaining to the Department and its programs, analyzing existing or proposed federal or local legislation and rules, managing the development of new legislation and rules, and coordinating legal services to the Department, and shall be headed by a General Counsel, who shall be in the Senior Executive Attorney Service of the Legal Service as an at-will employee under the direction and control of the Attorney General for the District of Columbia.

(b) Notwithstanding the proposed organization established in subsection (a) of this section, the Director of the Department shall have the authority, pursuant to section 102(e), to organize and reorganize the organizational structure set forth in this section.

Sec. 104. Duties.

The primary duties of the offices of the Department are to plan, program, operate, manage, control, and maintain a juvenile justice system of care, rehabilitative service delivery, and security that meets the treatment needs of youth within the juvenile justice system and that is in accordance with national juvenile justice industry standards and best practices. These duties include:

(1) Providing services for committed and detained youth and PINS that balance the need for rehabilitation and holding youth accountable for their actions in the context of public safety;

(2) Facilitating and enhancing intra-District coordination of services and supports for youth in the juvenile justice system;

(3) Establishing and adopting best practices standards for the provision of residential, restorative, and rehabilitative services to youth in the juvenile justice system consistent with the standards of the American Correctional Association or those of another nationally accepted accrediting body;

(4) Employing a cadre of juvenile justice professionals who are highly skilled and experienced with the principles, goals, and the latest advancements of juvenile rehabilitation and treatment provision;

(5) Establishing through contracts, provider agreements, human care agreements, grants, memoranda of agreement or understanding, or other binding agreements a system of secure and community-based facilities and rehabilitative services with governmental bodies, public and private agencies, institutions, and organizations, for youth that will provide intervention, individualized assessments, continuum of services, safety, and security;

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(6) Establishing a system that constantly reviews a youth's individual strengths, needs, and rehabilitative progress and ensures placement within a continuum of least restrictive settings within secure facilities and the community;

(7) Assessing the risks and needs of youth, and determining and providing the services needed for treatment for substance abuse and other services;

(8) Developing and maintaining a system with other governmental and private agencies to identify, locate, and retrieve youth who are under the care, custody, or supervision of the Department, who have absconded from an assigned secure governmental facility, or community shelter home, group home, residential facility, or foster care placement;

(9) Developing and maintaining state-of-the-art systems to monitor accountability and to enhance performance for all Department programs, services, and facilities;

(10) Developing and maintaining an ongoing training program for employees that ensures continuous development of expertise in juvenile justice service delivery;

(11) Taking a leadership role in the provision of training and technical assistance to non-governmental juvenile justice service providers that fosters the development of high-quality, comprehensive, cost-effective, and culturally competent delinquency prevention and juvenile rehabilitative services for the youth and their families;

(12) Developing and maintaining a capital improvement, licensing, and regulating program that ensures governmental and private institutions maintain up-to-date residential facilities, group homes, and shelter facilities to serve the safety, the security, and the rehabilitative needs of youth in the juvenile justice system; and

(13) Enforcing all laws, rules, regulations, court orders, policies, and procedures necessary and appropriate to accomplish the duties of the Department.

Sec. 105. Special authorities of the Department.

(a) When the Department has physical custody of a youth pursuant to D.C. Official Code § 16-2320, it may:

(1) Authorize a medical evaluation, emergency medical, surgical, or dental treatment, a psychiatric evaluation, or emergency outpatient psychiatric treatment, when reasonable efforts to secure the consent of the youth's parents or legal guardian have been made, but a parent or legal guardian cannot be consulted; and

(2) Authorize non-emergency, routine outpatient medical, dental, and psychiatric treatment or an autopsy, when reasonable efforts to consult the parent or legal guardian have been made, but a parent or legal guardian cannot be consulted.

(b) The Department shall protect the safety, security, discipline, and order of Department and contractor facilities and in doing so it may require:

(1) Random searches of all buildings and grounds for contraband;

(2) Random and probable cause searches of persons and personal property entering or on the grounds for contraband;

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(3) Use of metal detectors and visual inspections, dog sniffers, or other means to inspect any bag, luggage, or container being carried into or on the grounds for contraband; and

(4) Seizure, confiscation, and retention of contraband as a result of a search or inspection conducted pursuant to paragraphs (1) through (3) of this subsection.

(c) The Department shall protect the safety, security, discipline, and order of Department and contractor facilities, programs, and services, and in doing so it shall require the testing of all prospective and existing Department staff and contractual employees or other applicable personnel for drug and alcohol use, in accordance with section 2022 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective April 23, 1999 (D.C. Law 12-227; D.C. Official Code § 1-620.22).

(d) The Department shall protect the safety, security, discipline, and order of Department and contractor facilities, programs, and services, and in doing so it shall test youth for the presence of substances, which may pose risks to the health and safety of youth or others.

(e) The Department shall protect the safety, security, discipline, and order of Department and contractor facilities, programs, and services, and in doing so it may require all prospective and existing employees or staff assigned to any Department facility or any provider of services to youth in any Department- contracted facility, group home, or shelter to provide National Crime Information Center ("NCIC") criminal background checks in accordance with Title II of the Child and Youth, Safety and Health Omnibus Amendment Act of 2004, signed by the Mayor on January 19, 2005 (D.C. Act 15-759).

(f) The Department shall protect the safety, security, discipline, and order of Department facilities, residential facilities, programs, and services, and in doing so it may require all prospective and existing employees or staff at any Department-owned or contract facility, or program that provides services to youth in the juvenile justice system, be subject to a child protection registry check in the District of Columbia and their current and prior states of residence.

(g) The Department may:

(1) Prohibit the hiring of or require the termination of persons seeking employment or employed by the Department, or providers of services either under contract, grant, or agreement, or persons who will provide or do provide direct services or who have access to youth in the juvenile justice system, who have been convicted by a court of competent jurisdiction of:

(A) Child abuse or child neglect;

(B) Rape or sexual assault;

(C) Homicide or felony assault; or

(D) Any other crime, as defined by rules issued by the Mayor;

(2) Require all Department facilities or programs under contract, grant, or agreement to obtain written approval of the Department prior to employing any person who has been convicted or has served a sentence in the past 10 years for any of the following offenses or their equivalents:

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- (A) Fraud;
- (B) Burglary;
- (C) Drug-related crimes; or
- (D) Any other crime, as defined by rules issued by the Mayor; and

(3) Prohibit the assignment of persons employed by the Department, or providers of services, either under contract, grant, or agreement, that have access to youth into positions that may place them in contact with youth if that person is alleged to be a perpetrator of abuse or neglect in a currently pending child abuse or neglect investigation.

(h) The Department may take any other actions necessary to promote the safety and well-being of the youth in the Department's custody.

(i) A criminal or civil conviction for any of the charges listed within subsection (f)(1) of this section or identification as a perpetrator of abuse or neglect as determined by the investigation conducted pursuant to subsection (f) of this section in this or any jurisdiction shall constitute cause for termination.

(j) Except as expressly provided by this title, all information obtained pursuant to this section shall be considered confidential and only released to appropriate officials, as determined by the Director of the Department.

Sec. 106. Confidentiality of youth records.

(a) Records pertaining to youth in the custody of the Department or contract providers shall be privileged and confidential and shall only be released pursuant to D.C. Official Code § 16-2332.

(b) Notwithstanding the confidentiality requirements of this section, the Mayor may establish rules for the disclosure of electronic Department data to other District government agencies statutorily charged with the care, treatment, and rehabilitation of youth in the District's custody for purposes of coordination care, treatment, and rehabilitation services for youth and Department tracking and trending reports; provided, that the Department data is maintained, transmitted, and stored in a manner to protect the security and privacy of the youth identified and to prevent the disclosure of any of the data or information to any individual, entity, or agency not designated in this subsection.

Sec. 107. Rules; authority to execute contracts and grants.

(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.*), shall issue rules to implement the provisions of this title.

(b) The Mayor may execute contracts, grants, and other legally binding documents to implement the provisions of this title.

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Sec. 108. Transfers.

(a) All real or personal property, leased or assigned to the Department of Human Services on behalf of the Youth Services Administration, positions, assets, records, and obligations, and all unexpended balances of appropriations, allocations, and other funds available or to be made available relating to those powers, duties, functions and operations of the Department of Human Services as set forth in, and utilized to carry out, section III (S) and III (W) of Reorganization Plan No. 3 of 1986, effective January 3, 1987, relating to the Youth Services Administration are hereby transferred to the Department.

(b) All of the authority and functions of the Department of Human Services as set forth in section III (S) and III (W) of Reorganization Plan No. 3 of 1986, effective January 3, 1987, relating to the Youth Services Administration are hereby transferred to the Department.

(c) All real and personal property, Career and Excepted Service, Management Supervisory Service, trainee positions, assets, records, obligations, and all unexpended balances of appropriations, allocations, and other funds available or to be made available relating to the powers, duties, functions, operations, and administration of the Youth Services Administration shall become the property of the Department.

(d) All real and personal property, positions, assets, records, and obligations, and all unexpended balances of appropriations, allocations, and other funds available or to be made available relating to the powers, duties, functions, and operations of the "Compact Administrator" of the Interstate Compact on the Placement of Children, as authorized by the Interstate Compact on the Placement of Children Authorization Act of 1989, effective September 20, 1989 (D.C. Law 8-30; D.C. Official Code § 4-1421 *et seq.*), shall become the property of the Department.

(e) All positions, real and personal property, assets, records, and obligations, and all unexpended balances of appropriations, allocations, and other funds available or to be made available relating to the powers, duties, functions, and operations of the Youth Services Administration of the Department of Human Services in operating and regulating secure and residential facilities, juvenile justice services, programs, and supports, shall be transferred to the Department.

(f) The Department shall recognize and bargain with collective bargaining representatives that have been duly certified by the Public Employee Relations Board and shall assume and be bound by all existing collective bargaining agreements entered into by the Youth Services Administration of the Department of Human Services, if those agreements have been approved by the Council, unless Council approval is not required by law, and, during a control year, as defined in D.C. Official Code § 47-393(4), the District of Columbia Financial Responsibility and Management Assistance Authority.

(g) Every employee of the Youth Services Administration shall be transferred to the Department. An employee transferred to the Department shall be transferred in the same classification he or she held at the Department of Human Services, Youth Services Administration, or other department, at the time of the transfer. Subject to the District's

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authority to convert them to the Management Supervisory Service and the Legal Service consistent with 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.*), transferred employees shall retain all rights and privileges related to their individual pay and benefits, including retirement status, so long as the employee is continuously employed by the Department or the District government, including any applicable rights and privileges provided for in section 7 of the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act, approved November 8, 1984 (98 Stat. 3375; D.C. Official Code § 44-906).

(h) The following rules and regulations pertaining to the licensing, oversight, and regulation of residential placement facilities for detained, delinquent youth and PINS shall remain in full force and effect unless and until repealed or superseded by action of the Department:

(1) Chapter 62 of Title 29 of the District of Columbia Municipal Regulations (Licensing of Youth Shelters, Runaway Shelters, Emergency Care Facilities and Youth Group Homes); provided, that the Department shall perform all functions that Chapter 62 vests in the Department of Human Services, Youth Services Administration, and as the contracting entity shall perform all services, licensure, oversight and investigations placement, and monitoring functions previously performed by the Department of Human Services, Youth Services Administration, pursuant to the authority granted by the Youth Residential Facilities Licensure Act of 1986, effective August 13, 1986 (D.C. Law 6-139; D.C. Official Code § 7-2101 *et seq.*), except those functions which have been delegated, under the discretion of the Director of the Department, by memoranda of understanding or agreement.

(2) Chapter 63 of Title 29 of the District of Columbia Municipal Regulations (Licensing of Independent Living program for Adolescents and Young Adults); provided, that the Department shall perform all functions that Chapter 63 vests in the Department of Human Services, Youth Services Administration, and as the contracting entity shall perform all services, licensure, oversight and investigations placement, and monitoring functions previously performed by the Department of Human Services, Youth Services Administration, except those functions which have been delegated, under the discretion of the Director of the Department, by memoranda of understanding or agreement.

(3) Chapter 12 of Title 29 of the District of Columbia Municipal Regulations (Community Placement of Juvenile Offenders); provided, that the Department shall perform all functions that Chapter 12 vests in the Department of Human Services, Youth Services Administration, except those functions which have been delegated, under the discretion of the Director of the Department, by memoranda of understanding or agreement.

Sec. 109. Delegation and redelegation of authority.

The Department is the successor in interest to all committed and detained youth and Person in Need of Supervision related authority delegated to the Department of Human Services, and the Director of the Department is authorized to act, either personally or through a

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designated representative, as a member of any committees, commissions, boards, or other bodies that include as a member the Director of the Department of Human Services.

Sec. 110. Repealer.

All organizational orders and parts of orders in conflict with any of the provisions of this title are repealed, except that any regulations adopted or promulgated by virtue of the authority granted by these orders shall remain in force until properly revised, amended, or repealed.

TITLE II.

Sec. 201. Section 301(q) 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 § 1-603.01(17)), is amended as follows:

Note,
§ 1-603.01

(a) Paragraph (51) is amended by striking the word "and" at the end and inserting a semicolon in its place.

(b) Paragraph (52) is amended by striking the period at the end and inserting the phrase "; and" in its place.

(c) A new paragraph (53) is added to read as follows:

"(53) Department of Youth Rehabilitation Services."

TITLE III.

Sec. 301. Fiscal impact statement.

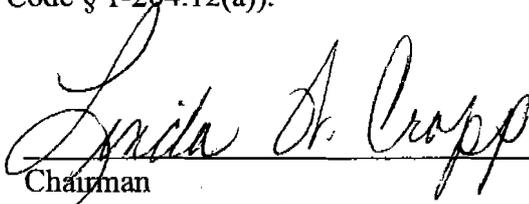
The Council adopts the fiscal impact statement in the committee report for the Department of Youth Rehabilitation Services Establishment Act of 2004, signed by the Mayor on January 21, 2005 (D.C. Act 15-749), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec 302. Effective date.

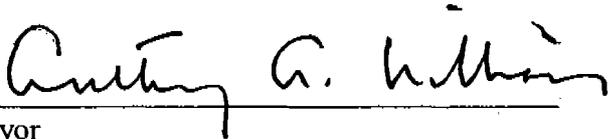
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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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 17, 2005

AN ACT
 D.C. ACT 16-59

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

*Codification
 District of
 Columbia
 Official Code*

2001 Edition

2005 Summer
 Supp.

West Group
 Publisher

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

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Depreciation Allowance for Small Business De-Coupling from the Internal Revenue Code Congressional Review Emergency Act of 2005".

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

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

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

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

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

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

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

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

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

Note,
 § 47-1803.03

Note,
 § 47-1811.04

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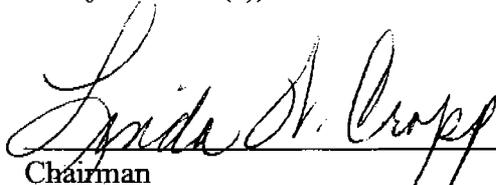
"The basis used in determining the amount allowable as a deduction from gross income under the provisions of § 47-1803.03(a)(7) shall be the same basis as that provided for determining the gain from the sale or other disposition of property for federal income tax purposes under the Internal Revenue Code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

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
March 17, 2005

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-60

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 17, 2005

To order, on an emergency basis, due to Congressional review, the closing of a portion of the alley system in Square 317, bounded by 11th, K, 12th and I Streets in Northwest Washington, D.C. in Ward 2.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of a Public Alley in Square 317, S.O. 04-7832, Congressional Review Emergency Act of 2005".

Sec. 2. Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.01), the Council of the District of Columbia finds the portion of a public alley in Square 317, as shown on the Surveyor's plat filed under S.O. 04-7832, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat.

Sec. 3. The alley closing legislation will facilitate the development of approximately ½ of the square as an office building. This development will have a positive fiscal impact on the District of Columbia through the generation of substantial new property tax revenues. The development will also create a significant number of jobs during construction.

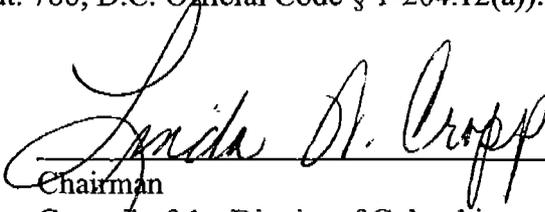
Sec. 4. The closure of this public alley is contingent upon the satisfaction of all conditions by District agencies and affected public utilities set forth in the official file of S.O. 04-7832, including the filing, in the Recorder of Deeds Division of the District of Columbia Office of Tax and Revenue, of a covenant between the District of Columbia and the owner of Lots 16, 17, 18, 19, 800, 801, 802, 803, 804, 806, 807, 823, 829, 830, 831, 832 and 833 in Square 317.

Sec. 5. The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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Sec. 6. The Secretary to the Council shall transmit a copy of this act, upon its effectiveness, each to the District of Columbia Surveyor of the District of Columbia and the District of Columbia Recorder of Deeds.

Sec. 7. This act shall take effect upon its enactment (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
March 17, 2005

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-61

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 17, 2005

*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Summer
Supp.

West Group
Publisher

To establish on an emergency basis, due to Congressional review, the Emancipation Day Parade and related activities to celebrate and commemorate District of Columbia Emancipation Day and to establish the Emancipation Day Fund to accept and use gifts for the purpose of funding the Emancipation Day Parade.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Emancipation Day Parade and Fund Congressional Review Emergency Act of 2005".

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) "District of Columbia Emancipation Day" means April 16th of each year.
- (2) "Emancipation Day Parade" means the parade and associated activities to celebrate and commemorate District of Columbia Emancipation Day.
- (3) "Fund" means the Emancipation Day Fund established in section 4.

Sec. 3. Establishment of Emancipation Day Parade.

There is established the Emancipation Day Parade to annually celebrate and commemorate District of Columbia Emancipation Day.

Sec. 4. Emancipation Day Fund.

(a) There is established the Emancipation Day Fund ("Fund") to receive monies to fund the Emancipation Day Parade and activities associated with the celebration and commemoration of District of Columbia Emancipation Day.

(b) The monies in the Fund shall not be a part of, or lapse into, the General Fund of the District of Columbia or any other fund of the District.

(c) By August 1st of each year, the Secretary of the District of Columbia shall submit a report to the Council that shall include a specific accounting of the expenditure of monies in the Fund and any remaining balance. The report shall include:

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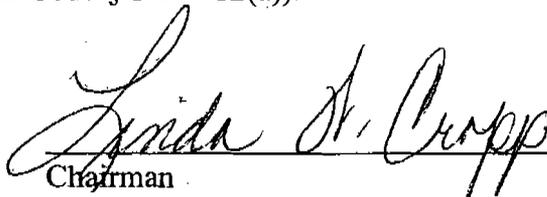
- (1) The names of any donors or list of anonymous contributions;
 - (2) The amount of each contribution;
 - (3) A description of any donated property;
 - (4) A The description of the use of monies for presenting the Emancipation Day Parade; and
 - (5) The cost of parade-related programs, activities, and functions for which the funds have been expended.
- (d) Monies may only be expended from the Fund for the administration of the Emancipation Day Parade.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for Bill 15-670 as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
March 17, 2005