

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-185

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 28, 2005

*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Spring
Supp.

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Publisher

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

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

Sec. 2. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

"47-1070. Walter Reed military housing."

(b) A new section 47-1070 is added to read as follows:

"§ 47-1070. Walter Reed military housing.

"Certain real property, described as parcels 0319/2, 0319/3, and 0319/4, at the Walter Reed U.S. Army Medical Center, together with the improvements thereon and any future improvements constructed thereon, shall be exempt from all taxation, including ordinary and special taxes and use or possessory interest taxes, on real property or the use thereof, so long as the property is used for the purposes of housing military personnel or their families, as contemplated by 10 U.S.C. §§ 2871 through 2885, subject to the provisions of §§ 47-1005, 47-1007, and 47-1009. The transfer of a leasehold or fee interest in the property, or the improvements thereon, from the United States of America, or any branch of the U.S. military; the recordation of any lease, deed, deed of trust, other security instrument, or financing used for the improvement or construction of military housing; and the transfer from any entity to the United States government, or any branch of the U.S. military, shall be exempt from all transfer and recordation taxes of or imposed by the District of Columbia."

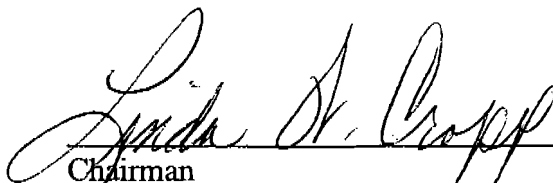
ENROLLED ORIGINAL

Sec. 3. Fiscal impact statement.

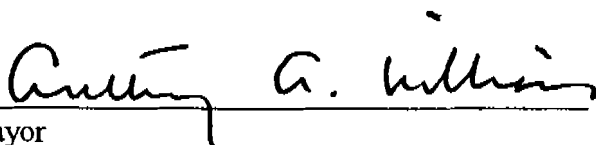
The Council adopts the fiscal impact statement of the Chief Financial Officer dated May 12, 2005 as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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

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To amend, on an emergency basis, section 47-2501 of the District of Columbia Official Code to tax natural gas based on the number of therms delivered to consumers.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Natural Gas Taxation Relief Emergency Act of 2005".

Sec. 2. Section 47-2501 of the District of Columbia Official Code is amended as follows:

Note,
§ 47-2501

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

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

(A) Strike the phrase "each calendar month, each gas and" and insert the phrase "each calendar month, each" in its place.

(B) Strike the phrase "nonpublic utility who sells natural or" and insert the phrase "nonpublic utility who sells" in its place.

(2) Paragraph (1) is amended by striking the phrase "natural or".

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

"(5) After December 1, 2005, pay to the Mayor:

"(A) 11% of these gross receipts from the sales included in bills rendered after December 1, 2005, for nonresidential customers and 10% of these gross receipts from sales included in bills rendered after December 1, 2005, for residential customers for a telephone company;

"(B) 11% of these gross receipts from deliveries made after December 1, 2005, for nonresidential customers and 10% of these gross receipts from deliveries made after December 1, 2005, for residential customers for a person who delivers heating oil to an end-user in the District; or

"(C) 11% of those gross receipts from the sales of artificial gas delivered by any method after December 1, 2005, for nonresidential customers and 10% of those gross receipts from sales of artificial gas delivered by any method after December 1, 2005, for residential customers by a nonpublic utility to an end-user in the District."

(b) Subsection (a-2) is amended by striking the phrase "pursuant to subsection (a)(3)

and (4) of this subsection” and inserting the phrase “pursuant to subsection (a)(3) and (4) of this subsection and after December 1, 2005, one-eleventh of the total tax collected from nonresidential customers pursuant to subsection (a)(5) of this section” in its place.

(c) New subsections (a-3) and (a-4) are added to read as follows:

“(a-3)(1) For sales included in bills rendered after December 1, 2005, before the 21st day of each month beginning January 2006, each gas company that provides distribution services to District customers shall:

“(A) File an affidavit with the Mayor indicating the number of therms of natural gas delivered for final consumption in the District for the preceding billing period; and

“(B)(i) Pay to the Mayor a tax of \$0.0703, as of December 2, 2005, for each therm of natural gas delivered to end-users in the District for the preceding billing period; and

“(ii)(I) Pay to the Mayor a tax of \$0.00983, as of December 2, 2005, for each therm of natural gas delivered to nonresidential end-users in the District for the preceding billing period.

“(II) Revenues received by the District pursuant to this sub-subparagraph shall be deposited in the Ballpark Revenue Fund established by § 10-1601.02. Payments under this sub-subparagraph shall be in addition to any other payments under this section.

“(2) Each gas company that provides distribution services to District customers shall be allowed to recover the tax imposed under paragraph (1) of this section in its rates as a surcharge on customers’ bills.

“(3) The tax imposed under paragraph (1) of this subsection shall be reflected as a separate line item on each bill for distribution services sent by each gas company that provides distribution services to District.

“(4) The amount of the tax imposed under paragraph (1) of this subsection shall be in effect during Fiscal Year 2006.

“(a-4) Any gross receipts from sales made on or after November 1, 2005, that are not included in bills rendered after December 1, 2005, and taxed under subsection (a-3) of this section shall be taxed at the appropriate rates provided in subsection (a)(4) of this section and reported in the affidavit due on December 21, 2005.”.

Sec. 3. Applicability.

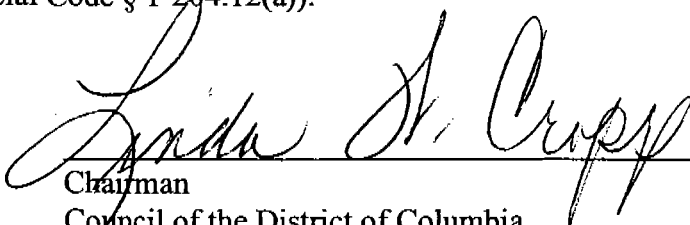
Section 2 shall apply as of December 2, 2005.

Sec. 4. Fiscal impact statement.

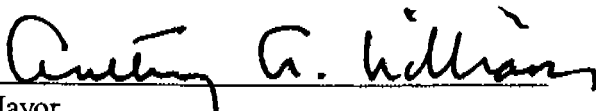
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 28, 2005

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To amend, on an emergency basis, due to Congressional review, the District of Columbia Bus Shelter Act of 1979 to extend the term of the bus shelter franchise agreement to 20 years.

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

Sec. 2. Section 3(d) of the District of Columbia Bus Shelter Act of 1979, effective May 10, 1980, (D.C. Law 3-67; D.C. Official Code § 9-1152(d)), is amended by striking the phrase "for a period of 10 years." and inserting the phrase "for a period of 20 years, to expire on December 31, 2025. After December 31, 2025, the term shall be 10 years." in its place.

Note,
§ 9-1152

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer for the District of Columbia Bus Shelter Temporary Amendment Act of 2005, signed by the Mayor on October 4, 2005 (D.C. Act 16-173; 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. Applicability.

This act shall apply as of October 12, 2005.

Sec. 5. Effective date.

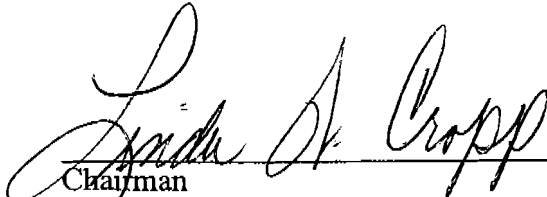
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor override of the veto by the Council), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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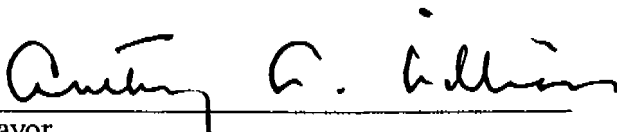
DISTRICT OF COLUMBIA REGISTER

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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)).



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Council of the District of Columbia



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To require, on an emergency basis, that the Mayor conduct a study relative to escalating motor vehicle fuel costs and heating fuel costs in the District of Columbia and to make recommendations to the Council concerning methods that may be utilized to stabilize such increased costs, and to require the Executive Office of the Mayor to investigate possible price gouging by local motor vehicle fuel retailers and wholesalers, and to report such findings to the Council by December 15, 2005.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Gasoline Fuel Tax Examination Emergency Act of 2005".

Sec. 2. Fuel cost reduction plan.

(a) The Mayor shall submit a comprehensive plan to the Council setting forth the most appropriate method or methods that may be executed to address increasing costs associated with motor vehicle fuel and natural gas. The report shall, at a minimum, examine the following methods: moving price ceilings; elimination of the gas tax in whole or in part; establishing gasoline sales-tax holidays; gas vouchers; and examining the city's buying power to purchase home heating fuel.

(b) The report shall include:

- (1) Historical fuel (motor vehicle, natural gas, heating oil) cost trends in the District of Columbia from calendar year 2003 through December, 2005;
- (2) An assessment concerning the multiple variables that have influenced the cost shifts through the designated period; and
- (3) An assessment concerning possible price gouging, by local motor vehicle fuel retailers, and wholesalers.

(c) The report shall be due on December 15, 2005.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

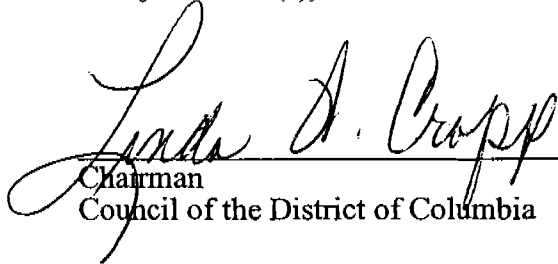
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

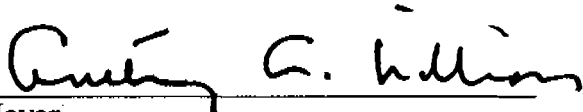
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412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
October 28, 2005

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To provide funds from the windfall tax collections from sales of heating oil and artificial gas for the Low Income Home Energy Assistance Program and Utility Discount Programs administered by the District of Columbia Office of Energy.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Heating Oil and Artificial Gas Consumer Relief Emergency Act of 2005".

Sec. 2. Increased funding for the Low Income Home Energy Assistance Program and Utility Discount Programs.

Except for the funds which are deposited in the Ballpark Revenue Fund under D.C. Official Code § 47-2501(a-2), for fiscal year 2006, the portion of the funds collected with respect to sales of heating oil and artificial gas under D.C. Official Code § 47-2501(a) which exceed the amount which is estimated, as of the September 2005 revised estimates, to be collected with respect to such sales in the budget and financial plan shall be used for the Low Income Home Energy Assistance Program and Utility Discount Programs administered by the District of Columbia Office of Energy.

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)).

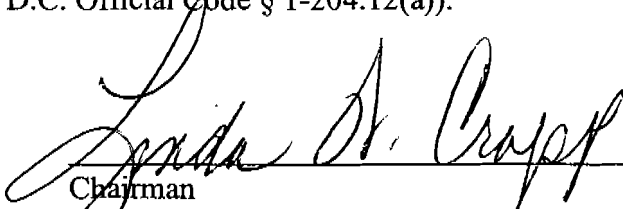
Sec. 4. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia

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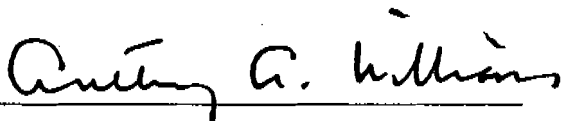
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Council of the District of Columbia



Mayor
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To amend, on an emergency basis, Chapter 20 of Title 21 of the District of Columbia Official Code to add a definition of "emergency care" to the guardianship law; to amend Chapter 22 of Title 21 of the District of Columbia Official Code to authorize psychologists to certify incapacity to make a health-care decision, to permit court-appointed mental retardation advocates to provide substituted consent for health-care decisions for incapacitated consumers, and to authorize a health-care provider, the District of Columbia, or an interested person to file a petition for the appointment of a limited guardian if there is no individual who can act as a substitute health-care decisionmaker for an incapacitated consumer; and to amend the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978 to require initial and periodic evaluations of decisionmaking capacity and availability of health-care decisionmaking supports for consumers of services funded by the Mental Retardation and Developmental Disabilities Administration, to repeal a provision providing a process for authorizing emergency medical surgery for a consumer that is inconsistent with federal law, and to require the Administrator of the Mental Retardation and Developmental Disabilities Administration to issue reports on the decisionmaking capacity of and the availability of health-care decisionmaking supports for consumers of services funded by the Mental Retardation and Developmental Disabilities Administration.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Health-Care Decisions for Persons with Mental Retardation and Developmental Disabilities Emergency Amendment Act of 2005".

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

Note,
§ 21-2011

(a) Section 21-2011 is amended by adding a new paragraph (5A) to read as follows:

"(5A) "Emergency care" means immediate treatment, including diagnostic treatment, provided in response to a sudden, acute, and unanticipated medical crisis in order to avoid injury, extreme pain, impairment, or death."

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

Note,
§ 21-2046

Sec. 3. Chapter 22 of Title 21 of the District of Columbia Official Code is amended as follows:

(a) Section 21-2202 is amended by adding a new paragraph (6A) to read as follows:

"(6A) "Qualified psychologist" means a person who is licensed pursuant to § 3-

Note,
§ 21-2202

1205.01 and has:

“(A) One year of formal training within a hospital setting; or

“(B) Two years of supervised clinical experience in an organized health care setting, one year of which must be post-doctoral.”.

(b) Section 21-2204(a) is amended as follows:

Note,
§ 21-2204

(1) Strike the word “physicians” wherever it appears and insert the word “professionals” in its place.

(2) Strike the second sentence and insert the sentence “One of the 2 certifying professionals shall be a physician and one shall be a qualified psychologist or psychiatrist.” in its place.

(c) Section 21-2210 is amended as follows:

Note,
§ 21-2210

(1) Subsection (a) is amended to add a new paragraph (1A) to read as follows:

“(1A) A court-appointed mental retardation advocate of the patient, if the ability to grant, refuse, or withdraw consent is within the scope of the advocate’s appointment under § 7-1304.13.”.

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

“(h) If no person listed in subsection (a) of this section is reasonably available, mentally capable, and willing to act, the health-care provider, or the District of Columbia, for those persons committed or admitted to receive habilitation or other services pursuant to Chapter 13 of Title 7 of the District of Columbia Official Code, or any interested person may petition the Superior Court of the District of Columbia for appointment of a limited guardian for health care pursuant to § 21-2044(c).”.

Sec. 4. The Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978, effective March 3, 1979 (D.C. Law 2-137; D.C. Official Code § 7-1301.02 *et seq.*), is amended as follows:

(a) Section 103(6) (D.C. Official Code § 7-1301.03(6)) is amended to read as follows:

Note,
§ 7-1301.03

“(6) “Comprehensive evaluation” means an assessment of a person with mental retardation by persons with special training and experience in the diagnosis and habilitation of persons with mental retardation, which includes a documented sequence of observations and examinations intended to determine the person’s strengths, developmental needs, and need for services. The initial comprehensive evaluation shall include, but not be limited to, documentation of:

“(A) A physical examination that includes the person’s medical history;

“(B) An educational evaluation, vocational evaluation, or both;

“(C) A psychological evaluation, including an evaluation of cognitive and adaptive functioning levels;

“(D) A social evaluation;

“(E) A dental examination;

“(F) An evaluation of whether the person has the capacity to grant, refuse, or withdraw consent to any ongoing medical treatment; and

“(G) A determination of whether the person:

“(i) Has executed or could execute a durable power of attorney for health care in accordance with D.C. Official Code § 21-2204;

“(ii) Has been offered an opportunity to execute a durable power of attorney for health care pursuant to D.C. Official Code § 21-2204 and declined; or

“(iii) Has an individual reasonably available, mentally capable,

and willing to act as a substitute health-care decisionmaker pursuant to D.C. Official Code § 21-2210."

(b) Section 413 (D.C. Official Code § 7-1304.13) is amended by adding a new subsection (n) to read as follows:

Note,
§ 7-1304.13

"(n) If so authorized by the Court, the mental retardation advocate shall be permitted to grant, refuse, or withdraw consent on behalf of his or her client with respect to the provision of any health-care service, treatment, or procedure, consistent with the provisions of Chapter 22 of Title 21 of the District of Columbia Official Code."

(c) Section 504(a) (D.C. Official Code § 7-1305.04(a)) is amended to read as follows:

Note,
§ 7-1305.04

"(a)(1) Prior to each customer's commitment under this act, the customer shall receive, pursuant to section 403, a comprehensive evaluation or screening and an individual habilitation plan. Within 30 days of a customer's admission pursuant to section 302, the customer shall have a comprehensive evaluation or screening and an individual habilitation plan.

"(2) All individual habilitation plans shall include information on whether the person has the capacity to grant, refuse, or withdraw consent to any ongoing medical treatment and shall identify whether the person:

"(A) Has executed or could execute a durable power of attorney for health care in accordance with D.C. Official Code § 21-2204;

"(B) Has been offered an opportunity to execute a durable power of attorney for health care pursuant to D.C. Official Code § 21-2204 and declined; or

"(C) Has an individual reasonably available, mentally capable, and willing to act as a substitute health-care decisionmaker pursuant to D.C. Official Code § 21-2210.

"(3) Annual reevaluations or screenings of the customer shall be provided as determined by the customer's interdisciplinary team. Annual reevaluations and screenings shall include a review and update to the individual habilitation plan information on whether the person has the capacity to grant, refuse, or withdraw consent to any ongoing medical treatment and whether the person:

"(A) Has executed or could execute a durable power of attorney for health care in accordance with D.C. Official Code § 21-2204;

"(B) Has been offered an opportunity to execute a durable power of attorney for health care pursuant to D.C. Official Code § 21-2204 and declined; or

"(C) Has an individual reasonably available, mentally capable, and willing to act as a substitute health-care decisionmaker pursuant to D.C. Official Code § 21-2210.

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

(d) Section 507 (D.C. Official Code § 7-1305.07) is repealed.

Note Repeal,
§ 7-1305.07

(e) A new section 507a (to be codified at D.C. Official Code § 7-1305.07a) is added to read as follows:

"Sec. 507a. (a)(1) It shall be the policy of the District government to ensure that all persons who become incapable of making or communicating health-care decisions for themselves have available health-care decisionmakers.

"(2) The Administrator of the Mental Retardation and Developmental Disabilities Administration shall develop, by no later than December 1, 2005, a written plan to encourage, as much as possible, the availability of health-care decisionmakers pursuant to D.C. Official Code § 21-2210 for all incapacitated and potentially incapacitated persons under the

jurisdiction of the MRDDA.

"(b) Commencing with the month of November 2005, the Administrator of the MRDDA shall produce a monthly report, to be completed by the 15th day of the following month, which shall include:

"(1) Aggregate statistics on the number of petitions filed in that month by the District of Columbia for appointment of a plenary, temporary, or limited guardian where the basis for the petition was the need for a health-care decisionmaker;

"(2) For each petition reported pursuant to paragraph (1) of this subsection:

"(A) A description of the nature of the health-care need which formed the basis for the petition for guardianship;

"(B) The time elapsed between MRDDA's identification of the need for a health-care decision and the date on which the petition for guardianship was filed;

"(C) The time elapsed between the date on which the guardianship petition was filed and a decision was made by the court; and

"(D) Whether a guardian was appointed;

"(3) A description of all activities carried out by the MRDDA during the month to promote the availability of health-care decisionmakers for individuals currently or potentially in need of health-care decisionmakers pursuant to D.C. Official Code § 21-2210; and

"(4) Information indicating the number of substitute decisions made during the month for *Evans* class members and the number of substitute decisions made during the month for non-*Evans* class members.

"(c) By April 15, 2006, the Administrator of the MRDDA shall produce a report assessing the current and potential health-care decisionmaking needs of all consumers of services funded by the MRDDA. In developing the methodology for the report, the Administrator of the MRDDA may consult with community stakeholders, including advocates, legal experts, service providers, and people with disabilities. The report shall, at a minimum:

"(1) Include aggregate statistics summarizing the numbers of consumers of the MRDDA who:

"(A) Have a plenary guardian;

"(B) Have a limited guardian authorized to make health-care decisions;

decisions;

"(D) Have executed a durable power of attorney for health care in

accordance with D.C. Official Code § 21-2204;

"(E) Have been offered an opportunity to execute a durable power of attorney for health care pursuant to D.C. Official Code § 21-2204 and declined;

"(F) Have individuals identified as reasonably available, mentally capable, and willing to act as substitute health-care decisionmakers pursuant to D.C. Official Code § 21-2210; and

"(G) Lack any available health-care decisionmaker in the categories described in subparagraphs (A) through (F) of this paragraph;

"(2) Include aggregate statistics describing the numbers of consumers taking psychotropic medications, and an assessment of the degree to which health-care decisionmaking support may be required for new prescriptions, changes in prescription dose, or prescription termination;

"(3) Analyze all aggregate statistics by *Evans v. Williams* (CA No. 76-293) class membership and non-membership, and by commitment and admission status; and

"(4) Describe any impediments to the use of limited and temporary guardianship and durable power of attorney for health care.

"(d)(1) The Administrator of the MRDDA shall submit the plan described in subsection (a) of this section, the monthly report described in subsection (b) of this section, and the final report described in subsection (c) of this section to:

"(A) The Council's Committee on Human Services;

"(B) The Mayor;

"(C) The designated state protection and advocacy agency for the District of Columbia established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, approved October 30, 2000 (114 Stat. 1677; 42 U.S.C. § 15001 *et seq.*);

"(D) The Special Masters and Independent Court Monitor in *Evans v. Williams* (CA No. 76-293); and

"(E) The Quality Trust for Individuals with Disabilities.

"(2) The Administrator of the MRDDA shall make copies of plans and reports referenced in paragraph (1) of this subsection available to members of the public upon request.

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

Sec. 5. Applicability.

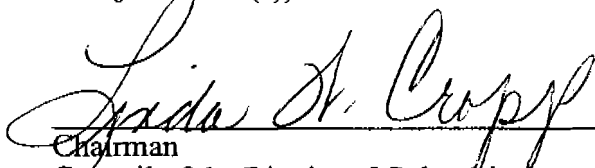
This act shall apply as of October 28, 2005.

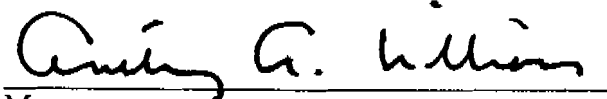
Sec. 6. Fiscal impact statement.

The Council anticipates that this act will reduce Medicaid costs to the District of Columbia because prompt attention to medical needs will reduce overall medical costs.

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 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 2-204.12(a)).


 Chairman
 Council of the District of Columbia



Mayor
 District of Columbia

APPROVED

October 28, 2005

Consolidation District of Columbia Official Code, 2001 Edition

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

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-191

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
OCTOBER 28, 2005

*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Spring
Supp.

West Group
Publisher

To amend, on an emergency basis, the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005 to clarify the requirements to which the Department of Small and Local Business Development must adhere when reporting to the Council on agency and government corporation compliance with local, small, and disadvantaged business enterprise procurement goals, and to clarify that procurement of materials, goods and supplies may count towards the satisfaction of local, small, and disadvantaged business enterprise construction subcontracting requirements.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Department of Small and Local Business Development Clarification Emergency Act of 2005".

Sec. 2. The Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, signed by the Mayor July 26, 2005 (D.C. Act 16-166), is amended as follows:

(a) Section 2346(a) is amended to read as follows:

"(a)(1) All construction contracts shall include the following requirements:

"(A) At least 35% of the dollar value, excluding the cost of materials, goods, and supplies, be subcontracted to small business enterprises; or

"(B) If there are insufficient qualified small business enterprises to fulfill the requirement of subparagraph (A) of this paragraph, 35% of the dollar value, excluding the cost of materials, goods, and supplies, shall be subcontracted to local, small, or disadvantaged business enterprises.

"(2)(A) For the purpose of paragraph (1)(A) of this subsection, purchases from small business enterprises that provide materials, goods, and supplies may apply to the 35% requirement.

"(B) For the purpose of paragraph (1)(B) of this subsection, purchases from local, small, or disadvantaged business enterprises that provide materials, goods, and supplies may apply to the 35% requirement."

(b) Section 2354 is amended as follows:

(1) The existing language is designated as subsection (a).

(2) Paragraph (2) of the newly designated subsection (a) is amended as follows:

(A) Subparagraph (C) is amended by striking the word "and" at the end.

(B) Subparagraph (D) is amended by striking the period at the end and inserting the phrase "; and" in its place.

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

"(E) The actual dollar amount expended with each business enterprise."

(3) New subsections (b) and (c) are added to read as follows:

“(b) Within 45 days of its receipt of the annual reports required by section 2350(g), the Department shall submit to the Council and the Commission a report containing the following information with respect to each government corporation for the current and prior fiscal years:

“(1) The expendable budget of the government corporation;

“(2) The government corporation's achievement with respect to the requirements of section 2350; and

“(3) A list of each contract or procurement of the government corporation, which shall include the following:

“(A) A description of the contract or procurement;

“(B) The dollar amount of the contract or procurement;

“(C) The name of the business enterprise from which the goods or services were contracted or procured;

“(D) Whether the business enterprise was a certified local, small, or disadvantaged business enterprise, and, if it was:

“(i) The category or categories under which the business enterprise is certified; and

“(ii) The identification number of the business enterprise assigned by the Department;

“(E) The source of funding for the contract (local, federal, other, or capital); and

“(F) The actual dollar amount expended with each business enterprise.

“(c)(1) Beginning with the first full quarter after the effective date of this subtitle, the Department shall submit to the Council, within 60 days of the end of the quarter, a copy of the quarterly reports of each agency required by section 2353(a) and a copy of the quarterly reports of each government corporation required by section 2350(f).

“(2) Beginning with the first full quarter after the effective date of this subtitle, the Department shall submit to the Council the following:

“(A) A summary of the information that each agency is required to submit pursuant to section 2353 and the information that each government corporation is required to submit pursuant to section 2350(f), in a format that shows the cumulative progress of each agency's or government corporation's annual local, small, and disadvantaged business enterprise contracting and procurement goals to date and the actual dollar amount expended with each business enterprise for the current fiscal year; and

“(B) A list of all agencies or government corporations that have not submitted a report for that quarter and a detailed explanation of what actions were taken by the Department to effectuate compliance with the reporting requirement.”

Sec. 3. Fiscal impact statement.

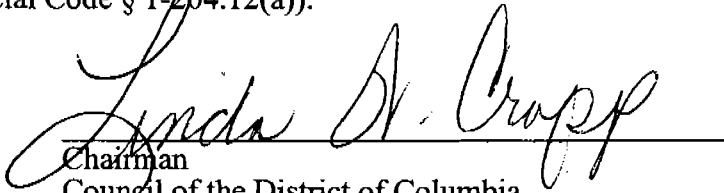
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective Date.

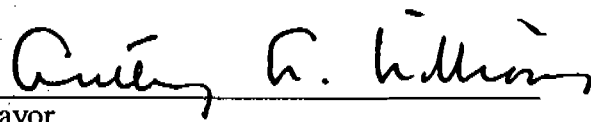
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 28, 2005

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-192

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
OCTOBER 28, 2005

*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Spring
Supp.

West Group
Publisher

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

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

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

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

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

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

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

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

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

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

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

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

Note,
§ 31-1131.12

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

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

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

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

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

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

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

“(C) Corrective action was not taken.

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

Sec. 3. The Council adopts the fiscal impact statement for Bill 15-989 as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

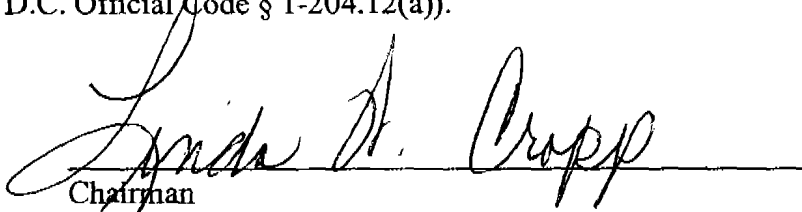
Sec. 4. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia

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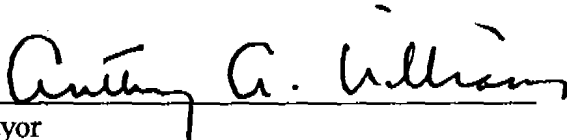
DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

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
October 28, 2005

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-193

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 28, 2005

*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Spring
Supp.

West Group
Publisher

To amend, on an emergency basis, due to Congressional review, Chapter 46 of Title 47 of the District of Columbia Official Code to exempt from taxation certain real property owned by Brentwood RI, LLC, at 1060 Brentwood Road, N.E., Washington, D.C. 20018.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Brentwood Retail Center Real Property Tax Exemption Congressional Review Emergency Act of 2005".

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

(a) The table of contents is amended by adding a new section designation to read as follows:

"47-4608. Brentwood Retail Center, 1060 Brentwood Road, N.E.; lot 57, square 3848."

(b) A new section 47-4608 is added to read as follows:

"47-4608. Brentwood Retail Center, 1060 Brentwood Road, N.E.; lot 57, square 3848."

"(a) The real property located in the District of Columbia, described as lot 57, square 3848, situated at 1060 Brentwood Road, N.E., shall be exempt from real property taxation under Chapter 8 for 6 years, beginning on the effective date of this section, so long as:

"(1) The real property is owned and managed by Brentwood RI, LLC, a District of Columbia limited liability company;

"(2) The real property shall be used to develop a commercial and retail center, containing at least 5 retail establishments, of which 2 shall be leased to national credit retail stores ("project");

"(3) Construction on the development of the project shall commence within 60 days after the effective date of the Brentwood Retail Center Real Property Tax Exemption Temporary Act of 2005, signed by the Mayor on October 4, 2005 (D.C. Act 16-172; 52 DCR _____);

"(4) Brentwood RI, LLC shall comply with the First Source Agreement and

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

Local, Small, and Disadvantaged Business Enterprises commitments as set forth in the "Application for Economic Assistance" to the District government.

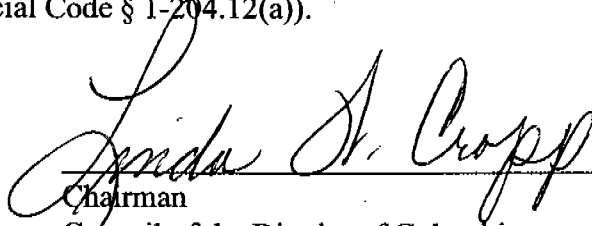
"(b) If there is noncompliance with any of the conditions set forth in subsection (a) of this section, the abatement shall terminate as of the beginning of the year in which the noncompliance occurred."

Sec. 3. Fiscal impact statement.

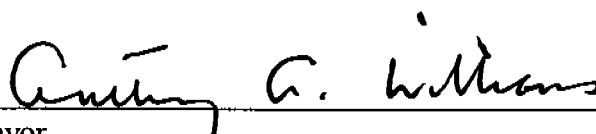
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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 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
October 28, 2005

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-194

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
NOVEMBER 3, 2005

*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Spring
Supp.

West Group
Publisher

To amend, on an emergency basis, the Anti-Drunk Driving Act of 1982 to revise the presumptions that shall be made based upon the amount of alcohol in a person's blood, urine, or breath.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Anti-Drunk Driving Clarification Emergency Amendment Act of 2005".

Sec. 2. Section 2 of the Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Official Code § 50-2205.02), is amended as follows:

Note,
§ 50-2205.02

(a) Strike, in the introductory subsection, the phrase "received in evidence, based upon a chemical test, competent proof to the effect that at the time of such operation:" and insert the phrase "received, based upon a chemical test, evidence of alcohol in the defendant's blood, urine, or breath, it shall give rise to the following rebuttable presumptions:" in its place.

(b) Paragraphs (1) and (2) are amended to read as follows:

"(1) If at the time of testing, defendant's blood contained .05% or less, by weight, of alcohol, or defendant's urine contained .06% or less, by weight, of alcohol, or .24 or fewer micrograms of alcohol were contained in 1 milliliter of his or her breath, consisting of substantially alveolar air, this evidence shall establish a presumption that the defendant was not, at the time, under the influence of intoxicating liquor.

"(2) If at the time of testing, defendant's blood contained more than .05% but less than .08%, by weight, of alcohol, or defendant's urine contained more than .06% but less than .10%, by weight, of alcohol, or more than .24 but less than .38 micrograms of alcohol were contained in 1 milliliter of his or her breath, consisting of substantially alveolar air, this evidence shall not establish a presumption that the defendant was or was not, at the time, under the influence of intoxicating liquor, but it may be considered with other competent evidence in determining whether the defendant was under the influence of intoxicating liquor."

Sec. 3. Fiscal impact statement.

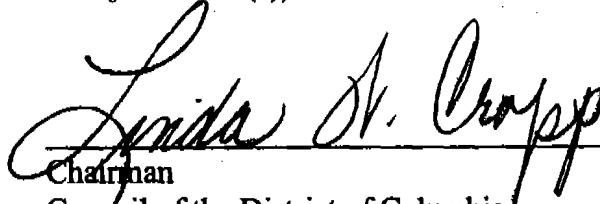
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December

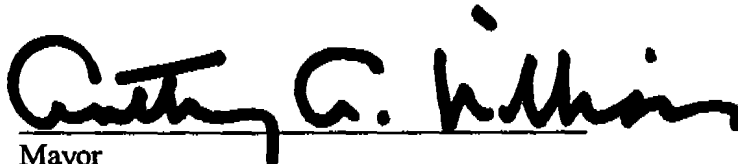
ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
November 3, 2005